

**CITY OF CHICAGO**

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**REASONABLE ACCOMMODATION  
PROCEDURES FOR  
EMPLOYEES AND APPLICANTS  
WITH DISABILITIES**

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City of Chicago  
Richard M. Daley  
Mayor



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## Statement of Purpose

The City of Chicago is committed to providing equal access to employment opportunities for individuals with disabilities. The City of Chicago recognizes that individuals with disabilities may need reasonable accommodations to participate in or benefit from employment opportunities. It is the policy of the City of Chicago to provide reasonable accommodations to qualified applicants and employees with a disability.

Accordingly, this policy ensures that the City of Chicago complies with the provisions and requirements of the Illinois Human Rights Act, Chicago Human Relations Ordinance, Americans with Disabilities Act of 1990 (ADA) and is consistent with Section 504 of the Rehabilitation Act of 1973.

This document establishes written procedures to use in the reasonable accommodation process for both employees and applicants with disabilities.

Nothing in the policy or procedures is intended to nor shall be construed to provide a private right of action against the City of Chicago or any of its employees or to create contractual or other rights or expectations.

# I. Terms and Definitions Used in Reasonable Accommodation Policy

## **Deciding Official**

The Deciding Official is generally an employee's supervisor, manager or designated Disability Liaison to whom the reasonable accommodation request shall be submitted. The Deciding Official is responsible for engaging in an interactive process with an employee/applicant, and rendering a determination to grant or deny a reasonable accommodation request within the time frames specified in this policy. The Deciding Official shall maintain, review, and interpret all documentation, medical and non-medical, in connection with the reasonable accommodation process.

## **Direct Threat**

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by providing reasonable accommodation.

## **Disability**

- a physical or mental impairment that substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, hearing, speaking, breathing, and learning;
- a history of such an impairment; or
- being regarded (perceived) as having such impairment.

## **Disability Liaison**

An employee designated by each department head for their department. The Disability Liaison shall work with employees and supervisors to facilitate reasonable accommodation

requests for their City department. The Disability Liaison is authorized to request, receive, and maintain confidential medical information in connection with processing a request for reasonable accommodation.

## **Disability Program Manager**

A senior level City employee, located in the Mayor's Office for People with Disabilities, who is responsible for providing guidance and assistance to Disability Liaisons and Deciding Officials as it relates to the reasonable accommodation process, reasonable accommodation forms, and clarifying reasonable accommodation procedures. The Disability Program Manager shall maintain reasonable accommodation data reported by the City departments and facilitate on-going training to Disability Liaisons.

### **Contact:**

Mayor's Office for People with Disabilities  
Assistant Commissioner  
City Hall, Room 1104  
121 North LaSalle Street  
Chicago, IL 60602  
(312) 744-7071 (voice)  
(312) 744-4964 (TTY)  
(312) 746-3314 (fax)

## **Extenuating Circumstances**

Factors in any aspect of the reasonable accommodation process that could not reasonably have been anticipated or avoided in responding to the request for reasonable accommodation.

# I. Terms and Definitions Used in Reasonable Accommodation Policy

## ***Interactive Process***

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An ongoing informal dialogue by which the individual requesting an accommodation and the Deciding Official communicate with each other about the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations. The interactive process begins as soon as the individual makes known his/her need for an accommodation.

## ***Job Functions***

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Job functions are divided into two categories, essential and non-essential as described below.

- ❑ **Essential Job Functions** – are the job duties that are fundamental to the position. Job duties are what must be accomplished, not how they are accomplished. A job function may be considered essential for any of several reasons, including but not limited to the following:
  - the position exists specifically to perform that function;
  - there are a limited number of employees who could perform the function; and/or
  - the function is highly specialized, and the employee was hired to perform the function.
  
- ❑ **Non-essential Job Functions** – Job duties that are not classified as essential or fundamental to the position and their removal and/or reassignment would not fundamentally alter the work, operations or organizational structure.

## ***Job Restructuring***

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A department may restructure a job as a form of reasonable accommodation. Job restructuring includes modifications such as reallocating non-essential job functions that an employee is unable to perform because of a disability.

## ***Mental Impairment***

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Any psychological or mental impairment, such as mental retardation, organic brain syndrome, emotional or mental illness or specific learning disability.

## ***Physical Impairment***

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Any physiological impairment or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitorurinary, hemic and lymphatic, skin or endocrine.

## ***Qualified Person with a Disability***

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An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position for which an individual requests an accommodation, and can perform the essential functions of such position, with or without reasonable accommodation.

## I. Terms and Definitions Used in Reasonable Accommodation Policy

### **Reasonable Accommodation Fund Manager**

A senior level representative located in the Mayor's Office for People with Disabilities. The Reasonable Accommodation Fund Manager is responsible for the reasonable accommodation fund, generating reports regarding monies spent for reasonable accommodations and provides technical assistance to City departments as it relates to acquiring approved reasonable accommodations.

Mayor's Office for People with Disabilities  
Deputy Commissioner  
2102 West Ogden Avenue  
Chicago, IL 60612  
(312) 746-5701 (voice)  
(312) 744-7833 (TTY)  
(312) 746-5787 (fax)

### **Reassignment**

Reassignment to a related vacant position title may be a form of reasonable accommodation when an employee (not applicant) can no longer perform the essential functions of his/her current position with or without a reasonable accommodation. Reassignment may be made only to an available vacant position, if the qualified individual with a disability satisfies the requisite skill, experience, education, and other job-related requirements of the employment position. In cases where a position is covered by a collective bargaining agreement, placement into such a position will be based on the terms of the collective bargaining agreement. Reassignment shall be considered on a case-by-case basis.

### **Request for Reasonable Accommodation**

A statement that an individual needs an adjustment or change at work or in the application/employment process for a reason related to a disability.

### **Requester**

A City employee or applicant with a disability who requests an accommodation.

### **Substantial Limitation**

The degree to which an impairment prevents an individual from performing a major life activity that the average person in the general population can perform; or significantly restricts the condition, manner or duration under which the average person in the general population can perform the same major life activity, (e.g., a person who is paraplegic is substantially limited in the major life activity of "walking" or a person who is blind is substantially limited in the major life activity of "seeing").

### **Undue Burden**

An action that requires significant difficulty or expense. A department is not required to make an accommodation if it can be demonstrated that providing the accommodation would pose an undue burden.



## II. What is a Reasonable Accommodation?

A reasonable accommodation is any change or adjustment to a job, an application process, work environment, or procedure that enables a qualified applicant/employee with a disability to participate in the job application process, to

perform the essential job functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

### ***There are three categories of reasonable accommodation:***

- 1.** Modifications or adjustments to a **job application** process that enable an individual with a disability to apply and be considered for a job (such as providing application forms in accessible formats such as large print or Braille);
- 2.** Modifications or adjustments to the **work environment**, to enable a qualified individual with a disability to perform the essential functions of the job (such as providing an amplified headset to an individual with a hearing impairment); and
- 3.** Modifications or adjustments that enable employees with disabilities to enjoy **equal benefits and privileges** of employment (such as removing physical barriers in an office cafeteria).

