



Reasonable Accommodation Policy

Policy No. A-04¹

The Scope of this policy includes the following individuals:²

- ✓ Employees (including Appointed Officials, Probationary Employees, Full-Time At-Will Employees, Part-Time Employees, Temporary Employees, Civil Service Employees, Teamsters Employees, HPOA, HPSA, and IAFF Employees)

I. PURPOSE

To prohibit disability and pregnancy discrimination and establish a procedure for requesting and responding to requests for accommodation(s).

II. POLICY APPLICATION

A. Prohibited Discrimination

The City prohibits discrimination and harassment against individuals with disabilities or who are pregnant in all aspects of employment, including, but not limited to, application procedures, hiring, promotion, discipline, termination, training, compensation and benefits. For further information, see Equal Employment Opportunity Policy, Administrative Policy No. A-02 and Harassment Free Workplace Policy, Administrative Policy No. A-03.

Under the Nevada Pregnant Workers' Act and Nevada Revised Statute 613.335, female employees have the right to be free from discrimination based on pregnancy, childbirth or a related medical condition. The City will provide a reasonable accommodation to a female employee or applicant for employment upon request of the employee or applicant for a condition relating to pregnancy or childbirth, or a related medical condition, unless such accommodation would cause undue hardship to the City.

¹ This policy is not to be construed as a contract or an implied contract concerning any employment-related decision or term or condition of employment. The City reserves the right to revise, delete or add to any and all policies, procedures, work rules or benefits stated in this policy at its sole discretion. See Introduction, Administrative Policy No. A-01.

² The relevant definitions for the individuals identified in the Scope of this policy are defined in Introduction, Administrative Policy No. A-01.

B. Procedure for Requesting a Disability Accommodation

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of his/her job should submit a request for an accommodation to his/her immediate supervisor or assigned Human Resources Business Partner. The accommodation request can be written or oral and can be made by the employee or by someone else on the employee's behalf. The Human Resources Business Partner will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the City receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform his/her essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations they have that make it difficult for them to perform their job. When possible, the request should be submitted using the Disability and Accommodation Request Form. The employee may be asked to execute an Employee/Patient Authorization for Release of Protected Health Information. The employee may also be asked to have his/her health care provider complete the Medical Status Questionnaire Form to assist with determining whether the employee has a disability and if so, whether there is a reasonable accommodation available that will assist the employee in performing his/her essential job functions. These forms are available on the City's Intranet or an employee may request the forms directly from the Department of Human Resources.

The City will evaluate the information obtained from the employee and possibly his/her health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). The City may require additional information from either the employee or the employee's health care provider regarding the employee's impairment, limitations, and/or need for an accommodation. If an identified accommodation is reasonable and will not impose an undue hardship on the City and/or a direct threat to the health and/or safety of the individual or others, the City will generally make the accommodation, or it may propose another alternative reasonable accommodation that is effective.

The accommodation process is interactive, and it may take multiple communications between the City and the requesting individual and/or the employee's health care

provider before a reasonable accommodation may be reached. Employees are expected to fully cooperate in the accommodation process, including making every effort to provide management with current medical information. Employees who do not meaningfully cooperate in the accommodation process waive the right to an accommodation.

C. Procedure for Requesting a Pregnancy Accommodation

Female employees or applicants should direct any request for an accommodation to her supervisor or Human Resources Business Partner. The City will engage in a timely, good faith interactive process to determine an effective, reasonable accommodation for the employee or applicant. Potential accommodations for pregnant employees include a change in the work environment or in the way things are customarily carried out that allow the employees to have equal employment opportunities, including the ability to perform the essential functions of the position and to have benefits and privileges of employment that are equal to those available to other employees. Potential accommodations for applicants include modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position.

No female applicant or employee affected by a condition relating to pregnancy or childbirth or a related medical condition will be:

- Required to accept an accommodation the employee or applicant did not request or choose not to accept;
- Required to take a leave of absence as an accommodation if a different reasonable accommodation is available that would allow the employee to continue to work;
- Subject to any adverse action because of requesting or using a reasonable accommodation under this policy; or
- Denied an employment opportunity to an otherwise qualified employee or applicant based on the need of the employee or applicant for a reasonable accommodation under this policy.

The City reserves the right to make exceptions from this policy based upon a bona fide occupational qualification as permitted by law. The City further reserves the right to require a female employee or applicant to provide an explanatory statement from the employee's or applicant's physician concerning the specific accommodation requested.

D. Confidentiality and Privacy

Medical information obtained or disclosed throughout the accommodation process will remain and be considered confidential and are not kept with employees' personnel

records.³ The Human Resources Department will safeguard these records from disclosure and will divulge such information only to authorized employees. The City recognizes that health/medical records are confidential and will only disclose these records as permitted by law. Only authorized employees will have access to these records. The release of an employee's confidential health/medical records will only be otherwise disclosed in accordance with an employee's written authorization or as otherwise required or permitted by applicable law. By way of example only, such information may, subject to applicable law, be used and disclosed in: (1) litigation (e.g., arbitration, administrative hearings or judicial proceedings) if the information is relevant to the hearing or proceeding, (2) to any government agency to the extent required by law, rule or regulation or is compelled by judicial or administrative process and disclosure is not prohibited by law.

E. Prohibited Retaliation

The City prohibits retaliation against individuals who in good faith request an accommodation or report alleged disability discrimination.

Relevant Form(s):

[Disability and Accommodation Request Form](#)

[Employee-Patient Authorization for Release of Protected Health Information Form](#)

[Medical Status Questionnaire Form](#)

³ 29 C.F.R. § 1630.14(b)(1).