

ADA REASONABLE ACCOMMODATION REQUESTS

SUMMARY

The Americans with Disabilities Act of 1990, as amended (ADA) and Chapter 11A of the Miami-Dade County Code, as amended (ADA) protects qualified individuals with disabilities from employment discrimination. Miami-Dade County employees and job applicants with disabilities may request reasonable accommodation to overcome obstacles that restrict their ability to perform their jobs or participate in the recruitment process. Skilled and experienced employees are one of the County's most valuable resources. Helping qualified individuals with disabilities do their jobs more effectively and to remain in the County service helps to protect that valuable resource.

A reasonable accommodation is any change or adjustment to a job or work environment, or the way things are done that enables a qualified applicant or employee with a disability to participate in the job application process, to perform the essential job functions of a job, or enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. Some examples of possible accommodations include: making existing facilities accessible; job restructuring; modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; and, providing qualified readers or interpreters. When an individual qualifies for reasonable accommodation, the County is free to choose among effective accommodations and may choose one that is less expensive or easier to provide.

To request an accommodation an employee may use "plain English" and does not need to specifically mention the ADA or use the phrase "reasonable accommodation." The department shall engage in an interactive process with the employee in which the needs and the possible solutions are discussed. The assessment and the provision of accommodation should be done quickly both to preserve productivity and to avoid detriment to the employee or his or her work record. In the event of any unavoidable delays, the employee should be informed and periodically updated. The County is generally not obligated to provide personal use items such as eyeglasses or hearing aids. The accommodation of reassignment should be considered only when a person, because of a disability, is unable to work effectively in his or her present job even with a reasonable accommodation. All requests are handled on a case-by-case basis.

The Internal Services Department develops and implements programs to ensure County compliance with the employment-related provisions of the ADA. The Countywide ADA Procedures Manual for Reasonable Accommodation and related forms can be obtained on the County's web portal at: <http://www.miamidade.gov/humanresources/library/labor-relations-accommodation-manual.pdf> and <http://www.miamidade.gov/humanresources/library/labor-relations-employee-accommodation.pdf>. The County's Reasonable Accommodation Fund is available for departments to purchase assistive devices for employees and applicants with disabilities. The Office of Human Rights and Fair Employment Practices (OHRFEP) administers the fund.

PROCEDURE

For Current Miami-Dade County Employees

1. Employees seeking reasonable accommodation should complete a "Reasonable Accommodation Request Form for Miami-Dade County Government Employees." The form is available from the Departmental Personnel Representative or on the County's web portal at <http://www.miamidade.gov/humanresources/library/labor-relations-employee-accommodation.pdf>. The employee should complete Section 1 of the form and submit it, along with reasonable medical documentation, to his or her Supervisor or the Departmental Personnel Representative.
2. The Supervisor, Departmental Personnel Representative, or designee should complete Section 2 of the form. The Job Description, the Essential Job Functions Form, and any other relevant document should be attached to the form at this stage. A medical examination by a County authorized physician may be required to determine if the accommodation is necessary because of a physical or mental condition and, if so, to help identify an effective accommodation. A medical examination by a County authorized physician may also be required to determine if an individual has a disability covered by the ADA that legally obligates the County to provide an accommodation.
3. If the Department Director renders a decision in Section 3 of the form to grant the request, the cost of the accommodation must be paid for by the department, if the department is proprietary. If the department is non-proprietary, it should apply for funding through the Reasonable Accommodation Fund administered by OHRFEP. The completed form and attachments must be sent to OHRFEP for processing and approval.
4. If a Department Director recommends denying the request, the Director should consult with the Human Resources Department and the Office of Human Rights and Fair Employment Practices on the matter. A final decision shall not be made without the input of the Internal Services Department and OHRFEP.
5. In addition to other responsibilities, the Disability Review Panel makes final decisions relating to reassigning employees to vacant positions for disability-related reasons.
6. Any employee who feels that he/she has been discriminated against in the application of this policy may consult with the OHRFEP.

For Job Applicants Seeking Assistance with the Recruitment Process

1. County job applicants seeking reasonable accommodation should complete a "Reasonable Accommodation Request Form for Miami-Dade County Government Job Applicants." The form is available from the Human Resources Department or on the County's web portal at <http://www.miamidade.gov/humanresources/library/jobs-accommodation-form.pdf>. An applicant should complete Section 1 of the form and submit it, along with complete medical documentation, to the Human Resources Department, Attn: Employee and Labor Relations Division, 111 N.W. 1st Street, Suite 2110, Miami, Florida 33128.
2. County job applicants seeking accommodation for an examination must submit their request and complete medical documentation to the Human Resources Department at least 30 days prior to the examination or at the time of the application, whichever is later. This is to allow sufficient time for evaluation, processing and, if necessary, administrative arrangements.

Procedure Number: 425
Effective Date: 01/22

CONTACT(S):

Department/Division

Internal Services Department/FIMD/ADA Office
Human Resources Department
Office of Human Rights and Fair Employment Practices