### **Below are examples of possible reasonable accommodations, including but not limited to the following:**

- *Changes to a work environment to make the area accessible and usable – adjusting the height of a desk to accommodate a wheelchair user;*
- *Restructuring jobs – reallocating or redistributing non-essential job functions, such as reassigning filing and data entry tasks to others;*
- *Allowing part-time or modified work schedules – adjusting arrival or departure times, providing periodic breaks, altering when certain functions are performed, allowing an employee to use leave, or providing additional unpaid leave as an accommodation;*
- *Acquiring or modifying assistive equipment or devices – adapting equipment or tools, such as a large screen computer monitor or telephone amplification devices for work place accessibility;*
- *Providing examinations, training materials, or policies in accessible formats such as large print or Braille;*
- *Providing effective communication access – providing qualified and effective sign language interpreters or other forms of communication facilitation during work related activities; and,*
- *Reassignment to a vacant position – (See Reassignment definition page 4 under Section I “Terms and Definitions used in Reasonable Accommodation Policy”).*

### III. Procedures for Requesting Reasonable Accommodation

#### **Initiating Request for Reasonable Accommodation**

##### **Step 1: Making the Request**

Qualified employees/applicants with disabilities who need a reasonable accommodation are responsible for making their needs known to the Deciding Official. The interactive process or talking about the request shall start immediately between the employee/applicant and the Deciding Official.

The employee/applicant does not have to use any special words, such as disability, reasonable accommodation, or Rehabilitation Act when requesting an accommodation. An employee/applicant with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability. Individuals may require more than one accommodation. Each accommodation request shall be considered separately.

##### **Step 2: Written Requests for Record Keeping Purposes**

- To ensure accurate records regarding requests for accommodation, employees/applicants must follow up an oral request for accommodation with a written request as soon as possible.
- The Deciding Official shall document all actions taken in the reasonable accommodation process on the *City of Chicago Reasonable Accommodation Worksheet*.

##### **Determining who will handle the Request:**

The person who handles the request for accommodation shall be referred to as the "**Deciding Official.**" The Deciding Official shall review and make a determination regarding the request as indicated below:

- Requests for accommodation from **employees** will be handled by the requesting employee's supervisor or the Disability Liaison assigned to his/her City Department.
- Requests for accommodation from **applicants**, in the application or examination process, shall be handled by any employee in the Department of Human Resources with whom the applicant has contact in connection with the application or examination process, unless otherwise indicated.
- Requests for accommodation from a **family member, friend, health professional, or other representative** on behalf of an employee or applicant with a disability shall be handled by the persons to whom the employee or applicant would make the request. Where a request for accommodation is made by a third party, the Deciding Official shall confirm with the employee/applicant with a disability, that s/he, in fact, wants a reasonable accommodation before proceeding.

## IV. Procedures for Processing Reasonable Accommodation Request

### **Step 3: Confirming the Request**

Upon receiving the written accommodation request, the Deciding Official shall confirm the request by signing and dating the City of Chicago Reasonable Accommodation Request Form in the space provided and return a copy to the employee/applicant as proof of submission. The Deciding Official and the employee/applicant shall engage in the interactive process. The original request shall be kept in a locked file, separate from an individual's personnel file, to ensure against unwarranted disclosure of the individual's disability.

### **Step 4: The Interactive Process**

Thereafter, the Deciding Official shall engage in the interactive process with the employee/applicant to clarify what the needs are and to gather information related to the medical condition in order to make a determination to grant or deny the accommodation request.

The Deciding Official shall determine if the individual's medical condition meets the definition of a qualified person with a disability, a prerequisite for the individual to be entitled to an accommodation. During the interactive process, the Deciding Official shall ask questions related to the individual's request, including the individual's disability, functional limitations, as appropriate, and identify accommodation options.

Communication is a priority throughout the entire process. The Deciding Official will have the principal responsibility for identifying possible accommodations and shall take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources, including the Disability Program Manager and/or the Reasonable Accommodation Fund Manager.

## IV. Procedures for Processing Reasonable Accommodation Request

**During the interactive process, the Deciding Official must determine the following:**

- whether the employee/applicant has a qualified disability (if not obvious);*
- whether medical documentation is needed to substantiate the disability or the link between the disability and the accommodation requested (if medical documentation is needed to substantiate the existence of the disability and need for an accommodation, see How to Request Medical documentation);*
- the job related functional limitation(s) created by the individual's disability (e.g., what are the problematic job tasks);*
- the job related barriers in the application and/or employment process;*
- the essential job functions of the particular job involved;*
- whether the accommodation is needed and accommodation options;*
- if needed, whether the accommodation would be effective; and*
- if effective, whether providing the accommodation would create an undue financial burden (only the Reasonable Accommodation Fund Manager can make this determination).*

For more information, see the **Checklist for Considering Accommodation Request** on page 28.

## V. Procedures for Granting or Denying Reasonable Accommodation Request

### **Step 5: Making a determination**

The Deciding Official has two options, either to grant or deny the accommodation request, after reviewing the request including supporting documentation and engaging the employee/applicant in the interactive process. In making a determination regarding the requested accommodation, the following factors shall be considered:

- Employers are required to provide reasonable accommodation for qualified individuals with a disability.
- If an employee cannot perform an essential job function, even with the accommodation, the individual is not considered "a qualified individual with a disability."

- The Deciding Official's obligation to grant or deny a reasonable accommodation apply only to those accommodations that reduce barriers to the employment/application process related to a person's disability; it does not apply to accommodations that a disabled person may request for some other reason.

- Whether the accommodation would impose an undue financial burden (only the Reasonable Accommodation Fund Manager shall make this determination).

Refer to the *Checklist for Considering Accommodation Request* when making your determination.

### ***Documenting and Communicating Your Determination:***

Once a determination is made, the Deciding Official shall immediately notify the employee/applicant in writing of the decision on the *City of Chicago Response to Reasonable Accommodation Request: Accommodation Offered* or *Response to Reasonable Accommodation Request: Request Denied*. Copies of the response form shall be distributed as follows:

- the employee/applicant making the request and his/her immediate supervisor and/or Disability Liaison. Where the Disability Liaison is the Deciding Official, a copy of the completed response shall be given to the employee/applicant immediate supervisor.
- the Reasonable Accommodation Fund Manager, if the request is granted and where funding the accommodation or technical assistance is needed in providing the accommodation.

## V. Procedures for Granting or Denying Reasonable Accommodation Request

### **Granting Reasonable Accommodation Request**

Once a determination is made by the Deciding Official to grant the request, it shall be provided to qualified employees/applicants with a disability directly related to the accommodation request. The Deciding Official shall notify the employee/applicant as soon as possible that the accommodation was approved via the Accommodation Offered form. The accommodation shall be provided as soon as reasonably possible, but not more than **25 days** from the date the request was initially made, and sooner, if possible.

- While an individual's requested accommodation preference will be given consideration, the City department may provide among equally effective accommodations.

#### **For example:**

*An employee whose vision is impaired asks that the reasonable accommodation policy be read to her aloud. The City department proposes to provide the employee with an audiotaped version of the policy. While the employee would prefer to have someone read the policy to her, the audio-taped version meets her needs and thus is acceptable as an accommodation.*

- If the implemented accommodation is later determined to be ineffective by the individual, s/he shall notify the Deciding Official, in writing and clearly explain why the accommodation is not effective. The Deciding Official shall examine alternative accommodations with the individual and shall implement an alternative, as quickly as reasonably possible to meet the need identified.
  - Where the Deciding Official later determines that the implemented accommodation is ineffective, the Deciding Official shall document why the accommodation was ineffective and examine other accommodation options, including consulting the Reasonable Accommodation Fund Manager and/or Disability Program Manager. The Deciding Official shall implement an alternative accommodation as soon as reasonably possible.
  - Where an alternative accommodation is not readily available, the City department shall consult with the designated Disability Liaison and/or the Reasonable Accommodation Fund Manager to provide assistance in examining other possible options.
  - Where the accommodation cannot be provided immediately, the Deciding Official shall inform the individual with a disability in writing of the projected time frame for providing the accommodation.
- The Deciding Official shall follow up with the employee/applicant with a disability to determine the effectiveness of the accommodation.

