

Subject: Reasonable Accommodation for Disabled Employees	Number: 2-23
	Date Issued: December 30, 2002 Date Revised:
Responsible Department: Personnel Services	Approved:

Policy

It is the policy of the City that a disabled employee who is able to perform the essential functions of his/her position with or without reasonable accommodation be retained in their same job. Disabled employees who are unable to meet this criteria, without causing the City undue hardship, shall be afforded the opportunity of a potential transfer to a vacant position within the City for which they are otherwise qualified.

Procedures

1. Upon receipt of information that verifies an employee has a disability which is permanent or of a long-standing duration, the appointing authority shall have thirty (30) working days to consider reasonable accommodation(s) that will enable the employee to continue to perform the essential functions of his/her position or offer the employee the opportunity to transfer to a vacant position within their department/division for which the employee is otherwise qualified. An appointing authority who is unable to provide reasonable accommodation or transfer shall provide the Director of Personnel Services, or his/her designee, with the specific reasons or circumstances that constitute an undue hardship that preclude the retention of the employee in his/her department.
2. If the employee cannot be retained in his/her current position or transferred to a suitable vacancy within the department, the Director of Personnel Services, or his/her designee, shall, within five (5) working days, provide the employee with written notice requesting the employee complete an employee information sheet, which shall be used to determine the employee's qualifications for possible transfer to a vacant position outside of the employee's department. The disabled employee shall have ten (10) working days to respond to the offer of potential transfer, which shall include the return of the employee's completed information sheet. An employee's failure to respond within the ten (10) working day notice with the completed information sheet shall constitute a rejection by the employee to consider the opportunity to transfer.
3. In the event that the employee expresses interest in exploring a disability transfer outside of his/her own department and returns the completed information sheet, the following procedures shall be initiated:
 - a. The Personnel Services Department representative shall review the disabled employee's qualifications and develop a list of vacancies to begin the interactive process with the employee to identify an alternate position. It shall remain the prerogative of the Director of Personnel Services to determine which vacancies are suitable for ultimate transfer. The employee shall have ten (10) working days to

respond to this offer of possible appointment during which time the employee may request the assistance of the Personnel Services Department representative in learning the functions and necessary skills and abilities required of the vacant positions that are offered. The employee shall also advise the Personnel Services Department representative of the accommodations that the disabled employee believes are necessary to facilitate the transfer which may be subject to verification.

- b. Upon receipt of information that the employee has expressed an interest in one or more of the offered vacancies, the Personnel Services Department shall have five (5) working days to arrange an interview between the employee and the appointing authority. The purpose of this interview shall be to determine if the disabled employee possesses the skills, abilities, and knowledge necessary to perform the essential functions of the subject vacant position and not to determine if the disabled employee is the "most qualified." An appointing authority who does not select the employee for appointment to the position must, within five (5) working days, provide the Director of Personnel Services, or his/her designee, with the specific reasons or circumstances that precluded appointment. Reasons for rejection must be job-related, consistent with business necessity, and legally defensible. The decision as to whether this condition has been met rests solely with the Director of Personnel Services.
- c. Upon successful completion of the interview, the appointing authority shall communicate to the Personnel Services Department that the employee has been given a conditional offer of employment contingent upon medical clearance. The Personnel Services Department shall communicate with the employee's treating physician, or the appropriate medical authority, who shall determine if the employee can perform the duties of the position. Upon receipt of acceptable medical clearance, the Personnel Services Department shall advise the appointing authority to prepare and submit an Employee Action Form reflecting the transfer and the process concluded. Should the employee's physician, or the appropriate medical authority, fail to support the transfer, the process shall be concluded and the parties notified.
- d. If reasonable accommodation or transfer cannot be provided, or if the disabled employee has failed or declined participation in the process, separation from City service without further delay, in accordance with existing Fresno Municipal Code procedures, is authorized.