

# Procedures For Providing Reasonable Accommodation For Individuals With Disabilities

## I. Policy on Reasonable Accommodation

Islamorada, Village of Islands (the Village) Procedures fully comply with the requirements of the Rehabilitation Act of 1973 section 504, ADA, and ADAAA. Under the law, Islamorada must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The Village is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. The Village provides reasonable accommodations:

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, Village-sponsored events).

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and Village events.

Common types of accommodations include:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different Village space
- providing telework beyond that provided by the collective bargaining agreement or the relevant MOU.
- making changes in workplace policies

- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing a reader or other staff assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff
- removing an architectural barrier, including reconfiguring work spaces
- providing accessible parking
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job.

The Village will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in these Procedures.

The Village has designated an ADA Coordinator to oversee the reasonable accommodation program Village-wide. All requests for reasonable accommodation will be handled by the ADA Coordinator. If a request is given to a manager or supervisor rather than directly to the ADA Coordinator, that individual should forward the request immediately and must do so within 2 business days. When an employee makes a request for reasonable accommodation that involves performance of the job, the ADA Coordinator will work with the employee's supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position.

As part of the reasonable accommodation interactive process, the ADA Coordinator will obtain and evaluate documentation supporting an accommodation request (such as medical documentation demonstrating that the requestor is an individual with a disability), whenever the disability or need for accommodation is not obvious.

Sometimes the Village may be able to address an employee's impairment-related needs outside the reasonable accommodation process.

While the ADA Coordinator will handle all requests for reasonable accommodations, supervisors, managers, and directors often will need to be consulted about specific requests

The Village *may* take steps, solely at the Village's discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.

## **II. Reasonable Accommodation Procedures**

### **A. Requesting Reasonable Accommodation**

Generally, an applicant or employee must let the Village know that he/she needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition. An **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. An individual should request a reasonable accommodation from the ADA Coordinator.

If an employee makes a reasonable accommodation request to someone other than the ADA Coordinator, such as her supervisor, director, district director, or attorney, these supervisors/managers should forward the request to the ADA Coordinator immediately and must do so within 2 business days. **The reasonable accommodation process begins as**

**soon as the oral or written request for accommodation is made to any manager in an employee's chain of command, so it is imperative that the request be forwarded to the ADA Coordinator within 2 business days.**

An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the ADA Coordinator may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication in which an individual asks or states that he/she needs the Village to provide or to change something because of a medical condition. A supervisor, manager, or the ADA Coordinator should ask an individual whether she is requesting a reasonable accommodation if the nature of the initial communication is unclear.

**A family member, health professional, or other representative** may request an accommodation on behalf of a Village employee or applicant. For example, a doctor's note outlining medical restrictions for an employee constitutes a request for reasonable accommodation.

When an individual (or third party) makes an **oral request**, the ADA Coordinator must ensure that the **Request for Reasonable Accommodation form** is filled out (see Appendix A). The ADA Coordinator must fill out the Form if the requestor does not.

An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, must submit the "Confirmation" form only for the first request. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the ADA Coordinator should ensure that an employee's supervisor makes the appropriate arrangements without requiring a request in advance of each occasion.

## B. Processing the Request

The ADA Coordinator is responsible for processing requests for reasonable accommodation. The Village Manager will designate another staff member to act as a back-up for the ADA Coordinator to process requests when the ADA Coordinator is unavailable for any length of time (e.g., the ADA Coordinator is on vacation or out on extended leave).

While the ADA Coordinator has responsibility for processing requests for reasonable accommodation, the ADA Coordinator may work closely with an employee's supervisor or director in responding to the request, particularly those involving performance of the job. The ADA Coordinator will need to consult with an employee's supervisor and/or director to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving performance of the job will be provided without first informing an employee's supervisor or, as appropriate, director.

## C. The Interactive Process

### 1. Generally

After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the ADA Coordinator must communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs.

**The ADA Coordinator will contact the applicant or employee within 10 business days after the request is made** (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the ADA Coordinator may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the Village (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

**Communication is a priority throughout the entire process**, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations.

When a third party (e.g., an individual's doctor) requests accommodation on behalf of an applicant or employee, the ADA Coordinator should, if possible, confirm with the applicant or employee that he wants a reasonable accommodation before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the ADA Coordinator will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable.