## V. Procedures for Granting or Denying Reasonable Accommodation Request

### Denying Reasonable Accommodation Request

Reasons for denying an accommodation request shall include specific reasons for the denial, such as why the accommodation would not be effective, and may include, but are not limited to the following:

- Employee/applicant is **not a qualified individual** with a disability and is unable to perform the essential functions of the position with or without a reasonable accommodation;
- Employee/applicant **does not follow through** with the reasonable accommodation process and does not engage in the interactive process and/or fails to provide sufficient documentation,
- Medical **documentation** is **inadequate** to establish that the employee/applicant has a disability and/or needs a reasonable accommodation or the request is related to the job functions;
- Accommodation requested is deemed to be of a **personal nature** and is not related to an employee/applicant's ability to perform the essential job functions. Request relates to provision of personal services and/or equipment (e.g., *service animal or hearing aid*);
- Accommodation request fundamentally **alters the nature of the job** and eliminates essential functions, thus changing the job. (e.g., *exempting the bus driver from having to drive or exempting the caseworker from having to do well-being checks on residents*);
- Accommodation fundamentally **alters the nature of the business operation** and impacts the manner in which services are delivered or business is conducted (e.g., *changing the department's hours of operations to accommodate a key employee's altered work schedule*);
- Accommodation **poses a direct threat** to self or others and could put the employee, co-workers or public in direct harm (e.g. *building a ramp that extends into the public right of way and poses a potential tripping hazard*);
- Accommodation poses a significant financial cost. The Deciding Official shall not decide that a reasonable accommodation request is economically unfeasible and/or cost prohibitive without contacting the Reasonable Accommodation Fund Manager.

If the request is **denied**, the Deciding Official shall immediately notify the employee/applicant, clearly stating the reason(s) for denial. (See *Response to Accommodation: Request Denied* form on page 24.)

Where the Deciding Official has denied a specific requested accommodation, but offered to make a different one in its place which was not agreed to during the interactive process, the denial notice shall explain both the reason(s) for the denial of the requested accommodation and the reasons that the Deciding Official believes that the chosen accommodation will be effective.

Employees/Applicants who have been denied an Accommodation may appeal the decision (see *Procedures for Appealing Denial of Reasonable Accommodation Request* on page 15).

## How and When to Request Medical Documentation

### Requesting Medical Information:

In some cases, the disability and need for accommodation will be obvious or otherwise already known to the Deciding Official. In these cases, the City department will not seek any further medical information. In cases where the disability is not obvious or otherwise already known to the Deciding Official, the City department may require, if it chooses, that the employee/applicant provide supporting medical documentation about the disability and how it relates to the accommodation request.

- The Deciding Official shall provide the employee/applicant with the *Cover Letter Employee/Applicant to provide Medical Professional and Accommodation Request Medical Questionnaire* form (see pages 22 and 23). The employee/applicant is responsible for providing the required medical documentation, not the City department. In these cases, the following shall apply:

- The employee/applicant shall have his/her treating healthcare professional complete the Questionnaire clearly documenting the nature and duration of the disability, functional limitations, and/or need for an accommodation. Only medical records related to the known disability and the need for accommodation shall be requested.
- The employee/applicant shall return the Questionnaire to the Deciding Official as soon as reasonably possible.
- Failure to provide requested medical documentation may result in a denial of the accommodation request.

- Once the medical documentation is received, the Deciding Official shall evaluate the documentation to determine if it clearly documents the individual's disability and/or functional limitations, or otherwise clarifies how the requested accommodation will assist the individual in performing the essential functions of the job. If the medical documentation submitted by the employee/applicant does not clearly explain the nature of the disability, functional limitation or the need for reasonable accommodation, the Deciding Official shall hand deliver, whenever practical, the notification in writing to the employee/applicant that the documentation submitted is incomplete. The Deciding Official shall clearly explain to the employee/applicant why the information provided is incomplete, what additional information is required, and why it is necessary for a determination of the reasonable accommodation request. The Deciding Official shall give the employee/applicant an opportunity to provide the missing information as quickly as reasonably possible.

- Medical documentation obtained in connection with the reasonable accommodation process shall be kept confidential and in locked files, separate from the individual's personnel file. Confidentiality requirements are attached to the medical documentation and are outlined in the Confidentiality Requirements in the Reasonable Accommodation Process.



## How and When to Request Medical Documentation

### **Time Limits for Processing Requests and Providing Reasonable Accommodations are as follows:**

The Deciding Official shall make every effort to process the request for accommodation and make a determination to grant or deny the request as soon as reasonably possible, but not more than **twenty-five (25) days** from the date the request was initially made, absent extenuating circumstances.

The time requirement begins from the day the request is first made, whether orally or in writing and NOT from the date the written Request form was submitted.

In circumstances where there is a delay in either processing a request for, or delivering an accommodation, the Deciding Official shall notify the requester in writing of the reason for the delay and the approximate date on which a decision or provision of the accommodation is expected. Any further developments or changes shall be communicated as soon as reasonably possible to the employee/applicant in writing.

### **Requests Involving Special Circumstances:**

#### **Expedited Processing**

*In certain circumstances, a request for accommodation may require an expedited review and decision within a time frame that is shorter than the 25 days described above. Expedited processing may be necessary where:*

- *the accommodation is needed to enable an applicant to apply for a job; or*
- *the accommodation is needed for a specific City department activity that is scheduled to occur shortly, such as providing a sign language interpreter for a meeting that includes a City employee with a hearing impairment.*

#### **Extenuating Circumstances**

*Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in responding to the request for accommodation. This may include situations in which equipment must be back-ordered or the vendor has unexpectedly gone out of business.*

## VI. Procedures for Requesting Reasonable Accommodation

### Applicant

*For the purposes of this Section, the term applicant includes City employees applying for other positions, as well as applicants with disabilities who are not current City employees applying for City positions.*

#### **The process to request a reasonable accommodation in the application and selection process is as follows:**

An applicant may request a reasonable accommodation to file an application or to take a written examination administered by the Department of Human Resources. Such requests shall be directed to the Disability Liaison for the Department of Human Resources. The interactive process begins as soon as the individual makes his/her need for an accommodation known orally or in writing.

After an applicant is contacted by the hiring department for further processing, such as an interview, the applicant may request a reasonable accommodation from the Hiring Department or authorized designee with whom the applicant has had contact.

The request shall be processed in accordance with Procedures for Requesting Reasonable Accommodation, Sections IV – V as outlined in this policy.

The Deciding Official shall process the request as soon as reasonably possible to enable an applicant with a disability to participate in the application/selection process. Requests shall be processed before the expiration of a vacancy announcement and/or examination date.

