

SECTION 202: AMERICANS WITH DISABILITIES ACT

202.1 POLICY: Black Hawk County is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act of 2008 (ADAAA), and any related state or local laws. The ADA protects a qualified individual with a disability from disparate treatment or harassment based on disability, and also provides that, absent undue hardship, a qualified individual with a disability is entitled to reasonable accommodation to perform, or apply for, a job or to enjoy the benefits and privileges of employment.

202.2 SCOPE: This policy applies to all qualified individuals with a disability employed by Black Hawk County and to qualified applicants with a disability who have applied for employment with Black Hawk County.

202.3 DEFINITIONS:

DISABILITY: A person is an individual with a disability under the ADA when he or she: (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of a substantially limiting impairment; or (3) is regarded (treated by an employer) as having a substantially limiting impairment. This would include an impairment that may be episodic or in remission if such impairment, when active, would substantially limit a major life activity.

MAJOR LIFE ACTIVITIES: Basic activities that the average person can perform with little or no difficulty, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as (1) medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (2) use of assistive technology; (3) reasonable accommodations or auxiliary aids or services; or (4) learned behavioral or adaptive neurological modifications. Impairments that are minor and transitory (having an actual or expected duration of six months or less) are not considered disabilities under the ADA or ADAAA.

QUALIFIED INDIVIDUAL: To be qualified to perform a job under the ADA, an individual must satisfy the requisite skill, experience, education, and other job-related requirements ("qualification standards") of the position held or desired, and be able to perform the job's essential functions with or without a reasonable accommodation. Essential functions are the basic job duties that an employee must be able to perform based on

factors such as the reason the position exists, the number of other employees available to perform the function or among whom performance of the function can be distributed, and the degree of expertise or skill required to perform the function.

REASONABLE ACCOMMODATION: Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

202.4 REASONABLE ACCOMMODATION REQUEST PROCEDURE: Generally, an employer does not have to provide a reasonable accommodation unless an applicant or employee asks for one by either orally or in writing asking for some change relating to the application process or work due to a medical condition.

Black Hawk County encourages qualified individuals with disabilities to come forward and request reasonable accommodation if needed. An employee with a disability who believes he/she needs a reasonable accommodation to perform the essential functions of his/her job should contact his/her Department Head or the Human Resources Department.

Upon receiving a request for reasonable accommodation, the Department Head or Human Resources Department may ask for supporting medical information concerning the individual's impairment(s) to determine if he/she is an individual with a disability who needs the accommodation. The Human Resources Department and the affected Department Head or designee will also meet with the individual in an interactive process to clarify his/her needs.

The individual, given his/her understanding of the disability and the job, should identify possible accommodations that would meet his/her needs. If the individual explains the situation that requires accommodation, but does not or cannot specify a proposed solution, the employer, working with the individual as necessary, should determine what reasonable accommodation can be provided, if any.

Black Hawk County will determine the feasibility of the requested accommodation considering various factors including, but not limited to, the nature and cost of such accommodation, the availability of tax credits and deductions, outside funding, financial resources, and the accommodation's impact upon the operation of the department and the ability of other employees to perform their duties and conduct business.

Black Hawk County will inform the individual of its decision on the accommodation request or on how to adjust the working environment for a reasonable accommodation. The ADA does not require the County to make the best possible accommodation, to reallocate essential job functions, to provide personal use items (*i.e.*, eyeglasses, hearing aids, wheelchairs etc.), or to make accommodations that would impose an undue hardship on the County.

If more than one reasonable accommodation exists, the department may choose the least costly or difficult to provide, so long as it is effective. An accommodation is effective if it allows an individual with a disability to have an equal opportunity to compete for a job, to achieve the same level of performance as a non-disabled employee, or to enjoy equal access to the benefits and privileges of employment that are available to all employees.

Information obtained regarding the individual's medical condition or history will be maintained in a medical file within the Human Resources Department and will be treated as a confidential medical record, except that:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- Government officials investigating compliance with the ADA will be provided relevant information on request.

202.5 REPORTING VIOLATIONS: All incidents or suspected violations of this policy should be reported immediately to the Human Resources Department.