



City of Pittsburgh Operating Policies

Policy: ADA Accommodation	Original Date: 2/2008
	Revised Date: 6/2015

PURPOSE: To establish guidelines in making reasonable accommodation to qualified applicants and employees with disabilities and to permit an employee to continue working despite limitations due to pregnancy, childbirth or related medical conditions that do not present an undue hardship.

POLICY STATEMENT: The City of Pittsburgh is in compliance with the mandate of the Americans with Disabilities Act of 1990 (ADA) which prohibits employment discrimination on the basis of disability. It is the policy of the City of Pittsburgh to make reasonable accommodation to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs, or to enjoy an equal employment opportunity, unless providing such accommodation would impose an undue hardship on the City. This policy is applicable to all employment policies and practices.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

DEFINITIONS

Qualified applicant or employee: An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of that position.

Disability: (1) A physical, medical, mental or psychological impairment which substantially limits one or more of the major life activities such as seeing, hearing, speaking walking, breathing, performing manual tasks, learning, caring for oneself, and working, or (2) a history or record of such an impairment, or (3) being regarded as having such impairment.

Essential functions: The fundamental job duties of the employment position that an individual with a disability holds. Evidence of what constitutes an essential function may include, but is not limited to: the employer's judgment, written job descriptions, the amount and/or the proportion of time spent performing the function, the consequences of not requiring a function, the terms of a collective bargaining agreement, and the work experience of incumbents.

Undue hardship: In relation to the ability to make a reasonable accommodation, an action that would result in significant difficulty or expense to the employer when considered in conjunction with other factors, such as size of the employer, the resources available, and the nature of the operation. Undue hardship is determined on a case-by-case basis.

Reasonable accommodation: An adjustment to job duties, performance methods, work environment, and/or to the manner or circumstances under which duties are customarily performed. The provision of a reasonable accommodation removes the barriers in a specific situation, which prevent or limit the application process, recruitment, employment, and upward mobility of a qualified person with a disability or prevents their participation in a program, activity, or event. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to vacant position; equipment or devices; adjustment or modification of examination training materials or policies; and the provision of qualified readers or interpreters.

During pregnancy, childbirth or related medical conditions individuals may request a reasonable accommodation. Reasonable accommodations include but are not limited to, restroom breaks, periodic rest for those who stand long periods of time, assistance with manual labor, leave for a period of disability arising from childbirth, reassignment to a vacant position, and job restructuring.

Accommodation requests shall be submitted to and reviewed by the ADA Accommodations Review Board for determination on a case by case basis.

ADA Accommodation Review Board: The board that makes all determinations on employee requests for accommodation under the ADA. The members of the board are the Director of Personnel and Civil Service Commission (P&CSC); the Assistant Director of P&CSC; Employment & Training, Secretary & Chief Examiner or Manager of Employment, EEO Officer; Assistant Director of P&CSC Employee Compensation; the Director or designee of the employee's department. City Law Department representative(s) will provide legal opinion and guidance to the ADA board.

CONFIDENTIALITY

All documentation and information regarding a medical condition or history of an employee requesting an accommodation must be collected on forms separate from other personnel related forms and must be maintained in separate medical files. The information shall be treated as confidential medical records, except to the extent that (1) supervisors and managers must be informed about work restrictions or reasonable accommodations; (2) safety personnel need to be informed if the disability may require emergency treatment; and (3) government officials investigating compliance with law are required to be provided with relevant information upon request.

PROCEDURE - REASONABLE ACCOMODATION FOR EMPLOYEES

- 1) The employee shall obtain and complete the multi-ply Reasonable Accommodation Request Form Section I and submit it to his/her department Director.
- 2) The department Director shall acknowledge receipt of the request by signing and dating the form in Section II. The department Director or designee will forward the Reasonable Accommodation Request Form to the Director of P&CSC for review by the ADA Accommodation Review Board.
- 3) The employee shall complete Section I of the Health Care Provider's Documentation of Disability Form.
- 4) The employee shall obtain from P&CSC a copy of his/her current job description and Working Conditions Form to submit to his/her health care provider along with the Health Care Provider's Documentation of Disability Form. It is the employee's responsibility to see that the Health Care Provider's Documentation of Disability Form is returned to the Director of P&CSC.
- 5) Health care information supplied pursuant to this policy shall be treated as confidential.
- 6) The ADA Accommodation Review Board will meet to:
 - determine whether the individual is a qualified individual with a disability covered by this policy;
 - review the Health Care Provider's Documentation of Disability Form;
 - review the individual's self-identified limitation as it pertains to his/her job;
 - review the individual's suggested reasonable accommodation(s);
 - investigate other possible accommodations;
 - determine if the individual can have the disability reasonably accommodated without undue hardship to the City.