The Deciding Official shall consult his/her immediate supervisor and/or designated Disability Liaison for assistance in processing the request. Reasonable accommodation requests shall be handled as follows:

- Application Process.** A request for reasonable accommodation in the application process shall be handled by the Department of Human Resources Disability Liaison or Human Resource personnel with whom the applicant has had contact in the application process.
- Examination Process.** A request for reasonable accommodation in taking examinations shall be handled by the Department of Human Resources.
- Interview and Other Selection Processes.**
  - *A request for reasonable accommodation by an applicant in the interview and/or in another post-referral step in the selection process shall be handled by the department conducting that step of the selection process.*
  - *An applicant may request a reasonable accommodation in the interview or any other post-referral step of the selection process by contacting the hiring department Official with whom the applicant had contact in the scheduling of the interview and/or other selection process.*

## VII. Procedures for Appealing Denial of Reasonable Accommodation Request

### The Appeals Process

#### **Appeal Request:**

*Employees/applicants who have been denied an accommodation may appeal this decision as follows:*

- Any applicant/current employee who is rejected from City employment based on a physical examination may file a written appeal with the Commissioner of Human Resources within ten (10) days of receipt of written notice of such rejection pursuant to Personnel Rule XVIIIA.
- All other accommodation appeals may be filed with the City of Chicago Reasonable Accommodation Review Board (Review Board), as outlined below.

Independent of the City's process, individuals with disabilities may contact the following agencies, if they would like to pursue or explore legal remedies that may be available: The Equal Employment Opportunity Commission, the Illinois Department of Human Rights, and the Chicago Commission on Human Rights.

#### **The appeal process before the Review Board is as follows:**

##### **Step 1:**

- Initiating Request.** Individuals must complete and submit a *City of Chicago Reasonable Accommodation Appeal Request Form* (Appeal) to the Commissioner of the Mayor's Office for People with Disabilities (MOPD). The Appeal form shall be submitted as soon as reasonably possible from the initial decision date shown on the Request Denied or no later than thirty (30) days from the initial

decision date shown on the Request Denied form along with copies of documentation submitted with the initial reasonable accommodation request. The Appeal request shall be forwarded to:

Mayor's Office for People with Disabilities  
Attn: Commissioner  
City Hall, Room 1104  
121 North LaSalle Street  
Chicago, IL 60602

##### **Step 2:**

- The Commissioner of MOPD shall serve as Review Board Chair. The Review Board Chair shall notify the individual filing the appeal of receipt of request in writing via postal first class mail within seven (7) days.
- Members of the Review Board shall include the Commissioner or their designee(s) from the following City departments:
  - *Department of Human Resources; and*
  - *Office of Budget and Management (only in matters related to denial based on financial burden).*

The Law Department shall be consulted as appropriate.

- The Review Board may conduct, at its discretion and as it deems appropriate, further inquiry regarding the accommodation request and the department's disposition, including contacting the department.

## VII. Procedures for Appealing Denial of Reasonable Accommodation Request

- The *Review Board* shall render its final determination regarding the request within **thirty (30) days** after receipt of the appeal.
  - Where the 30-day limit cannot be met, the *Review Board* shall inform the individual via postal first class mail and the designated supervisor/Disability Liaison of an alternative time limit, not to exceed an additional 30 days. Notification to the individual shall be made in writing.
  - Where the *Review Board* reverses the initial decision, the designated supervisor/Disability Liaison shall provide the reasonable accommodation specified by the *Review Board* as soon as reasonably possible.
- Where the *Review Board* affirms the initial decision of the City department's Deciding Official, the *Review Board* shall document the decision on the *City of Chicago Reasonable Accommodation Review Board Reasonable Accommodation Appeals Decision Form (Decision)*. Copies of the *Decision* shall be distributed to the individual who filed the appeal, and the designated supervisor/Disability Liaison as soon as reasonably possible, but not more than two business days after the determination. The decision rendered by the *Review Board* is final and no further action by the City department is required.

## VIII. Confidentiality Requirements in the Reasonable Accommodation Process

*Confidentiality applies to all aspects of the reasonable accommodation process and all documentation obtained shall be kept confidential. Medical information, including information about functional limitations and reasonable accommodation needs obtained by any City department in connection with a request for reasonable accommodation, shall be kept in files separate from the individual's personnel file. City departments who obtain or receive such information are strictly bound by these confidentiality requirements and must inform those individuals or recipients about the confidentiality requirements attached to the information.*

*All records shall be maintained as described above. Information regarding these records, or any aspect of the process **may be disclosed only as follows:***

- Supervisors (including the Disability Liaison and the Department of Human Resources) who need to know about the employee's work restrictions or schedules may be told about the determination of eligibility for reasonable accommodation, including the recommended accommodations;
- First aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations; and
- Government officials investigating compliance with the ADA and other Federal, state, and local laws prohibiting discrimination based on disability shall be provided information, if requested.

### **File Maintenance:**

*The Deciding Official shall maintain requests for accommodation in the application/ employment process, including medical documentation. The information shall be kept in locked files, separate from the individual's personnel files for **five (5) years** in the application process and for the duration of the employee's tenure and/or five (5) years after separation in the employment process.*

### **Transferring medical records between City departments:**

*In cases where the City employee is transferred and/or promoted to another City department, the former department's supervisor/Disability Liaison is responsible for transferring all accommodation documentation, if requested by the employee, to the designated Disability Liaison in the new City department within fifteen (15) business days upon notification from the employee that a department change has occurred.*

## IX. Department Reporting Requirements Regarding Reasonable Accommodation

### Reporting Requirements

Each City department shall complete a bi-annual "*Reasonable Accommodation Information Reporting Form*," documenting the disposition of all reasonable accommodation requests received during the reporting period. The report shall be submitted to the Disability Program Manager at Mayor's Office for People with Disabilities. The Disability Program Manager shall notify each City department regarding the reporting dates. The report shall be submitted electronically, faxed, or inter-office mailed to MOPD.

The report shall contain the following information, presented in aggregate:

- the number of reasonable accommodations requested and types;
- the number of reasonable accommodations granted;
- the number of reasonable accommodations denied;
- the total number of reasonable accommodation requests received.

Date Request Rec'd: \_\_\_\_\_

By: \_\_\_\_\_  
Supervisor/Department Disability Liaison

This form may contain confidential information and  
must be kept separate from personnel records.

**CITY OF CHICAGO**  
**REASONABLE ACCOMMODATION REQUEST FORM**

Alternative formats and/or assistance in filling out this form are available upon request.

Requester's Name (First, MI, Last):	Daytime Telephone:
Job Title for which Accommodation is Requested:	Department/Bureau/Division:
1. An accommodation is being requested for: <input type="checkbox"/> Application <input type="checkbox"/> Examination <input type="checkbox"/> Interview <input type="checkbox"/> Current Position <input type="checkbox"/> Training/Seminar <input type="checkbox"/> Other. Explain:	
2. Please list the specific limitation(s) for which you are requesting an accommodation.	
3. Why are you requesting accommodation and what reasonable accommodation are you requesting?	
4. What is the cost of the requested accommodation (if you know) and how/where can it be obtained? Identify any alternative forms of accommodation.	
5. Provide any additional information that may help in evaluating this request.	

I certify that I have a disability that requires reasonable accommodation, which will be met by the accommodation sought.

SIGNATURE: \_\_\_\_\_  
Requester

\_\_\_\_\_ Date

**Confidential: Keep separate from personnel records**

**SUPERVISOR-DDL WORKSHEET FOR EVALUATING  
REASONABLE ACCOMMODATION REQUEST**

*For Internal Use Only*

Instructions: Refer to the City of Chicago Reasonable Accommodation Procedures for Employees and Applicants with Disabilities ("Procedural Manual") in completing this worksheet. Make every effort to process and make a determination regarding the accommodation request as soon as possible, but not more than 25 days, absent extenuating circumstances.