The ADA Coordinator may need to consult with other Village staff (e.g., an employee's supervisor, Information Technology staff) or outside sources to obtain information necessary to make a determination about the request. **The Village expects that all staff will give a high priority to responding quickly to a ADA Coordinator's request for information or assistance. Any delays by Village staff may result in the Village failing to meet the required time frame.**

### 2. Reassignment

There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.

- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- In considering whether there are positions available for reassignment, the ADA Coordinator will work with both the Village Manager and the employee requesting the reassignment to identify: (1) vacant positions within the Village for which the

employee may be qualified, with or without reasonable accommodation; and (2) positions which will become vacant within **60 days** from the date the search is initiated and for which the employee may be qualified.

#### D. Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, the Village (specifically the ADA Coordinator) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. A disability is obvious or already known when it is clearly visible, or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by the Village where the disability and/or need for accommodation are not obvious or already known.

Only the ADA Coordinator may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the ADA Coordinator does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a reasonable accommodation. If an individual has already submitted medical documentation in connection with a previous request for accommodation, the individual should immediately inform the ADA Coordinator of this fact. The ADA Coordinator will then determine whether additional medical information is needed to process the current request.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the ADA Coordinator to determine whether the individual has a "disability" and/or that an accommodation is needed, the DPM will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The ADA Coordinator may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the ADA Coordinator may ask the individual requesting accommodation to sign a limited release permitting the ADA Coordinator to contact the provider for additional information. The ADA Coordinator may have the medical information reviewed by a doctor of the Village's choosing, at the Village's expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the ADA Coordinator will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis. Notwithstanding, the ADA Coordinator may require medical information in order to design an appropriate and effective accommodation.

A supervisor or director who believes that an employee may no longer need a reasonable accommodation should contact the ADA Coordinator. The ADA Coordinator will decide if there is a reason to contact the employee to discuss whether s/he has a continuing need for reasonable accommodation.

## E. Confidentiality Requirements

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that Village obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any Village employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The ADA Coordinator may share certain information with an employee's supervisor or other Village official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the ADA Coordinator will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the ADA Coordinator will not necessarily need to reveal the name of the requestor and/or the department in which the requestor works, or even the name of the disability. In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance in evacuation; and
- government officials may be given information necessary to investigate the Village's compliance with the Rehabilitation Act.

## F. Time Frame for Processing Requests and Providing Reasonable Accommodations

### 1 Generally

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than 30 business days from the date the request is made. This 30-day period includes the 10-day time frame in which the ADA Coordinator must contact the requestor after a request for reasonable accommodation is made. (See Section II.C.1.)

The Village will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The ADA Coordinator will strive to process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the ADA Coordinator. Therefore, everyone involved in processing a request should respond as quickly as possible. This includes referring a request to the ADA Coordinator, contacting a doctor if medical information or documentation is needed, and providing technical assistance to the ADA Coordinator regarding issues raised by a request.

If the ADA Coordinator must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the ADA Coordinator makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the ADA Coordinator.

If the disability is obvious or already known to the ADA Coordinator, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the ADA Coordinator should not require the full 30 business days to process the request. The following are examples of

situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame:

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for her to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work an eight-hour day.
- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An employee with a serious learning disability asks that the agenda be distributed ahead of time because his disability makes it difficult to read quickly and he needs more time to prepare.

## 2. Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- to enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- to enable an employee to attend a meeting scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

## 3. Extenuating Circumstances

These are circumstances that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond Village's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

## G. Resolution of the Reasonable Accommodation Request

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the "Resolution of Request" form (see Appendix B), as well as orally.

If the Village grants a request for accommodation, the ADA Coordinator will give the "Resolution of Request" form to the requestor and discuss implementation of the accommodation. The "Resolution" form must be filled out even if the Village is granting the request without determining whether the requestor has a "disability" and regardless of what type of change or modification is approved (e.g., the Village grants a three-month removal of an essential function, which is not a form of reasonable accommodation but nonetheless must be specified on the Resolution form).

A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual's specific requested accommodation and why the Village believes that the chosen accommodation will be effective.

If the request is approved but the accommodation cannot be provided immediately, the ADA Coordinator will inform the individual in writing of the projected time frame for providing the accommodation.

