

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

15 – ADA Compliance Manual

15.01 **ADA COMPLIANCE MANUAL**

The City is committed to providing individuals with disabilities employment opportunities in compliance with the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and their implementing regulations (collectively referred to hereinafter as the “ADA”).

The Mayor shall designate an employee as the City’s ADA Coordinator, who from time to time may convene a Reasonable Accommodation Committee to address concerns related to reasonable accommodations in employment and in testing procedures and to discuss issues related to ADA complaints filed against the City. The Reasonable Accommodation Committee shall be composed of the ADA Coordinator, the Civil Service Director, and the Director of Finance and Accountability, or their designees. A member of the Law Department, assigned by the Director of Law, shall serve in an advisory capacity. The Committee will have the option to consult with technical advisors in the community as they deem necessary in the evaluation of any request or complaint. All Department Heads are responsible for being fully familiar with and in compliance with the law as it relates to their departmental operations. The ADA Coordinator will provide technical assistance upon request.

I. GENERAL INFORMATION

The ADA consists of federal statutes generally prohibiting discrimination against qualified individuals with disabilities in regard to any terms or conditions of employment. This includes application, hiring, promotion, discharge, training, and compensation. In addition to ensuring equal opportunities in employment, the ADA was designed to afford full participation of persons with disabilities in all aspects of life including communications, education, recreation, travel, and socialization. Further, the ADA requires that governmental facilities, programs, and public transportation be accessible to and usable by persons with disabilities.

II. GUIDANCE--DEPARTMENTAL FUNCTIONS

Department Heads should ensure that their employees are aware of the different titles of the ADA and how they affect the operations of the department. This includes physical facilities in which the department conducts its business; all communications with the public, including public hearings and meetings, as well as written documents; services provided to citizens of the City; services and benefits provided to City employees; and any other activities of any department affected by the provisions of the ADA.

A special note about public meetings and hearings: Departments should always schedule meetings in physically accessible locations, and meeting announcements should be made in accessible formats whenever possible. In published notices, the following statement should always appear: **“If you are a person with a disability who requires an accommodation in order to attend a City of Knoxville public meeting, please contact the City of Knoxville’s**

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ADA Coordinator, Stephanie Brewer Cook, at scook@knoxvilletn.gov or 865-215-2034 no less than 72 hours prior to the meeting you wish to attend.

Department Heads should sensitize their employees to the implications of the ADA, so that, if there is any question, the employees of the department will know to ask for assistance from the Department Head or from the ADA Coordinator. Especially important to managers and supervisors will be the reasonable accommodation procedures listed in detail below.

III. REASONABLE ACCOMMODATIONS IN EMPLOYMENT

The ADA allows a qualified individual with a disability to seek a reasonable accommodation of his/her disability. Reasonable accommodation shall be provided to an employee with a disability when such accommodation enables the employee to perform the essential functions of his/her job, unless the accommodation would cause undue hardship or pose a direct threat to the health or safety of the employee or others. Reasonable accommodation shall also be provided to all qualified applicants with disabilities who notify the City that they require accommodation in the application or testing process, unless such accommodation would cause an undue hardship or pose a direct threat to the health or safety of the applicant or others.

A reasonable accommodation may include:

- (a) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (b) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The requirement to provide a reasonable accommodation does not obligate the City to provide the “best” accommodation or the exact accommodation that an applicant or employee may desire. Each request for a reasonable accommodation must be examined on a case-by-case basis to determine whether it will be effective, whether there are less costly or more efficient alternatives, or whether the requested and/or available accommodations create an undue hardship or a direct threat to the health or safety of the employee or others.

EMPLOYEES

A City employee with a disability has the right to request a reasonable accommodation in order to be considered for a position, to perform the essential functions of a position, and/or to enjoy equal benefits and privileges of employment with the City of Knoxville. Employees may request a reasonable

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accommodation at any time, and may request additional reasonable accommodations if needs change.

To request a reasonable accommodation in the performance of the essential functions of a job, a current City employee, or his/her representative, must let the employee's supervisor know that he/she needs an adjustment or change at work for a reason related to a medical condition. The employee does not have to use any special words such as "reasonable accommodation" and does not have to put the request in writing. However, it is helpful to describe needs as specifically as possible. The more information provided to the supervisor, the better he or she will be able to meet the employee's needs. Upon notification, the supervisor shall provide the employee with an Employee Accommodation Request Form (or shall complete the form for the employee if the employee is unable to do so) and shall send the completed form to the ADA Coordinator. The supervisor, in cooperation with the Department Head and the ADA Coordinator, shall then engage in an informal process with the employee to clarify what the employee needs and to identify the appropriate reasonable accommodation. The employee may be asked relevant questions about the request, to include asking what type of reasonable accommodation is needed and to request medical documentation as appropriate and necessary.