Requester's Name (First, MI, Last):	Job Title Requesting Accommodation for:
Supervisor's Name:	Department/Bureau/Division:
1. Unless the disability is obvious and the accommodation request is obviously related to the disability, the City may request medical certification. Attach any documentation.	
2. What are the essential functions of the position? Documentation of those job duties must be attached, i.e., job description.	
3. How would the job change if the accommodation were granted? Would the change affect a duty required for the position? If so, explain.	
4. Would the requested change impact any other employee(s)? If so, how?	
5. Have you discussed the request with the applicant/employee? What is the estimated cost of the requested accommodation? What other ways are available to accommodate the employee? Identify the alternatives and their costs. (Reminder: funds are available through the City's reasonable accommodation account.)	
6. What specific accommodation do you recommend? If none, state the reasons why.	
7. Note any other considerations in processing this request.	

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

or

Disability Liaison: \_\_\_\_\_ Date: \_\_\_\_\_



## Cover Letter for Employee/Applicant to Provide to Medical Professional

Date: \_\_\_\_\_

To: \_\_\_\_\_

Medical Professional (Please print)

From: \_\_\_\_\_

Phone: \_\_\_\_\_

Employee/Applicant (Please print)

Subject: **Accommodation Request**

I have requested that the City of Chicago, Department of \_\_\_\_\_ provide a reasonable Accommodation due to my diagnosed physical or mental disability as indicated below:

---

In order to process the Accommodation request and make a determination, medical information is needed to substantiate my disability and how it correlates to the Accommodation request. I am authorizing you to complete the attached Accommodation Request Medical Questionnaire.

## Accommodation Request Medical Questionnaire 1 of 2

Date: \_\_\_\_\_

Applicant/Employee, \_\_\_\_\_, has requested an accommodation for the condition described in the attached cover letter.

1. Does the individual have a disability that limits a major life activity? \_\_\_Yes \_\_\_No
2. If yes, describe the limitation(s) for which s/he requests an accommodation and the major life activity.
3. Is the disability permanent? \_\_\_Yes \_\_\_No

Length of anticipated duration and/or prognosis \_\_\_\_\_

4. From the enclosed job description, how do the individual's limitations for which s/he seeks an accommodation impair the ability of the applicant/employee to perform the job duties? Specify any job duties that the employee is unable to perform.
5. How does the individual's current medical condition for which s/he seeks an accommodation affect his/her ability to:

WORK RESTRICTION <small>Note: Respond only as to condition for which employee requests accommodation</small>	Yes or No	DESCRIBE RESTRICTION	SPECIFY IF TIME/ WEIGHT LIMIT <sup>1</sup>
Keyboard use/repetitive use of hands			
Grasp objects/fine motor skills			
Repetitive use of foot controls			
Stand			
Walk			
Squat/kneel			
Twisting			
Bend/stoop			
Climb ladders or stairs			
Lift			
Push/pull			
Reaching (above and below shoulders)			

<sup>1</sup>For example, 0 hours, 1-2 hours, 3-5 hours, 6-8 hours; weight in pounds; or other notation.

## Accommodation Request Medical Questionnaire 2 of 2

<b>WORK RESTRICTION</b> Note: Respond only as to condition for which employee requests accommodation	Yes or No	DESCRIBE RESTRICTION	SPECIFY IF TIME/ WEIGHT LIMIT
Operate heavy equipment			
Operate a motor vehicle			
Use or operate radio equipment			
Does the employee's current medical condition limit the hours the employee is available to work?			
Does the employee's current medical condition affect the environment in which the employee may work?			
Does the employee's current medical condition require restrictions on the employee's exposure to heat or cold?			
Other			
Does the employee's current medical condition require the use of a wheelchair, motorized scooter, crutches or cane?			
Does the employee's current medical condition affect his/her vision?			
Does the employee's current medical condition affect his/her hearing?			
Does the employee's current medical condition affect his/her mental/emotional functions?			
Does the employee's current medical condition affect any other ability? Identify.			

6. Please explain why you answered yes to any of the above questions. Use additional sheets if necessary.

7. If you have any additional information that is relevant to the patient's work ability as related to the attached job description and accommodation request, please indicate below.

I certify that the information given is true and correct.

\_\_\_\_\_  
Signature of Physician or Practitioner

\_\_\_\_\_  
Date

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Type of Practice (Field of Specialization if any): \_\_\_\_\_

**CITY OF CHICAGO**

**RESPONSE TO REASONABLE ACCOMMODATION REQUEST: REQUEST DENIED**

Department: Fill out in compliance with the R/A Procedures for Employees and Applicants with Disabilities ("Procedural Manual"). Use additional sheets if necessary

Applicant/Employee Name:	Daytime Telephone:
Job Title Requesting Accommodation for:	Department/Bureau/Division:

1. Explain the reason for denying the accommodation request. Refer to the R/A Procedures for Employees and Applicants with Disabilities ("Procedural Manual").

- Individual is not a qualified individual with a disability
- Medical documentation is inadequate
- Request is deemed to be of a personal nature
- Accommodation request eliminates essential functions
- Accommodation fundamentally alters Department services
- Accommodation poses a direct threat to self or others
- Other. Identify reason: \_\_\_\_\_

2. Detail the specific reason(s) for the denial:

3. How was the applicant/employee consulted and the results of the consultation:

RECOMMENDED BY:

\_\_\_\_\_  
Supervisor Date

or

\_\_\_\_\_  
Department Disability Liaison Date

AUTHORIZED BY:

\_\_\_\_\_  
Department/Agency Head or designee Date

Notice of appeal: You may appeal this decision to the City of Chicago's Reasonable Accommodation Review Board. The appeal must be submitted within 30 days from the date of notification by the Department. An appeal form is attached.

You may contact the following agencies if you would like to pursue or explore legal remedies that may be available to you: The Equal Employment Opportunity Commission 312/353-2713 (Voice); 312/353-2421 (TTY), the Illinois Department of Human Rights 312/814-6200 (Voice); 312/263-1579 (TTY) and the Chicago Commission on Human Relations 312/744-4111 (Voice); 312/744-1088 (TTY).

**CITY OF CHICAGO**  
**RESPONSE TO REASONABLE ACCOMMODATION REQUEST:**  
**ACCOMMODATION OFFERED/GRANTED**

Department: Fill out in compliance with the R/A Procedures for Employee and Applicants with Disabilities ("Procedural Manual"). Use additional sheets if necessary.

Applicant/Employee Name:	Daytime Telephone:
Job Title Requesting Accommodation for:	Department/Bureau/Division:
1. Describe the accommodation offered:	
2. Date accommodation offered:	
3. Did the applicant/employee accept or reject the accommodation? If the employee/applicant rejected the offer, explain.	

RECOMMENDED BY:

\_\_\_\_\_  
 Supervisor Date

or

\_\_\_\_\_  
 Department Disability Liaison Date

AUTHORIZED BY:

\_\_\_\_\_  
 Department/Agency Head or designee Date

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Date Request Rec'd: \_\_\_\_\_

By: \_\_\_\_\_

MOPD

This form may contain confidential information and  
must be kept separate from personnel records.

For Use By MOPD Only

**CITY OF CHICAGO**

**REASONABLE ACCOMMODATION APPEAL REQUEST FORM**

Alternative formats or assistance in filling out this form are available upon request.

Name of Applicant/Employee Requesting Appeal:	Daytime Telephone:
Job Title Requesting Accommodation for:	Department Processing Request:
1. Specify the date you received the City's Response to Request for Reasonable Accommodation.	
2. State the reasons for your appeal and specify any disagreement with the denial of your request. Attach additional pages if necessary.	
3. Indicate any alternative suggestions for a reasonable accommodation.	

