

ADMINISTRATIVE ORDER NUMBER 2-23

SUBJECT: Reasonable Accommodations for Employees with Medical Disabilities or Conditions

Responsible Department: Personnel Services

Date Issued: 12/30/2002

Date Revised: 12/07/2020

Approved: *(Signature on File)*

Purpose

To set forth the policy and procedures to determine what, if any, reasonable accommodations may enable employees with a qualifying disability or condition to perform the essential function of their position, or to find alternative work, if possible, in compliance with the Americans with Disabilities Act (“ADA”), the California Fair Employment and Housing Act (“FEHA”), and other applicable city, state, and federal laws.

Policy

It is the policy of the City that an employee with a disability or condition who is able to perform the essential functions of their position with or without reasonable accommodation(s) be retained in their current job classification. Employees with disabilities or conditions who cannot perform an essential function of their job, with or without reasonable accommodation(s), shall be afforded the opportunity of a potential transfer to a vacant position within the City for which they are otherwise qualified, unless such transfer causes undue hardship for the City.

Procedures

Procedures for Temporary Medical Limitations and/or Restrictions

1. Upon receipt of information that an employee has a temporary functional limitation or restriction the Appointing Authority shall promptly contact the Interactive Process Coordinator (IP Coordinator) in the Personnel Services Department. An interactive process meeting may be scheduled to discuss possible temporary reasonable accommodation(s) which will enable the employee to perform all essential functions of their position.
2. Reasonable accommodations are considered on a case-by-case basis and may include accommodations such as Temporary Light Duty assignment, Leave Without Pay (LWOP), and/or modified work schedules, amongst others.
3. In the event the employee is temporarily unable to perform any work, with or without reasonable accommodations, the respective department shall refer the

employee to the Employee Benefit Coordinator in the Personnel Services Department to determine whether the employee qualifies for any of the subsequent leaves. The Employee Benefit Coordinator shall apprise such employee of their rights to apply for leave under the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and State Disability Insurance (SDI), or Long Term Disability (LTD) benefits; whichever the case may be.

4. Interactive process meetings will continue at regular intervals until the employee is release to duties without limitations or restrictions, has been provided with permanent limitations and restrictions as identified by their medical practitioner, or until such time as temporary accommodations become reasonable to continue due to the City's undue hardship.
5. Upon notice from the employee's medical practitioner that the employee has permanent limitations and restrictions, the City shall follow the below Procedures for Permanent Medical Limitations and Restrictions.

Procedures for Permanent Medical Limitations and/or Restrictions

1. Upon receipt of information from an employee's medical practitioner stating the employee has permanent functional limitations or restrictions, the Appointing Authority (or designee) shall promptly contact the IP Coordinator in the Personnel Services Department. An interactive process meeting will be scheduled by the IP Coordinator to discuss possible reasonable accommodation(s) which enable the employee to perform all essential functions of their position. If reasonable accommodation(s) can enable the employee to perform all essential functions of their job, the accommodations will be provided and documented. If no reasonable accommodation(s) can enable the employee to perform all essential functions of their job, opportunities for alternative work will be evaluated.
2. If the employee is unable to remain in their current job due to the inability to perform an essential job function, either with or without reasonable accommodation(s), and expresses interest in exploring alternative work within the City, the following procedures shall be initiated:
 - a. The IP Coordinator, under the authority of the Director of Personnel Services, shall review the employee's qualifications and develop a list of current vacancies available for potential transfer, based on four criteria:
 - I. The alternative position must be vacant: and
 - II. The employee must be qualified for the position by meeting the minimum qualifications as stated in the job specification of the alternative position; and
 - III. The employee must be able to perform all essential functions, with or without reasonable accommodation(s), of the

alternative position; and

- IV. The maximum salary for the alternative position pays no more than the employee's current job class.

Upon being provided a list of current vacancies for potential transfer, the employee shall have ten (10) working days to respond to the IP Coordinator to indicate interest in one or more of the positions identified. If the employee does not respond within ten working days, the Director of Personnel Services shall deem the employee to have declined the alternative work search, absent good cause for the delay.

- b. If an employee expresses interest in one or more of the positions identified, the IP Coordinator shall arrange a meeting between the employee and the Appointing Authority (or designee) of the department where the vacancy exists, to determine whether the employee can perform all essential functions of the vacant position, with or without reasonable accommodation(s).
- c. If the employee can perform all essential functions of the vacant position with or without reasonable accommodation(s), and the employee requests to transfer to the vacant position, the IP Coordinator will provide the employee a placement letter outlining the position title, the start date, and the compensation rate.
- d. If an alternative transfer position where the employee can perform all the essential functions with or without reasonable accommodation(s) cannot be identified, or the employee declines the available alternative transfer position(s), or the employee declines the alternative work search process, the City shall proceed with medical separation, pursuant to the Fresno Municipal Code. Should an employee fail to reasonably cooperate with the City during the interactive process, for their failure to act in good faith in the interactive process the City may proceed with separation of the employee's City employment pursuant to the Fresno Municipal Code.
- e. Nothing in the above procedure shall prevent an employee from applying for promotive positions for which the employee qualifies though the normal promotive process.