- 7) The determination whether to provide an accommodation is made on a case-by-case basis by the ADA Accommodation Review Board. The ADA Accommodation Review Board must make a “reasonable effort” to determine the appropriate accommodation.
- 8) The Director of P&CSC shall complete Section III of the Reasonable Accommodation Request Form which includes a description of the accommodation proposed or provided, or a description of why an accommodation request was not granted, and send the employee and the department Director or designee their respective copies. When possible the response will be communicated to the employee and his/her department Director or designee within ten (10) work days of receipt of the accommodation request. The City is only obligated to provide the most reasonable accommodation possible that is sufficient to enable the individual to perform the essential functions of the job. Further, the City is not required to provide personal items to employees that are needed both on and off the job.
- 9) If the accommodation request is approved, the employee’s department Director or designee must initiate an action plan to comply with the approved accommodation, and submit a copy of this action plan to the Director of P&CSC no later than thirty (30) days from the approval of the request.
- 10) If the reasonable accommodation request is denied, the employee has thirty (30) days to appeal the determination to the ADA Accommodation Review Board. The employee shall submit a request for appeal in writing to the Director of P&CSC along with any additional supporting health care provider information. The employee may request to attend the appeal meeting. The ADA Accommodation Review Board shall re-review the case along with any new information submitted by the employee. Within thirty (30) days of receipt of appeal, the ADA Accommodation Review Board shall issue a written determination on the request for reasonable accommodation to the Director of P&CSC and the employee.
- 11) If the ADA Accommodation Review Board approves the request for accommodation, the employee’s department Director or designee must initiate an action plan to comply with the approved accommodation, and submit a copy of this action plan to the Director of P&CSC no later than thirty (30) days from the approval of the request. If the ADA Accommodation Review Board denies the request, the employee has the right to further appeal through appropriate federal, state, and/or local agencies.
- 12) Cases with an approved accommodation may be revisited, as needed and as requested by the ADA Accommodation Review Board, the employee, and/or the employee’s department Director or designee.

PROCEDURE FOR SUPERVISORS – POTENTIAL NEED FOR REASONABLE ACCOMODATION

- 1) If an employee does not meet the established standards for his or her position, or is not performing the essential functions of his or her position, the supervisor shall ask the employee if a reasonable accommodation is needed in order to perform the essential functions of his or her position as the performance issue may be ADA related.
- 2) The language for the supervisor to use is as follows: “Do you need a reasonable accommodation to perform the essential functions of your position?”
- 3) If the employee answers yes, then the supervisor should direct the employee to the Procedures – Reasonable Accommodation for Employees.
- 4) If the employee answers no, the supervisor should send a letter to the Department of P&CSC stating that a reasonable accommodation was offered and declined. This document shall be kept in the employee’s personnel file. This should not preclude the supervisor from following the guidelines set forth in the City of Pittsburgh Disciplinary Manual, dated October 2002.

PROCEDURE - REASONABLE ACCOMODATION FOR CIVIL SERVICE EXAMINATIONS

- 1) The Department of Personnel and Civil Service Commission must make the application and testing process accessible unless doing so would be unreasonable or cause undue hardship.
- 2) An applicant who self-identifies a disability on his or her application documents will be contacted by a Personnel Analyst prior to scheduling the examination to determine the nature of the disability and the reasonable accommodation necessary.
- 3) If an applicant requests accommodation, the Personnel Analyst will complete the Reasonable Accommodation Request Form. The request shall also include the position for which the applicant is scheduled to take the examination. The Personnel Analyst will inform the applicant that health care provider documentation must be provided to support the request by a set deadline within the overall testing timeline. Health care provider information may be mailed or faxed to the Personnel Analyst.
- 4) The Personnel Analyst shall submit the Reasonable Accommodation Request form along with any health care provider documentation to the Assistant Director of P&CSC, Employment & Training, Secretary & Chief Examiner.

- 5) The Assistant Director of P&CSC, Employment & Training, Secretary & Chief Examiner shall discuss the case with the Director of P&CSC to determine whether the requested accommodation is reasonable and/or make a “reasonable effort” to determine the appropriate accommodation.
- 6) The Assistant Director of P&CSC, Employment & Training, Secretary & Chief Examiner will implement any approved reasonable accommodation and communicate denials to the applicant.

DISCRIMINATION COMPLAINTS

This reasonable accommodation policy is intended to ensure equal employment opportunities for individual with disabilities, but shall not impede the right of any employee to file a complaint with the Discrimination/ Harassment/ Retaliation Investigation Unit of the Office of Municipal Investigations, or the appropriate agency under the Americans with Disabilities Act, or any other federal, state, or local agency having jurisdiction over such matters.