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Submit Appeal Request and original documentation submitted with the Reasonable Accommodation Request.

Commissioner, Mayor's Office for People with Disabilities

City of Chicago

121 North LaSalle Street

Room 1104

Chicago, IL 60602

**CITY OF CHICAGO**  
**REASONABLE ACCOMMODATION REVIEW BOARD**  
**APPEALS DECISION FORM**

The Reasonable Accommodation Review Board has reviewed the evidence submitted. The following is the Board's decision:

- [ ] The Board overturns the Department's decision. Further,
- [ ] The Department/Agency is directed to dialog further in the interactive process with the applicant/employee to find a reasonable accommodation;
  - [ ] The Department/Agency is directed to provide the requested accommodation; or
  - [ ] The Department/Agency is directed to provide the following accommodation:

- 
- [ ] The Board upholds the Department's response to the applicant/employee's request for accommodation. Detail the specific reason(s) for the determination.
- 
- 
- 

**BY:**

\_\_\_\_\_  
Commissioner of the Mayor's Office for People with Disabilities or designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner of Human Resources or designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Office of Budget and Management on specified matters

\_\_\_\_\_  
Date

You may contact the following agencies if you would like to pursue or explore legal remedies that may be available to you: The Equal Employment Opportunity Commission 312/353-2713 (Voice); 312/353-2421 (TTY), the Illinois Department of Human Rights 312/814-6200 (Voice); 312/263-1579 (TTY) and the Chicago Commission on Human Relations 312/744-4111 (Voice); 312/744-1088 (TTY).

## Checklist for Considering Accommodation Request

- 1. The employee/applicant requested an accommodation on \_\_\_\_\_, 20\_\_\_\_. The employee/applicant filled out *The City of Chicago Employee Reasonable Accommodation Request Form* and the Department confirmed receipt by signing the upper-right-hand corner of the form and returning it to the employee/applicant.
- 2. Discuss the accommodation request with the employee/applicant in an ongoing dialogue.
- 3. When the disability is not obvious or otherwise already known, request medical documentation related to the condition and the accommodation sought.
  - a. Give the employee/applicant *The Accommodation Request Medical Questionnaire* for his/her healthcare provider to fill out.
  - b. Evaluate all documentation, consulting with MOPD as necessary.
  - c. If medical documentation is incomplete, notify the employee/application of documentation required.
  - d. Keep medical documentation obtained confidential and in locked files, separate from the individual's personnel file.
- 4. Complete the *Supervisor-DDL Worksheet for Evaluating Reasonable Accommodation Request*.
- 5. In determining whether to grant or deny the requested accommodation, consider the factors listed in the R/A Procedures for Employee and Applicants with Disabilities, Step 6, including:
  - a. Does the individual have a **disability**?  Yes  No
  - b. Is the disability obvious or is the medical documentation adequate to establish that the individual has a disability and needs a reasonable accommodation?  Yes  No
  - c. Is the individual a **qualified individual with a disability**?  Yes  No
  - d. Is the accommodation request related to the individual's disability?  Yes  No
  - e. Is the requested accommodation job related?  Yes  No
  - f. Did the individual follow through with the reasonable accommodation process and engage in the **interactive process**?  Yes  No

If you answered **YES** to any of the questions above (a–f), generally the City does need to provide a Reasonable Accommodation. Consult with the Disability Liaison, MOPD, or Legal Counsel as necessary.

- g. Does the accommodation request eliminate **essential job function(s)**?  Yes  No
- h. Does the accommodation request fundamentally alter Department services?  Yes  No
- i. Does the accommodation pose a **direct threat** to self or others?  Yes  No
- j. Has the **Reasonable Accommodation Fund Manager** determined an accommodation would impose an **undue burden**?  Yes  No

If the answer is **YES** to any of the questions above (g–j), generally the City does not need to provide the requested Accommodation. Continue the interactive process as necessary and consider possible alternative accommodations.

- 6. Notify the employee/applicant as soon as possible of the Department's determination.

*Time limit: Make every effort to process and make a determination as soon as possible, but not more than 25 days, absent extenuating circumstances.*



## Disability Statistics

According to the United States Department of Labor, an individual has a disability, when s/he has:

- a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a history of such an impairment; or
- being regarded as having such impairment.

### **National Statistics**

The United States Census Bureau, Census 2000 counted 49.7 million Americans (civilian non-institutionalized population) with some type of long lasting condition or disability.<sup>2</sup>

According to a report released on May 12, 2006 by the U.S. Census Bureau, more than 50 million Americans reported some level of disability. About 18 percent of Americans in 2002 said they had a disability, and 12 percent had a severe disability.

Among people with disabilities, more than half of those 21 to 64 years old had a job, more than 4 in 10 of those ages 15 to 64 used a computer at home and a quarter of those age 25 to 64 had a college degree.

About 56 percent of people ages 21 to 64 who had a disability were employed at some point in the one-year period prior to the interview. People with a severe disability status reported the lowest employment rate (42 percent). This compared with the employment rates of people with a nonsevere disability (82 percent) and those with no reported disability (88 percent).

Similarly, 32 percent of people ages 25 to 64 with a nonsevere disability and 22 percent with a significant disability were college graduates. The corresponding rate for those without a disability was 43 percent.<sup>3</sup>

### **Local Statistics**

The 2004 American Community Survey, United States Census Bureau, reported the following disability characteristics, as it relates to **employment status for Chicago, Illinois:**<sup>4</sup>

- 1.8 million people between ages 16 and 64 reported having a disability; of those, 29.6 percent were employed.
- 38,480 reported having a sensory disability involving sight or hearing; of those, 34.6 percent were employed.
- 104,290 reported a physical disability; of those, 25.5 percent were employed.
- 59,874 reported a mental disability; of those, 24.5 percent were employed.
- 1.6 million reported no disability; of those, 67.1 percent were employed.

*Disclaimer: Data is subject to sampling variability and other sources of errors.*

<sup>2</sup>U.S. Department of Labor. Disability Statistics 2000, Census 2000 Brief. <[www.dol.gov](http://www.dol.gov)>. Accessed on 2006 May 25.

<sup>3</sup>U.S. Census Bureau news [www.census.gov/Press-Release/www/releases/archives/aging\\_population/006809.html](http://www.census.gov/Press-Release/www/releases/archives/aging_population/006809.html). Accessed on 2006 Jun 26.

<sup>4</sup>U.S. Census Bureau. AmericanFactfinder. Chicagocity, Illinois.S1801.Disability Characteristics. <[factfinder.census.gov](http://factfinder.census.gov)>. Accessed 2006 May 17.

## Disability Awareness and Etiquette Information

- Speak directly to the person rather than through a companion or sign language interpreter who may be present. Tap someone who is deaf on the shoulder or wave your hand to get his or her attention.
- When referring to someone with a disability, never use the word "handicap." It's more appropriate to use a person's name or, say "a person with a disability."
- Always identify yourself and others who may be present when meeting someone with a visual disability, and announce when you are leaving.
- Never provide assistance without asking: instead offer assistance, wait until the offer is accepted, then listen and ask for instructions. Never assume someone needs assistance.
- Treat adults as adults.
- Do not lean against or hang on someone's wheelchair or grab their mobility device without permission. It is considered a part of their personal space.
- Listen attentively when talking with people who have difficulty speaking and wait for them to finish. Don't pretend you understand what someone is saying if you don't. Ask the individual to repeat what was said if you don't understand. You may need to ask questions that require short answers or a nod or a shake of the head.
- Don't try to pet, feed, or do anything that might otherwise distract a service animal from performing its job. It is there to aid the mobility and/or to provide support to the person with a disability. It is a working animal and you shouldn't pet it unless you have permission from the owner.
- Relax, don't be embarrassed: it's okay if you happen to use common expressions, such as "did you see that" to a person who is blind, or "we can walk to the store from here," to a person using a wheelchair.

