

City of Dacono – Americans with Disabilities Act Compliance Policy

PURPOSE: This policy outlines the provisions of the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and the rights and obligations of employees and the City of Dacono under federal and State of Colorado law.

POLICY: In accordance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act, the City of Dacono prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City of Dacono is committed to providing accommodations for eligible employees and applicants with documented disabilities.

APPLICATION PROCESSES: In accordance with the law, all applicants for City of Dacono positions must have accessibility to all steps in the selection process and are protected from disability-related questions that could potentially screen them out of the application process. Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability. Inquiries regarding an applicant's medical or workers' compensation history may not be asked. However, applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform the job functions unless all applicants are asked to do this or if the disability is obvious or the applicant discloses a hidden disability.

Reasonable accommodation will be provided to qualified applicants during the selection process to ensure that all applicants have accessibility to all phases of the process. Accommodations may include, for example, making an interview room accessible, or supplying an interpreter or reader.

PRE-EMPLOYMENT PROCESSES: During the pre-employment offer stage, the City of Dacono will not make inquiries regarding the existence of an applicant's disability or the nature and severity of the disability although the City may inquire whether an applicant will need a reasonable accommodation in circumstances where the City knows that an applicant has a disability - either because it is obvious or the applicant has voluntarily disclosed the information - and reasonably believes the applicant will need a reasonable accommodation to perform specific job functions.

After an offer of employment has been extended, it may be conditioned on the results of a medical examination, as long as all individuals in the same job category are required to undergo a medical exam. The information received during medical examinations will remain confidential. However, a supervisor may be told of a candidate's necessary restrictions and need for accommodations.

If the existence of a disability is revealed during the medical exam, the offer of employment may not be withdrawn unless: (1) the reason is job-related and consistent with business necessity and no reasonable accommodation can be made; or (2) the disability poses a direct threat to the health and safety of the

applicant, other employees, or the general public, and which cannot be eliminated by reasonable accommodation.

REASONABLE ACCOMMODATION: The City of Dacono is committed to making reasonable accommodations in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the City. If an applicant or employee believes he or she has been discriminated against in employment on the basis of a disability, an internal complaint may be filed through the City's Americans with Disabilities Act Complaint procedure, or a formal complaint may be filed with the federal Equal Employment Opportunity Commission, Colorado Civil Rights Division, or Department of Justice.

DEFINITIONS:

ADA Coordinator: Jordan Eichem
Assistant City Manager, City of Dacono
512 Cherry St.
PO Box 186
Dacono, CO 80514
jeichem@cityofdacono.com 303-833-2317 x 130

The City staff person designated as the ADA Coordinator is subject to change.

"Disability" as defined under the Americans with Disabilities Act (42 U.S.C. sec. 12101): A physical or mental impairment that substantially limits one or more major life activities; including a person who has a record of such impairment; a person who is regarded or perceived to have an impairment; or has a known association or relationship with an individual with a disability.

Direct Threat to Safety: A significant risk to the health or safety of the individual or others which cannot be eliminated by reasonable accommodation.

Essential Job Functions: Those activities of a job that are the core to performing the position that cannot be modified. A function is essential if: the job exists to accomplish the function, only a limited number of employees can perform the function, the function is highly specialized and an employee is hired for his or her expertise in the area. Other factors that may be considered in determining whether a function is essential are: the amount of time an employee spends performing the function, the consequences if the employee were not required to perform the function, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.

Interactive Process: The process by which the employer and the individual requesting accommodation engage in order to discuss physical or mental abilities and limitations as they relate to the job's essential functions and to determine possible job accommodations.

Major Life Activities: Major Life Activities may include but are not limited to: caring for one's self, performing manual tasks, walking, sitting, standing, seeing, hearing, eating, breathing, speaking, sleeping, reproducing, working, learning, thinking, concentrating, and interacting with others.

Qualified Individual: A person who meets legitimate skill, experience, education, and other requirements of an employment position that he or she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

Reasonable Accommodation: Any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Examples of reasonable accommodation include, but are not limited to: making facilities readily accessible, job restructuring, modifying work schedules, implementing flexible leave policies, reassignment to a vacant position, acquiring or modifying equipment or devices, adjusting or modifying tests, training materials or policies, and providing qualified readers or interpreters.

Undue Hardship: An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

ADMINISTRATIVE PROCEDURES:

Requests for Accommodation: An employee who believes that he or she needs a reasonable accommodation to perform an essential function of the job should make the request through his or her direct supervisor. The City of Dacono will work with the employee to determine if the disability can be reasonably accommodated.

When a request for accommodation is received by a supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process, the employee should be directed to submit a **Reasonable Accommodation Request Form** with appropriate supporting documentation to his or her supervisor. A request for reasonable accommodation may be verbal or written.

All requests for accommodation shall be responded to in a timely manner, after the employee's supervisor, the Human Resources Director, and the ADA Coordinator have engaged in the interactive process with the individual requesting accommodation. The City of Dacono reviews all requests for accommodation on a case-by-case basis and may provide a reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees. The City is not obligated to provide an accommodation that causes undue hardship to the City.

DOCUMENTATION OF REQUEST FOR ACCOMMODATION: The City may ask the employee to provide documentation about his or her disability from an appropriate health care provider. Documentation of the request for accommodation and the response (provided on the *Response to Accommodation Request Form*) by the ADA Coordinator shall be kept in a confidential file (separate from personnel and medical files).

Public ADA complaint form: The general ADA complaint form can be submitted by members of the general public when a citizen has an ADA complaint about the accessibility of a City program, service, policy, or public facility. The form should be submitted to the ADA Coordinator, and then a written response to the complaint will be prepared by the ADA Coordinator.

DISCLAIMER

Employees and potential employees of the City are hereby advised that the provisions set forth in this Policy are not intended to create a contract, either express or implied, nor are they to be construed as a promise of employment, continued employment or employment of any specific duration between the City and any of its employees or any person offered employment. The provisions of this Policy are not all-inclusive and are not promises; rather, they are guidelines and a summary of information relevant to employees.

Effective this ____ day of _____, 2018.

Joe Baker
Mayor

Valerie Taylor
City Clerk