CITY OF PROVIDENCE

2.3 ADA AND REASONABLE ACCOMMODATION POLICY

Purpose

This policy, in accordance with the Americans with Disabilities Act (ADA), ensures that public services and employment within the City of Providence are accessible and free from discrimination to individuals with disabilities. It establishes procedures for requesting and processing reasonable accommodations to enable qualified individuals to participate in or perform essential job functions without undue hardship to the City of Providence.

Scope

This policy applies to all employees, applicants, contractors, and volunteers associated with the City of Providence.

Definitions

Americans with Disabilities Act (ADA): Signed into law on July 26th, 1990, the ADA is a federal civil rights law that prohibits discrimination based on disability and mandates equal access to employment and public services.

Disability: A physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment.

Essential Job Function: A job duty fundamental to the position. Considerations include time spent on the function, consequences of not performing it, and written job descriptions.

Undue Hardship: An action requiring significant difficulty or expense when considered in light of the employer's size, resources, and nature of operations.

Interactive Process: A mandatory, good-faith dialogue between employers and employees to identify reasonable accommodations for disabilities, enabling employees to perform essential job functions.

Policy

The City of Providence, through the Department of People & Culture (DPC), is committed to providing equal employment opportunities for qualified individuals with disabilities. Upon being notified that a qualified individual requires accommodation to fulfill the essential functions of their job, the City will engage in a good-faith effort to provide reasonable accommodation, provided it does not pose an undue hardship.

1. **Essential Functions**
   - A. A job function may be considered essential for several reasons, including but not limited to the following:
     1. The function may be essential because the position exists to perform that function.
     2. The function may be essential due to the limited number of employees available, among whom the performance of that job function can be distributed.
     3. The function may be highly specialized, so that the incumbent in the position is hired for their expertise or ability to perform the function.
   - B. Evidence of whether a particular function is essential includes, but is not limited to:
     1. The employer's judgment as to which functions are essential.
     2. Written job descriptions prepared before advertising or interviewing applicants for the job.
     3. The amount of time spent on the job performing the function.
     4. The consequences of not requiring the incumbent to perform the function.
     5. The terms of a collective bargaining agreement.

6. The work experience of past incumbents in the job.
7. The current work experience of incumbents in similar jobs.

2. **Reasonable Accommodation**
   A. The City is committed to supporting the success of its employees, upholding the values of wellness and health, and providing employees with the resources needed to enable their ability to perform the functions of their jobs to the extent practical and allowed by law.
   B. Reasonable accommodations are considered adjustments or modifications to the job or work environment that enable a qualified individual to perform essential job duties or enable equal access to benefits. For example:
      1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position they desire.
      2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position.
      3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges or employment as are enjoyed by its other similarly situated employees without disabilities.
   C. **Undue Hardship:** The concept of undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business. Accordingly, whether a particular accommodation will impose an undue hardship must always be determined on a case-by-case basis.

3. **Reasonable Accommodation Process**
   A. **Requesting Accommodation:** Employees or applicants may request accommodation verbally or in writing to their department director, hiring manager, or directly to DPC – OSHA, via the Director of OSHA. The City is committed to addressing all accommodation requests in a prompt and professional manner.
   B. **Participating in the Interactive Process**: Upon receiving a request, DPC-OSHA will engage in an interactive process to clarify limitations and identify suitable accommodations. The employee will be asked to provide documentation and participate in discussions to help determine adequate and effective accommodation.
   C. **Process Timeline and Documentation**
      The following is a summarization of the processing timeline and its phases. It is not to be construed as a deadline or uniform for each case as circumstances, contingencies, and information varies.
      1. **Day 1–3:** Acknowledge receipt of the accommodation request.
      2. **By Day 5:** Initiate contact with the employee (or their representative) to begin the interactive process and gather any required documentation.
      3. **Days 5–10:** Confirm receipt of all required documentation. Complete the review, conduct any additional interactive discussions (if necessary), and issue a determination or proposed accommodation.
      4. **If delays occur:** (e.g., awaiting input from a healthcare provider, department leadership, or legal review), notify the employee and provide an updated timeframe.
   D. **Medical Information**:
      1. If the disability or need for accommodation is not immediately apparent, documentation from a licensed medical professional may be requested. In such cases, the employee or applicant may be asked to complete a form of release for information and documentation relevant to their requests.
      2. The City will provide the employee's job description to the provider to support evaluation. Documentation should outline:

1. The nature, extent, and expected duration of disability.
2. The impact on the ability to perform essential job functions.
3. Recommended accommodations to perform the essential functions of the job.

3. If documentation is insufficient, the employee will be allowed to supplement the request. A failure to respond may be interpreted as a lack of participation in the interactive process and may serve as a legitimate basis for denying your reasonable accommodation request.

E. **Determination**: DPC-OSHA will evaluate the request and documentation to determine whether the individual is a qualified person with a disability. Employees are expected to understand the following:
1. The City is not obliged to provide the preferred accommodation if an alternative is equally effective.
2. Approved accommodation will be documented and monitored for effectiveness.
3. Denied requests will include reasons and offer alternative suggestions where possible.

4. **Confidentiality**:

B. All medical documentation and related accommodation information will be maintained confidentially in accordance with ADA and the Health Insurance Portability and Accountability Act (HIPAA).

C. Information may only be shared with:
1. Supervisors, and management personnel to implement work-related accommodations.
2. First aid and safety personnel as needed.
3. Others as necessary and permitted by HIPAA and City policy.

5. **Complaint Process**

A. Individuals who believe they have been unfairly denied accommodation or discriminated against due to a disability or perceived disability may contact the Department of People & Culture.

B. Additionally, individuals may also file a complaint with:

Rhode Island Commission for Human Rights
180 Westminster Street, Providence, RI 02903
Phone: (401) 222-2661
Website: http://www.richr.ri.gov/