In certain instances, when the nature of a disability or the need for a reasonable accommodation is not clear, the City may request medical information about the employee's functional impairment and his/her need for a reasonable accommodation in order to evaluate the request. If the medical information does not clearly support the requested accommodation, supplemental medical information may be requested. The employee has a responsibility to provide appropriate medical information when requested. Failure to provide appropriate medical information can result in the denial of a reasonable accommodation request. Medical information obtained in connection with a reasonable accommodation request will be placed in a file separate from the personnel file or job application, and will be kept confidential in accordance with applicable law. A Department Head has the authority to approve reasonable accommodation requests. Reasonable accommodations that require the purchase of special equipment or services, reconfiguring work spaces, reassignment, or reasonable accommodations that cannot be provided solely by the Department should be discussed with the ADA Coordinator.

As soon as practical, the Department Head shall respond in writing to the employee, informing him/her either that the accommodation has been approved (including a description of any proposed modification of the request and an implementation date) or denied. Copies of all correspondence should be forwarded to the ADA Coordinator. If additional time is required to provide an approved accommodation, the supervisor will notify the employee of the expected date that the accommodation will be provided and discuss whether there are any temporary measures that can assist the employee until a final decision has been made.

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If the employee receives a negative response from the Department Head, he/she may appeal the decision to the Reasonable Accommodation Committee. Within 10 days after receiving the original denial from the Department Head, the employee must file an appeal with the ADA Coordinator. A copy of the original Employee Accommodation Request Form, as well as a copy of the Departmental response, must be submitted to the ADA Coordinator along with the request for appeal. Within 15 days, the ADA Coordinator will convene the Reasonable Accommodation Committee to review the situation and make a decision on the appeal. The employee will be notified in writing of the Committee's final decision. If the Reasonable Accommodation Committee denies the request, the employee may file a grievance in accordance with Article 28 of the Civil Service Merit Board Rules and Regulations.

APPLICANTS

To request a reasonable accommodation in the employment testing and evaluation process, an applicant for employment with the City must contact the Civil Service Department and request an accommodation. An Applicant Accommodation Request Form is available on the City's employment and application website at www.knoxvilletn.gov in order to expedite the request process. This form can be completed and returned to the Civil Service Department. Any applicant requiring special assistance to prepare an Applicant Accommodation Request Form may contact Civil Service or the ADA Coordinator for assistance. Medical documentation (if necessary) may be requested.

The Civil Service Director will review the request, and shall respond in writing to the applicant as soon as possible, informing him/her either that the accommodation has been approved (including a description of any proposed modification of the request and an implementation date) or denied. Copies of all correspondence shall be forwarded to the ADA Coordinator.

If the applicant received a negative response from the Civil Service Director, he may appeal the decision to the Reasonable Accommodation Committee. Within 10 days of receiving the original denial from Civil Service, the applicant must file an appeal with the ADA Coordinator. A copy of the original request, as well as a copy of the Civil Service response, must be submitted to the ADA Coordinator along with the request for appeal. Within 15 days, the ADA Coordinator will convene the Reasonable Accommodation Committee to review the situation. The Committee may recommend that Civil Service reconsider its decision; however, the final decision regarding any accommodation to the testing system will rest with Civil Service. The applicant will be notified in writing of the final decision of Civil Service regarding the accommodation request.

IV. ADA GRIEVANCE PROCEDURE FOR EMPLOYEES

Any complaint from an employee alleging discrimination by the City of Knoxville on the basis of a disability should follow the procedures established in Article 17 of the Civil Service Merit Board Rules. Alternative means of filing complaints will be made available for persons with disabilities upon request. All written

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complaints, appeals, and responses relating to alleged discrimination on the basis of a disability will be retained by the City of Knoxville for at least 3 years.

V. ADA GRIEVANCE PROCEDURE FOR NON-EMPLOYEES

If an employee receives an ADA-based complaint from a member of the general public, the employee should refer the complainant to the City of Knoxville's Grievance Procedure under the Americans with Disabilities Act (not included in these Administrative Rules), which governs such complaints and requires submission of a written complaint to the ADA Coordinator for investigation.