


<b>Subject:</b>  <b>Request for Accommodation</b>	<b>Departmental Policy No.</b>  3-53	
	<b>Effective: Upon Approval</b>	
<p><b>I. Purpose</b></p> <p>The Department of Public Works and Engineering (PWE) provides reasonable accommodation to qualified employees or applicants with disabilities unless to do so would cause undue hardship on the organization. PWE is committed to providing reasonable accommodations to its employees to ensure that individuals with disabilities enjoy equal access to all employment opportunities. PWE will process requests for reasonable accommodation and will provide accommodations where appropriate and reasonable, in a prompt and efficient manner in accordance with the time frames set forth in these procedures.</p> <p><b>II. Scope</b></p> <p>Applies to all requests unrelated to worker's compensation injury. The restrictions of employees injured on the job may instead be governed by the City's workability guidelines as established in EO 1-33.</p> <p><b>III. Definitions</b></p> <p><b>Disability Program Manager (DPM)</b> Oversees the reasonable accommodation program department wide.</p> <p><b>Reasonable accommodation</b> - any change in the workplace or the way things are customarily done that provides an accommodation to an employee with a disability enabling him/her to perform the essential functions of the job, to gain access to the workplace, and/or to enjoy equal access to benefits and privileges of employment. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and office events.</p>		
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#### **IV. Reasonable Accommodation Procedures**

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

An employee may request a reasonable accommodation at any time, verbally or in writing, by letting the DPM, Manager, or Supervisor know that there is a need for adjustment concerning some aspect of the job or benefit of employment related to a medical condition. If a request is given to a manager or supervisor rather than directly to the DPM, that individual should forward the request immediately and must do so within 2 business days.

All requests for accommodation must be documented, regardless of whether the request is oral or written. When an individual (or third party) makes an oral request, the DPM must ensure that the "Confirmation of Request" form is filled out (see Attachment A). The DPM must fill out the Form if the requestor does not.

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

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

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

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

## **B. Processing the Request**

DPM is responsible for processing requests for accommodation. The Assistant Director of the Management Services Branch will designate another staff member to act as a back-up for the DPM to process requests when the DPM is unavailable for any length of time (e.g., the DPM is on vacation or out on extended leave).

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

## **C. The Interactive Process**

### **1. Generally**

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

The DPM will contact the applicant or employee within 5 business days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the DPM

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may need to get information or additional documentation to determine if an individual's impairment is a "disability" or to determine what would be an effective accommodation. Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations. Common types of accommodations include:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing a reader or other staff assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff
- removing an architectural barrier, including reconfiguring work spaces
- providing accessible parking
- providing materials in alternative formats (e.g., Braille, large print)
- providing a reassignment to another job.

Reasonable accommodation does not include such actions as removing an essential job function, providing a new supervisor, or excusing a violation of a rule or policy.

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

The DPM may need to consult with other PWE personnel or outside sources to obtain information necessary to make a determination about the request. PWE expects that all personnel will give a high priority to responding quickly to a DPM's request for information or assistance.

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

## **2. Job Search and Reassignment if Accommodation Unavailable**

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

- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- An employee must provide an updated resume to the DPM in order for a job search to be performed.
- In considering whether there are positions available for reassignment, the DPM will work with both the Client Relations Section (CRS) and the employee requesting the reassignment to identify: (1) vacant positions for which the employee may be qualified, with or without reasonable accommodation; and (2) positions which CRS has reason to believe will become vacant within **60 days** from the date the search is initiated and for which the employee may be qualified.

## **D. Requests for Medical Information**

If a requestor's disability and/or need for accommodation are not obvious or already known, PWE (specifically the DPM) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. It is the responsibility of the applicant/employee to provide appropriate medical information requested by PWE within the timeline requested by PWE. Failure to do so may prevent the department from identifying an accommodation.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DPM to determine whether the individual has a "disability" and/or that an accommodation is needed, the DPM will explain what additional information is needed. The DPM may also ask the individual requesting accommodation to sign a limited release permitting the DPM to contact the health provider for additional information. In accordance with City ordinance, the DPM may have the medical information reviewed by a doctor of the city's choosing, at the city's expense.

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## **E. Confidentiality Requirements**

Medical documentation obtained in connection with the reasonable accommodation process will be kept in confidential files separate from the individual's personnel file. Any PWE employee who obtains or receives such information is strictly bound to keep such information confidential to the extent provided by this policy.

The DPM may share certain confidential information with those with a need to know, which may include an employee's supervisor, manager or others as necessary to make appropriate determinations on a reasonable accommodation request. First aid and safety personnel may be informed if the disability might require emergency treatment. Under these circumstances, the DPM will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. PWE will not disclose to coworkers that an employee is receiving a reasonable accommodation.

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

### **1. Generally**

Processing of a request (including providing accommodation, if approved) should occur as soon as possible but generally no later than 30 business days from the date the request is made. This 30-day period includes the 5-day time frame in which the DPM must contact the requestor after a request for reasonable accommodation is made.

PWE will strive to provide accommodations where appropriate in as short a period as reasonably possible.

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

If the disability is obvious or already known to the DPM, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the DPM may not require the full 30 business days to

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process the request. In certain circumstances, a request for reasonable accommodation may require an expedited review and decision.

## **2. Extenuating Circumstances**

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

## **G. Resolution of the Reasonable Accommodation Request**

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the "Interactive Process" form, as well as verbally.

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

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

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

If PWE denies a request for accommodation, the DPM will give the Interactive Process form to the requestor and discuss the reason(s) for the denial. When completing the form, the explanation for the denial will clearly state the specific reason(s) for the denial. The form will state and the DPM

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will explain specifically why the accommodation would result in undue hardship or why it would be ineffective.

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

If the DPM offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the DPM will record the individual's rejection of the alternative accommodation on the Interactive Process form.

## **V. Inquiries and Distribution**

Any employee wanting further information concerning these procedures may contact the Disability Program Manager (DPM) via e-mail at [DisabilityProgramManager@houstontx.gov](mailto:DisabilityProgramManager@houstontx.gov). These procedures will be available on the department's website.

## **VI. Compliance**

Adherence to the above is mandatory. Any employee who violates this policy may be subject to corrective action up to and including indefinite suspension or termination.

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**CONFIRMATION OF REQUEST  
FOR REASONABLE ACCOMMODATION**

1.

\_\_\_\_\_  
Applicant's or Employee's Name

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

\_\_\_\_\_  
Applicant's or Employee's Telephone Number

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

3. REASON FOR REQUEST.

If accommodation is time sensitive, please explain:

(Disability Program Manager will assign number)

Log No.: \_\_\_\_\_

**Privacy Act Statement**

The Rehabilitation Act of 1973, 29 U.S.C. section 791, and Executive Order 13164 authorize collection of this information. The primary use of this information is to consider, decide, and implement requests for reasonable accommodation. Additional disclosures of the information may be: To medical personnel to meet a bona fide medical emergency; to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding; to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; and to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee.