

	<b>TOWN OF PARADISE VALLEY</b> <b>Administrative Policy</b>	
	<b>Title:</b> <b>REASONABLE ACCOMMODATION AND FITNESS-FOR-DUTY</b>	<b>Policy No.</b> AP-04.3
<b>Policy Owner:</b> Gina Monger, Human Resources Director		
<b>Approved By:</b> Andrew Ching, Town Manager		
<b>Authorized By:</b> <i>Chapter 4: Code of Conduct, Town Employee Handbook</i>	<b>Revision History:</b> None	<b>Effective Date:</b> 06/23/2024

## 1. PURPOSE

- 1.1. This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 4: Code of Conduct* of the *Town of Paradise Valley* (hereinafter referred to as the “Town”) *Employee Handbook*.
- 1.2. The Town is committed to offering equal access to employment opportunities for persons with disabilities in accordance with the Americans with Disabilities Act (hereinafter “ADA”) of 1990, the Americans with Disabilities Amendments Act (hereinafter “ADAAA”) of 2008, and the regulations and guidance issued by the Equal Employment Opportunity Commission (hereinafter “EEOC”).
- 1.3. The Town will provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, to enable the performance of the essential functions of the job.

## 2. POLICY

- 2.1. The Town will comply with all federal and state laws concerning the employment of persons with disabilities.
- 2.2. The Town respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the Town’s business.
- 2.3. The Town will provide reasonable accommodations for pregnancy or pregnancy-related health conditions in accordance with local, state, and federal laws.
- 2.4. Reasonable accommodations will be made when available, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the Town.
- 2.5. The Town will not discriminate against qualified applicants or employees (hereinafter “individuals”) making reasonable accommodations requests. The need for a reasonable accommodation will not negatively impact the consideration of a qualified individual with a disability.
- 2.6. This policy applies to all applicants and employees of the Town. All employees are required to comply with the Town’s safety standards.

### **3. ADMINISTRATION**

#### **3.1. Process**

- 3.1.1. Individuals are encouraged to submit their reasonable accommodation request in writing to Human Resources. The request should include the type of accommodation needed, duration, and any other information that may assist consideration of their request. Requests for reasonable accommodation will be reviewed on a case-by-case basis and handled in a timely manner.
- 3.1.2. The process will be interactive between the individuals and the Town, keeping the individual involved throughout. If the individual does not respond or otherwise engage in the process or provide the requested information, the Town will proceed with the process without the individual's input. The Town is not obligated to accommodate individuals who fail to cooperate.
- 3.1.3. Job applicants requiring reasonable accommodation to complete the application process should notify Human Resources as soon as practicable.
- 3.1.4. The requesting individual will receive a written decision regarding their request for a reasonable accommodation. When two or more effective accommodations allow a qualified individual with a disability an equal employment opportunity, the Town will select the reasonable accommodation to be provided to the individual.
- 3.1.5. If an employee cannot be reasonably accommodated in their current position, the Town will seek an alternate position that is available, one that the employee is qualified to perform, at the same or lower salary level, and meets the employee's reasonable accommodation needs.

#### **3.2. Health Information**

- 3.2.1. When an individual has requested a reasonable accommodation and their disability is not obvious, the Human Resources Director/designee may ask for a statement from a healthcare professional identifying the disability and how it limits the individual's ability to perform the essential functions of the position.
- 3.2.2. The requesting employee may be required to sign a release authorizing their healthcare provider(s) to share information with the Human Resources Director/designee regarding the employee's health status and need for accommodation. The Town will treat the information about the presence or nature of a disability as confidential medical information and will secure the information apart from the employee's personnel file.
- 3.2.3. The request for health information for a pregnancy-related accommodation is subject to the limits set forth in statute.

#### **3.3. Refusal**

A qualified individual has the right to refuse an accommodation that is offered. If an individual refuses a reasonable accommodation and cannot perform the essential functions of the job without the accommodation, the Town will not consider such person to be otherwise qualified and will treat the situation as a performance issue if the individual is an employee.

### **4. FIT-FOR-DUTY EXAMINATION**

#### **4.1. Purpose**

The Town may request medical information or order a medical examination when it is job-related and consistent with business necessity when there is a reasonable belief, based upon objective evidence, that

an employee is unable to perform an essential function or will pose a “direct threat” because of a medical condition.

## **4.2. Procedure**

- 4.2.1.** The scope and manner of any inquiries or medical examinations must be limited to information necessary to determine whether the employee is able to perform the essential functions of the job or can work without posing a direct threat. Employees certified by the Arizona Peace Officers Standards and Training Board (AZPOST) will follow *the Police Department General Order for fitness-for-duty examinations*, in accordance with *ARS 38-1112, Law enforcement officers, fitness for duty examinations*.
- 4.2.2.** The Town Manager/designee will notify the employee of the reason for the examination. Such medical examination will be at no expense to the employee. The employee will receive the applicable rate of pay for the time required for the examination. The results of the examination will be furnished to the employee upon the employee’s request.
- 4.2.3.** Determination of physical or mental fitness will be by a medical provider designated by the Town. If requested by the employee, the examination will be conducted by a medical provider of the same sex as the employee.
- 4.2.4.** If an employee is found unfit for duty in their regular classification, a second medical opinion may be provided at the Town’s expense, at the request of the affected employee, before any employment action is taken by the Town. If an employee is not working at the time of the request, the time needed to obtain a second opinion will be unpaid, or the employee may elect to use any applicable paid leave.

## **5. DISABILITY SEPARATION**

When an employee cannot be reasonably accommodated, the Town may initiate a disability separation of the employee. An employee who is unable to perform the essential functions of the position due to a disability may also request a voluntary disability separation. Disability separation is not a disciplinary action.

## **6. COMPLAINTS AND RETALIATION**

- 6.1.** Any individual who feels discriminated against, or retaliated against, based upon their disability or request for reasonable accommodation, may either file a complaint in accordance with the discrimination and harassment prevention policy, the employee grievance policy, or file a formal complaint with any state or federal agency.
- 6.2.** Any employee found to be engaging in retaliation will be subject to disciplinary action up to and including dismissal.