

PROCEDURE 105-1

REASONABLE ACCOMMODATION FOR DISABILITIES AND PREGNANCY

Effective 05-01-2021

Revised 06-22-2023

To ensure compliance with Johnson County's Equal Opportunity in Employment Policy, the Americans with Disabilities Act (ADA), as amended, and the Pregnant Workers Fairness Act (PWFA), all requests for disability or pregnancy accommodation will be given consideration. For purposes of this procedure, "pregnancy" means pregnancy, childbirth, and related health conditions.

Form of Request

Requests for accommodation are not required to be written and need not mention the ADA, the PWFA, or use the phrase "reasonable accommodation." A request for any modification to work, policies, or other conditions of employment because of a physical or mental condition or pregnancy is a sufficient request.

Accommodating External Applicants

When an external applicant requests an accommodation to the hiring process due to a physical or mental condition or a limitation related to pregnancy, the department/agency/office must consult the Department of Human Resources, which will initiate separate discussions with the applicant and the department/agency/office representative to determine what, if any, accommodation is reasonable and appropriate and whether it can be provided without undue hardship to Johnson County.

Accommodating Employees

An employee with a physical or mental condition or a limitation relating to pregnancy may request accommodation to perform the functions of the employee's job, to participate in the hiring process for a new job, or to take advantage of the other benefits of employment with the County. The employee, or their representative if the employee is unable to communicate effectively, may direct the request to the employee's supervisor or manager or to the Department of Human Resources.

Any supervisor or manager to whom a request is made must document the request and promptly notify the Department of Human Resources. The Department of Human Resources will initiate separate discussions with the employee and the department/agency/office to determine what, if any, accommodation is reasonable and appropriate and whether it can be provided without undue hardship to Johnson County. More than one accommodation may be required.

If a previously effective accommodation is no longer effective, the employee must inform their supervisor, manager, or the Department of Human Resources so other possible accommodations can be explored. The supervisor or manager must promptly notify the Department of Human Resources when an employee reports that an accommodation is no longer effective.

Choice and Cost of Accommodation

When more than one reasonable accommodation will be effective, the individual's preference will be taken into consideration, but the department/agency/office may select which accommodation(s) will be implemented to the extent permitted by law. The department/agency/office is generally responsible for the cost of accommodations.

Denial of Accommodations

No request for accommodation due to a physical or mental condition or a limitation related to pregnancy, whether made by an employee or external applicant, may be denied without prior consultation with the Department of Human Resources.

Medical Information

The County may require the employee to provide information, including documentation from the employee's health care provider, about the physical or mental condition or pregnancy-related limitation. Requests for such information will be made by the Department of Human Resources and not the employee's department/agency/office unless otherwise authorized by the Department of Human Resources. No medical documentation may be maintained in the employee's department/agency/office except when required by law. It must be retained by Human Resources in a manner consistent with federal and state law.

Confidentiality

Requests for disability and pregnancy accommodation will be treated confidentially. The request, the health condition, and the reason for any accommodation may not be disclosed to the employee's co-workers or others outside of the employee's supervisory chain without prior approval from the Department of Human Resources or Legal Department. Those within the employee's supervisory chain will be told only as much as is necessary to determine what, if any, accommodations are reasonable and appropriate and to implement the accommodations. Nothing in this paragraph prohibits employees from disclosing their own health conditions to others.

Employees with access to employee health information may not disclose that information internally or externally without the consent of the employee except in those limited instances where disclosure is allowed or required by law. Employees should consult the Department of Human Resources or Legal Department before disclosing employee health information.