

# Human Resources Policy Bulletin

City of Lincoln

Number: 2023-11

Date: October 1, 2023

Reference:	Title:
	ADA Policy

## I. PURPOSE

The City of Lincoln is committed to providing reasonable accommodations to qualified employees with disabilities to assure that individuals with disabilities experience full access to equal employment opportunities in compliance with all applicable federal and state laws governing the employment of individuals with disabilities.

The City of Lincoln does not allow discrimination against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

## II. DEFINITIONS

Disability. An individual with a disability is defined as any person who has a physical or mental impairment which substantially limits one or more major life activities or has a record of such impairment; or is regarded as having such an impairment.

Direct threat to safety. A direct threat to safety means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Essential Functions. “Essential job functions” refers to those activities of a job that are the basic job duties that an employee must be able to perform, with or without reasonable accommodation.

Reasonable Accommodation. A reasonable accommodation means making existing facilities readily accessible to and usable by individuals with disabilities through job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

Qualified individual with a disability. An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for and meets the minimum job qualifications.

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Undue Hardship. An undue hardship means a specific accommodation would require significant difficulty or expense. This determination must be made on a case-by-case basis. Factors considered include the nature and cost of the accommodation needed, and the impact of the accommodation on the operations of the organization not only to financial difficulty, but which are unduly extensive, substantial, or disruptive, or those which would fundamentally alter the nature or operations of the organization.

### III. POLICY

- A. The City of Lincoln will reasonably accommodate qualified individuals with a temporary or long-term disability so the employee can perform the essential functions of a job, without undue hardship to the City's operations.
- B. Temporary accommodations that allow an employee to perform the essential functions of the job (modified duty), worksite, or standard work schedule may be made for up to a maximum of 6 months.
- C. An individual who can be reasonably accommodated for a job will be given the same consideration for that position as any other applicant or employee.
- D. All employees are required to comply with safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision is made regarding the employee's immediate employment situation, including whether any accommodation can be made to address the concern. Applicants who pose a direct threat to the health or safety of themselves or other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will not be hired.
- E. Employees will be free from discipline, reprisal, intimidation, or retaliation for requesting a reasonable accommodation in good faith or for disclosing the existence of a disability.
- F. While the City will evaluate and attempt to provide the accommodation requested, if the requested accommodation presents an undue hardship, an alternative accommodation may be offered. All personnel information regarding an employee's health and behavioral information will be maintained by the Human Resources office and will be stored confidentially and in compliance with all state and federal records retention requirements.

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- G. Accommodations may be made on an intermittent or continual basis.
- H. Reasonable accommodations may be subject to re-evaluation if disability, work situations, or circumstances change.

## IV PROCEDURES

- A. The interactive discussion process may be initiated by the employee, the supervisor, a representative in HR, or another individual who believes there may be current job-related limitations due to a medical condition by contacting HR.
- B. If the employee decides to engage in the interactive process, HR will request that the employee provide the proper medical documentation.
- C. HR will facilitate an interactive meeting and provide a written determination regarding the requested accommodation or offer an alternative accommodation.
- D. The employee may refuse to accept an accommodation and if they are not eligible for other benefits such as accrued leave, FMLA, or a leave of absence without pay employees will be separated from employment.
- E. Employees have an obligation to notify HR during their accommodation if their limitations change or if the duration needs to be updated.
- F. Managers are responsible for ensuring that the appropriate resources to facilitate the accommodation is maintained or upgraded as needed.
- G. Managers are responsible for evaluating if the essential functions of the job are being completed by the employee in an efficient and effective manner.

## V FORMS

- ADA Reasonable Accommodation Request Form
- ADA Medical Certification
- Employee Medical Release Form



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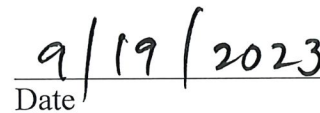
Barb McIntyre  
Human Resources Director



Date



Leirion Gaylor Baird  
Mayor



Date