



# Medina County Policy Manual



<b>Policy: Americans with Disabilities Act &amp; Disability Accommodation</b>		<b>Section: Introduction</b>	<b>Number: 1.035</b>
<b>Issued: 09/17/07</b>	<b>Reviewed/Revised: 11/12/2013</b>		<b>Page #: 1 of 4</b>

PREVIOUS RES 07-900

## I AMERICANS WITH DISABILITIES ACT OF 1990

- A. The Medina County Board of Commissioners (Employer) is an Equal Opportunity Employer. All employees and applicants for employment shall be recruited, selected, promoted, demoted, terminated, suspended, or evaluated in an equitable manner, based solely upon merit, fitness, and other bona fide occupational qualifications as each individual might possess. No personnel decisions concerning any term or condition of employment shall be based upon race, color, religion, sex, national origin, age, disability, military status, genetic testing or other non-job-related criteria which does not interfere with an employee's ability to perform the essential functions of the position.
- B. The Employer designates the Director Human Resources as the position responsible for providing information about the Americans with Disabilities Act (ADA) to others, and for receiving and resolving complaints about discrimination against the disabled. Any person may file a complaint if (s)he believes they have been discriminated against on the basis of a disability. The person filing the complaint shall be referred to as the "complainant."
- C. The complainant must file an [ADA Complaint Form](#) within fourteen (14) calendar days of the date the alleged discrimination occurred. The Board reserves the right, at their discretion, to either process or not process a complaint filed after the deadline.
- D. The complainant must file their complaint with the Director Human Resources who will investigate the allegations and respond within fourteen (14) calendar days. When reviewing the complaint, the Director Human Resources will determine whether the complainant is actually a "qualified person with a disability," whether the Employer may have discriminated against the complainant, and whether the Employer can "reasonably accommodate" the complainant or otherwise resolve his/her problem.

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## II DISABILITY ACCOMMODATION

- A. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or the state of being regarded as having such an impairment.

The severity of the impairment must substantially limit a major life activity such as walking, talking, seeing, hearing, breathing, learning, or working in order to be considered a disability.

Disabling conditions may include, but are not limited to: orthopedic conditions; migraines, vision, speech, or hearing impairment; cerebral palsy; AIDS; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; tuberculosis, and mental retardation; as well as those regarded as having physical or mental impairment such as severe burn victims. Contagious diseases are generally not included so long as they do not pose a current, direct threat to health and safety in the workplace.

- B. Medina County will not discriminate against an employee or applicant who is afflicted with a qualifying disability. The employee or applicant will be treated in the same manner as other employees. If the condition affects the employee's ability to perform the essential functions of the job, reasonable accommodation will be made by the County so the employee may perform the essential functions of the job.
- C. An employee with a qualifying disability may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees, or the public.
- D. Should an employee require accommodation to perform the essential functions of the job, he/she should discuss any necessary accommodation with the supervisor or department director. If the County cannot accommodate an employee in his/her current position, the Employer may place the employee in a lower available vacancy for which the employee is able to perform the essential functions. Absent such a vacancy, the County may place the employee on medical leave under the procedures for such leave.

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- E. An employee who requires accommodation must provide their director or Human Resources with any medical records required to make decisions regarding job assignment and accommodation. Medical records are confidential, kept separate from the employee's personnel file, and are not available for public inspection.
  
- F. The County may require a doctor's certification of an employee's ability to safely perform his/her duties. An employee who is determined to be unable to safely perform his/her duties may use accrued sick and vacation leave, or **may be eligible** to apply for family and medical leave, or a disability separation.
  
- G. The County supports educational programs to enhance employee awareness and understanding of disabling conditions.
  
- H. Employees who refuse to work with an employee because of his/her disability, or who refuse service to a member of the public because of his/her disability, are subject to disciplinary action up to and including dismissal. Employees are encouraged to seek assistance, clarification, and information from their supervisor or from the Director Human Resources when confronted with a disability situation, if necessary.

### III COMPLAINT PROCEDURE

- A. Discrimination of any kind by one employee against another will not be tolerated. An organized process for handling complaints of potential discrimination on the basis of disability is provided herein. Written records must be maintained at each of the following steps:

- **STEP 1**

#### **COMPLAINANT**

- (1) Submits written complaint to Director Human Resources within fourteen (14) days of alleged incident

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**DIRECTOR HUMAN RESOURCES**

- (1) Investigates
- (2) Provides written response within ten (10) working days following final meeting of investigation.

**AGREES**            *Corrective action taken – matter considered resolved*

**DISAGREES**      *Forwards complaint to Commissioners or their designate*  
*Complainant notified*  
*Proceed to Step 2*

- **Step 2**

**Commissioners or Designate**

- (1) Schedules hearing
- (2) All parties shall appear as scheduled
- (3) Provides written response within thirty (30) working days following final hearing.
- (4) Renders final decision

**AGREES**            *Corrective action taken – matter considered resolved*  
*Complainant notified*

**DISAGREES**      *Complainant notified*