

Policy # 2.19
Title: Americans with Disabilities Act (ADA)
Approved By: General Manager

Date Issued: 08/28/2000
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The Americans with Disabilities Act (ADA) is an anti-discrimination statute that requires individuals with disabilities be given the same consideration for employment and advancement that individuals without disabilities are given. The purpose of the ADA is to ensure that qualified individuals with disabilities are protected from discrimination on the basis of their disabilities.

City Utilities is committed to complying with the applicable laws governing the treatment of qualified individuals with disabilities. City Utilities has an obligation to provide reasonable accommodation to qualified applicants, employees and members of the public who have permanent or temporary limitations. Such accommodation will be considered on a case-by-case basis. This policy is intended to outline how City Utilities will fulfill its obligation to reasonably accommodate qualified employees and applicants with disabilities. This applies to all employees/applicants who are unable to perform the regular duties of a particular position because of a disability and who, with or without an accommodation, can perform the essential functions of the position. An employee/applicant who is not a "qualified disabled individual", as defined by the ADA, is not covered by this policy. City Utilities' facilities and services are offered without discrimination based on disability as well as other protected characteristics.

DEFINITIONS

Disabled Individual - An individual with a physical or mental impairment which substantially limits one or more major life activities; with a record of such an impairment; or is regarded as having such an impairment.

Qualified Disabled Individual - An individual who satisfied the requisite skills, experience, education or other job-related requirements of an employment position and who, with or without reasonable accommodations, is able to perform the essential functions of the position.

Reasonable Accommodations - Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities, and will not impose an undue hardship on the operation of City Utilities' business.

Essential Functions - Are those job duties that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation.

PROCEDURE

ADA requires City Utilities to make a reasonable accommodation only to the known limitations of an otherwise qualified individual with a disability. Accordingly, it is the responsibility of the employee/applicant to inform their appropriate manager, supervisor or employment representative, that an accommodation is needed to perform the essential job functions.

When City Utilities becomes aware of a disability, appropriate measures will be taken to accommodate the disability in accordance with the ADA requirements. It is the obligation of City Utilities to consider each accommodation on a case-by-case basis.

When a qualified employee/applicant requests a reasonable accommodation, City Utilities reserves the right to require supporting documentation from a medical professional as evidence of their disability. This documentation may be from a medical doctor, psychologist, rehabilitation counselor, or other professional with direct knowledge of the individual limitations. City Utilities also reserves the right to submit requested medical restrictions to its own medical provider for

review and approval. As required by the ADA, all medical information received by City Utilities will be treated as confidential.

The steps taken in processing a request for reasonable accommodation are as follows:

1. The individual submits a written request (including any medical documentation) for reasonable accommodation to the ADA Coordinator.
2. The ADA Coordinator, immediate supervisor/manager (in the case of an employee), or the employment representative (for employment applicants) and the requesting individual will meet to review and determine the exact need to be accommodated and to discuss possible alternatives.
3. Human Resources, the ADA Review Committee, along with any appropriate management staff, will conduct and coordinate the accommodation evaluation process. Time limits for completion of this process will be determined by agreement between the individual, Human Resources and the ADA Review Committee.
4. Upon receipt of all pertinent information and documentation, the evaluation process will consider the following:
 - A. Reasonableness of the requested accommodation for the position in question.
 - B. Reasonable accommodation of an employee's current position, a vacant position in the same/similar job classification in the same area; or
 - C. Placement in a vacant position in a job classification outside the department for which the employee is qualified, if no reasonable accommodation within the original department is possible.
 - D. The manager's/supervisor's (of the position in question) information on the following factors in determining the reasonableness of an accommodation:
 1. The type of job
 2. The essential functions of the job
 3. If there is more than one acceptable way to perform the task
 4. What architectural modifications would be required
 5. Furniture or work areas that would need rearranging
 6. Consideration of suggestions by the affected individual
 7. Is the accommodation to be temporary or permanent
 8. The cost of the proposed accommodation
5. After the evaluation process is completed, the ADA Coordinator will notify the requesting individual and any appropriate management of the outcome and recommendations of the accommodation evaluation.
6. Upon approval, Human Resources will submit the appropriate documents to provide the procurement of any equipment, furniture or other assisting devices needed to accommodate the disability, and/or facilitate the implementation of any employment activity changes that are needed.

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7. If the request is denied, the ADA Coordinator will notify the individual and explain his/her right to appeal through the internal procedures.
8. An individual may appeal the denial of an accommodation in writing to the ADA Coordinator within 20 working days of the decision. The ADA Review Committee will review all pertinent material, concerning job-relatedness, effectiveness, necessity, costs, and other claims of undue hardship before submitting recommendations of the appeal. The ADA Review Committee will submit their findings within 20 working days of the appeal.
9. If the appeal is unsuccessful, the individual may file a complaint/grievance through the City Utilities' internal procedures, with other agencies such as the Mayor's Commission on Human Rights, Missouri Department on Human Rights, the Equal Employment Opportunity Commission, or the Union grievance procedures, if applicable. (The time limits under the Union grievance procedures would commence upon denial of the appeal or failure to approve the request.)

INVITATION

City Utilities is a government contractor subject to the Americans with Disabilities Act and Section 503 of the Rehabilitation Act of 1973, which requires government contractors to take affirmative action to employ and advance in employment, qualified disabled individuals. If you have such a disability and would like to be considered under the Affirmative Action Program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to any disciplinary treatment.

Information obtained concerning individuals shall be kept confidential, except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of disabled individuals, and regarding necessary accommodations, (2) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (3) government officials investigating compliance with the Act shall be informed.

If you are disabled, we would like to include you under the Affirmative Action Program. It would assist us if you tell us about (1) any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

Scott Miller
General Manager