If the Village denies a request for accommodation, the ADA Coordinator will give the "Resolution" form to the requestor and discuss the reason(s) for the denial. When completing the "Resolution" form, the explanation for the denial will clearly state the specific reason(s) for the denial. This means that the

Village cannot simply state that a requested accommodation is denied because of “undue hardship” or because it would be “ineffective.” Rather, the form will state and the ADA Coordinator will explain specifically why the accommodation would result in undue hardship or why it would be ineffective.

If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the ADA Coordinator will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the ADA Coordinator will explore whether there is a reasonable accommodation that will meet the employee’s needs.

If the ADA Coordinator offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the ADA Coordinator will record the individual’s rejection of the alternative accommodation on the “Resolution” form.

#### H. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Village Manager to reconsider that decision. An individual must request reconsideration within 10 business days of receiving the “Resolution” form. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. (See Section II.J. below.)

#### I. Information Tracking and Reporting

In order for the Village to ensure compliance with these Procedures and the Rehabilitation Act, the ADA Coordinator will complete the forms and place forms in a separate medical file.

#### J. Relation of Procedures to Statutory and Collective Bargaining Claims

These Procedures do not limit or supplant statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims remain unchanged, including the time frames for filing such claims.

The “Resolution of Request” form (Appendix B) provides information to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue union grievance procedures.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation must:

For an EEO complaint: contact an EEO counselor in the Office of Equal Opportunity (OEO) within 45 days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.

For a collective bargaining claim: file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.

These Procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or the collective bargaining agreement



## K. INQUIRIES AND DISTRIBUTION

Any employee wanting further information concerning these Procedures may contact the ADA Coordinator via e-mail at [ADA@islamorada.fl.us](mailto:ADA@islamorada.fl.us). Applicants may contact the ADA Coordinator at [ADA@islamorada.fl.us](mailto:ADA@islamorada.fl.us)

These Procedures shall be distributed to all employees upon issuance, and annually thereafter. They also will be posted on the Village's website, and included in the employee handbook. They will be distributed to all new employees as part of their orientation on their first day of work. These Procedures will be provided in alternative formats when requested from the ADA Coordinator by, or on behalf of, any Village employee.



### CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION

\_\_\_\_\_  
Name of Requester

\_\_\_\_\_  
Date of Request

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Department

TYPE OF ACCOMMODATION REQUESTED, IF KNOWN. (Be as specific as possible, e.g., assistive technology, reader, interpreter, schedule change)

REASON FOR REQUEST.

If accommodation is time sensitive, please explain:

\_\_\_\_\_  
Signature of Requester

ADA Coordinator Use Only

\_\_\_\_\_  
Official Due Date

\_\_\_\_\_  
Date & Time Received

\_\_\_\_\_  
Completed Date

RESOLUTION OF REASONABLE ACCOMMODATION REQUEST

(Must complete numbers 1-3; complete numbers 4-7, if applicable)

1. Name of Requester: \_\_\_\_\_

2. Accommodation(s) requested:

3. Accommodation(s):

\_\_\_\_\_ approved as specifically requested

\_\_\_\_\_ approved but different from original request\*

\_\_\_\_\_ denied

\*If the approved accommodation is different from the one(s) originally requested, identify the alternative accommodation(s):

4. If an alternative accommodation was offered, indicate whether it was:

\_\_\_\_\_ accepted

\_\_\_\_\_ rejected

5. Request denied because: (may check more than one box)

Requester does not have a Rehabilitation Act disability

Accommodation ineffective

Accommodation would cause undue hardship

Medical documentation inadequate

Accommodation would require removal of essential function

Accommodation would require lowering performance or production standard

Other (Please identify) \_\_\_\_\_

6. Detailed reason(s) for denial (Must be specific, e.g., why accommodation would be ineffective or cause undue hardship):

7. If the deciding official offered an accommodation that is different from the one originally requested, explain: (a) the reasons for the denial of the accommodation originally requested; and (b) why the alternative accommodation would be effective.

8. An individual who disagrees with the resolution of the request may ask the Village Manager to reconsider that decision within 10 business days of receiving the "Resolution" form. Note that requesting reconsideration does not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

\_\_\_\_\_  
Name of Deciding Official

\_\_\_\_\_  
Signature of Deciding Official

Date reasonable accommodation (circle one) denied/approved \_\_\_\_\_