# Service Animals

## Background

Over 12,000 people with disabilities use the aid of service animals. Although the most familiar types of service animals are guide dogs used by people who are blind, service animals are assisting persons who have other disabilities as well. Many disabling conditions are invisible. Therefore, every person who is accompanied by a service animal may or may not "look" disabled. A service animal is NOT required to have any special certification.

- **What is a Service Animal?**

A service animal is NOT a pet! According to the Americans with Disabilities Act of 1990 (ADA), a service animal is any animal that has been individually trained to provide assistance or perform tasks for the benefit of a person with a physical or mental disability, which substantially limits one or more major life functions.

- **Service Animal Access**

The civil rights of persons with disabilities to be accompanied by their service animals in all places of public and housing accommodations is protected by the following Federal laws:

- Americans with Disabilities Act, ADA (1990)
- Air Carrier Access Act (1986)
- Fair Housing Amendments Act (1988)
- Rehabilitation Act (1973)

## Service Animal Etiquette

- Do not touch the Service Animal, or the person it assists, without permission from the owner.
- Do not make noises at the Service Animal; it may distract the animal from doing its job.
- Do not feed the Service Animal; it may disrupt his/her schedule.
- Do not be offended if the person does not feel like discussing his/her disability or the assistance the Service Animal provides. Not everyone wants to be a walking-talking "show and tell" exhibit.

# Disability Terminology

Unacceptable Terminology	Acceptable Terminology
<b>Cripple.</b>	Person with a disability.
Bob is an <b>epileptic.</b>	Bob has epilepsy.
<b>Handicap, handicapped person or handicapped.</b>	Disability; a general term that refers to a physical or mental impairment that substantially limits one or more major life activities such as performing manual tasks, walking, hearing, speaking, breathing and learning.
<b>Cerebral palsied, spinal cord injured, etc.</b> Never identify people solely by their disability.	People with cerebral palsy, people with spinal cord injuries.
<b>Victim.</b>	Person who had a spinal cord injury, polio, a stroke, etc. or a person who has multiple sclerosis, muscular dystrophy, arthritis, etc.
<b>Defective. Defect. Deformed.</b> These words are offensive, dehumanizing, degrading and stigmatizing.	Has a disability, has a condition of (spina bifida, etc.), or born without legs, etc.
<b>Deaf and Dumb/Mute.</b>	Deafness/Hard of Hearing. Deafness refers to a person who has a total loss of hearing. Hard of hearing refers to a person who has a partial loss of hearing within a range from slight to severe. Hard of hearing describes a person with hearing loss who communicates through speaking, and who usually has listening and hearing abilities adequate for ordinary telephone communication. Many hard of hearing individuals use a hearing aid.
<b>Retarded, moron, crazy, imbecile, or idiot.</b>	Person who has a mental or developmental disability.
<b>Confined/restricted to a wheelchair; wheelchair bound.</b> Most people who use a wheelchair or mobility devices do not regard them as confining. They are viewed as liberating; a means of getting around.	Use a wheelchair or crutches; a wheelchair user; walks with crutches.
<b>Healthy</b> , when used to contrast with having a disability. Healthy implies that the person with a disability is sick.	Many people with disabilities have excellent health. Healthy is not synonymous with non-disabled. Unhealthy/sick is not synonymous with disabled.
<b>Normal.</b> When used as the opposite of having a disability, this implies that the person is abnormal.	No one wants to be considered as abnormal.
<b>Afflicted or suffers from.</b> A disability is not an affliction.	A person with or without a disability. Example: A person who has multiple sclerosis.

## Frequently Asked Reasonable Accommodation Questions

**Q. What are my obligations to provide reasonable accommodations?**

**A.** The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. In addition, an employer is not required to make an accommodation if it would impose an "undue burden" on the operation of the employer's business. "Undue burden" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue burden is determined on a case-by-case basis.

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**Q. How does our department pay for an accommodation?**

**A.** If your City department does not have the money to pay for an accommodation for an individual at any stage of the employment process, contact the Reasonable Accommodation Fund manager at the Mayor's Office for People with Disabilities. The Reasonable Accommodation Fund (RAF) was developed to assist and used to support the provision of reasonable accommodations of employees/applicants with disabilities citywide.

**Q. Does an employer have to change a person's supervisor as a form of reasonable accommodation?**

**A.** No. An employer does not have to provide an employee with a new supervisor as a reasonable accommodation. Nothing in the ADA, however, prohibits an employer from doing so. Furthermore, although an employer is not required to change supervisors, the ADA may require that supervisory methods be altered as a form of reasonable accommodation. In addition, an employee with a disability is protected from disability-based discrimination by a supervisor, including disability-based harassment.

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**Q. Must an employer withhold discipline or termination of an employee who, because of a disability, violated a conduct rule that is job-related for the position in question and consistent with business necessity?**

**A.** No. An employer never has to excuse a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity. This means, for example, that an employer never has to tolerate or excuse violence, threats of violence, stealing, or destruction of property. An employer may discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.

## Frequently Asked Reasonable Accommodation Questions

**Q. *Is it a reasonable accommodation to make sure that an employee takes medication as prescribed?***

**A.** No. Medication monitoring is not a reasonable accommodation. Employers have no obligation to monitor medication because doing so does not remove a workplace barrier. Similarly, an employer has no responsibility to monitor an employee's medical treatment or ensure that s/he is receiving appropriate treatment because such treatment does not involve modifying workplace barriers.

It may be a form of reasonable accommodation, however, to give an employee a break in order that s/he may take medication, or to grant leave so that an employee may obtain treatment.

---

**Q. *May an employer tell other employees that an individual is receiving a reasonable accommodation when employees ask questions about a coworker with a disability?***

**A.** No. An employer may not disclose that an employee is receiving a reasonable accommodation because this usually amounts to a disclosure that the individual has a disability. The ADA specifically prohibits the disclosure of medical information except in certain limited situations, which do not include disclosure to coworkers.

An employer may certainly respond to a question from an employee about why a coworker is receiving what is perceived as "different" or "special" treatment by

emphasizing the City's policy of assisting any employee who encounters difficulties in the workplace. The employer may also reassure the employee asking the question that his/her privacy would similarly be respected if s/he found it necessary to ask the employer for some kind of workplace change for personal reasons.

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**Q. *Can an employer be required to reallocate an essential function of a job to another employee as a reasonable accommodation?***

**A.** No. An employer is not required to reallocate essential functions of a job as a reasonable accommodation, but is required to re-allocate non-essential functions.

---

**Q. *Can an employer be required to modify, adjust, or make other reasonable accommodations in the way a test is given to a qualified applicant or employee with a disability?***

**A.** Yes. Accommodations may be needed to assure that examinations measure the actual ability of an individual to perform job functions rather than reflect limitations caused by the disability. Examinations should be given to people who have sensory, speaking, or manual impairments in a format that does not require the use of the impaired skill, unless it is a job-related skill that the test is designed to measure.

## Frequently Asked Reasonable Accommodation Questions

**Q. Can an employer maintain existing production/performance standards for an employee with a disability?**

**A.** An employer can hold employees with disabilities to the same standards of production/performance as other similarly situated employees without disabilities for performing essential job functions, with or without reasonable accommodation. An employer also can hold employees with disabilities to the same standards of production/performance as other employees regarding marginal functions unless the disability affects the person's ability to perform those marginal functions. If the ability to perform marginal functions is affected by the disability, the employer must provide some type of reasonable accommodation such as job restructuring but may not exclude an individual with a disability who is satisfactorily performing a job's essential functions.

---

**Q. Are applicants or employees who are currently illegally using drugs covered by the ADA?**

**A.** No. Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a "qualified individual with a disability" protected by the ADA when the employer takes action based on their drug use.

**Q. Is testing for the illegal use of drugs permissible under the ADA?**

**A.** Yes. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results. The ADA does not encourage, prohibit, or authorize drug tests.

If the results of a drug test reveal the presence of a lawfully prescribed drug or other medical information, such information must be treated as a confidential medical record.

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**Q. Are alcoholics covered by the ADA?**

**A.** Yes. An alcoholic is a person with a disability and is protected by the ADA if s/he is qualified to perform the essential functions of the job. An employer may be required to provide an accommodation to an alcoholic. However, an employer can discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct. An employer also may prohibit the use of alcohol in the workplace and can require that employees not be under the influence of alcohol.<sup>5</sup>

<sup>5</sup> < <http://www.usdoj.gov/crt/ada/employt.htm> > Accessed on 2006 May 25.

## Examples of Accommodations Provided in the Application Process

**Example A:** An applicant comes to City Hall to complete a computer-based application. Due to a disability, the individual requires an accessible keyboard to complete the process. The Department of Human Resources does not have any adapted keyboards at that facility. The Department of Human Resources would need to modify the application process to obtain the adapted keyboard and reschedule the applicant to complete the computer-based process.

**Example B:** An applicant who is blind requests that a written test be read to him as a reasonable accommodation. The city department proposes to provide the applicant with a Braille version of the test, but the applicant explains that he cannot read Braille. Thus, a Braille version would not be an effective accommodation. The City Department then proposes to provide the applicant with an audiotape version of the test. While the applicant preferred to have someone read the questions to him, the audiotape version meets his needs and thus is acceptable as a reasonable accommodation.

**Example C:** A City Department gives a written test for a position that requires providing assistance to patrons in locating reference materials. The ability to read written text is an essential function. The City Department is required to offer this test in a different format (e.g., orally) to an applicant who has dyslexia.

**Example D:** The City requires applicants to provide a writing sample for an attorney position. The applicant has dyslexia and requests additional time to complete the sample. The Department is unfamiliar with dyslexia and requests information about the medical condition and why the accommodation is necessary. The applicant must provide this information from a qualified professional using the Accommodation Request Medical Questionnaire. Upon review of the documentation, the Department determines that the accommodation is appropriate and grants time and a half.

## Examples of Accommodations Provided in the Interview Process

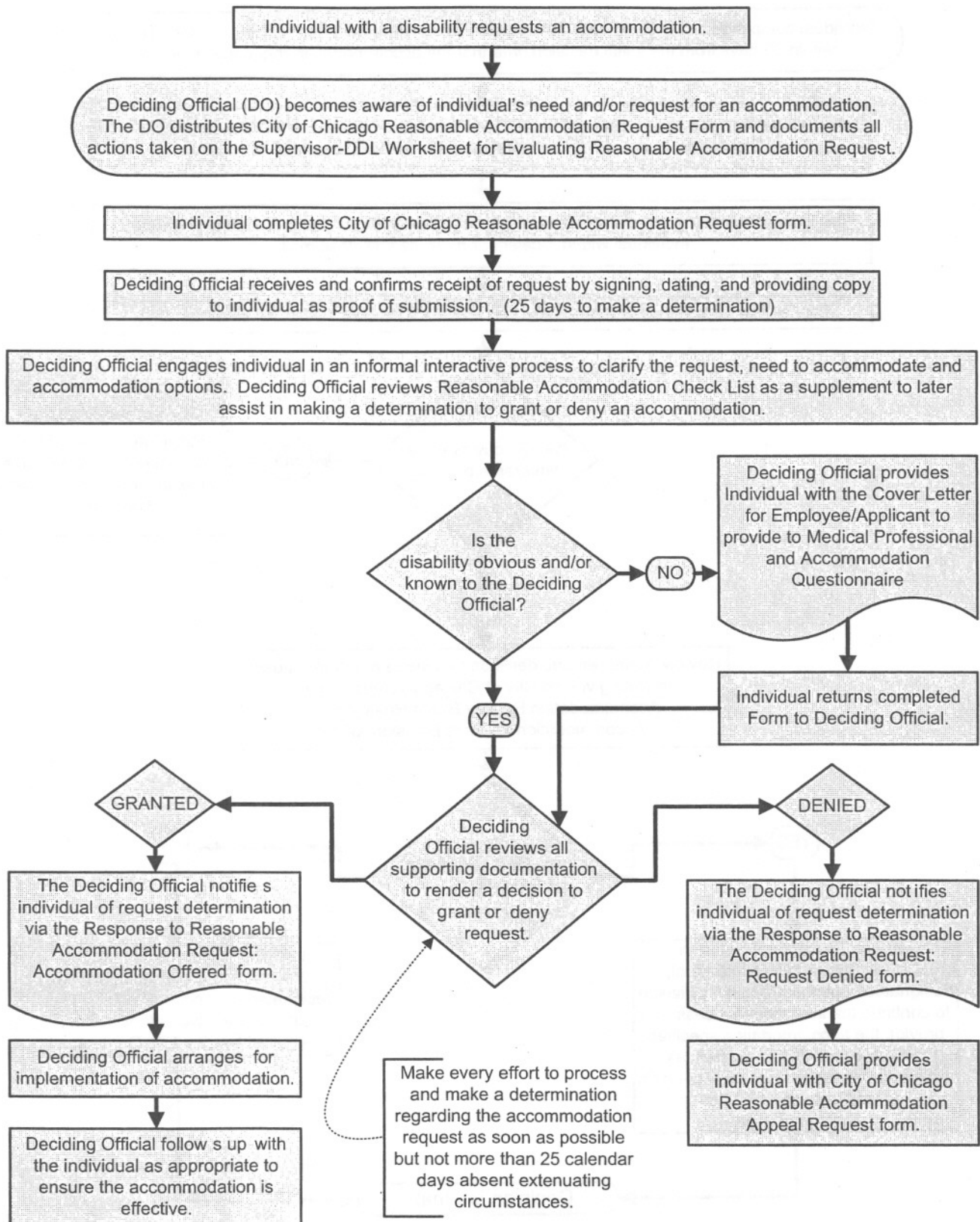
**Example A:** A City Department conducts job interviews in its second floor office. There is no elevator in this building. The department calls the applicant to arrange for an interview for a secretarial position and tells her to report to their second floor office on a specified date. The applicant identifies that she uses a wheelchair and asks if there is an elevator. The department should make arrangements to conduct the interview in an accessible location.

**Example B:** The Department contacts an applicant of a position eligible list to come in for an interview. The applicant, who is deaf, requests a sign language interpreter for the interview. The Department cancels the interview and refuses to consider this applicant because it believes it would have to hire a full-time interpreter. This is not an appropriate response. The Department should have rescheduled the interview, utilizing a sign language interpreter.

**Disclaimer:** Examples depicted herein are fictional.



# Reasonable Accommodation Request Process



# Reasonable Accommodation Appeals Process

