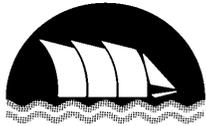


POLICY & PROCEDURE		
 D·U·L·U·T·H	Americans with Disabilities Act	
Approved: 	Supersedes:	Effective: September 1, 2003
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The City of Duluth will comply with Title I of the Americans with Disabilities Act (ADA) to accommodate workplace needs for its employees with disabilities so that they can accomplish the essential functions of their jobs. The ADA is intended to protect the rights of individuals with physical or mental impairments that substantially limit one or more major life activity and provide clear, consistent, enforceable standards for addressing discrimination against individuals with disabilities. Title I ensures that qualified individuals with disabilities, including both applicants and current employees, have available to them the same employment opportunities as people without disabilities. Furthermore, the City values the strength and creativity brought about by a diverse workforce that includes those with disabilities.

Applicants. Applicants requesting an accommodation to take the civil service test must contact Human Resources and provide medical documentation of their disability. Human Resources staff will determine if disability qualifications are met under the ADA and what accommodation, if any, would be reasonable for testing purposes. If requesting applicant receives a conditional offer of employment, further evaluation will be necessary as outlined below.

Employees. Employees may request an evaluation to determine ADA qualification and possible accommodation by contacting the Equal Opportunity Representative, Room 410 City Hall, (218) 730-5630. Additionally, if a supervisor believes accommodations are necessary, they should make the employee aware of the following procedure.

ADA Qualification Procedure

- 1) Employee contacts the Equal Opportunity Representative (EOR) and requests an evaluation.
- 2) The EOR will document the request on the [ADA Qualification Determination Worksheet](#) and will contact the Employee Benefits Administrator (EBA) within five (5) business days of the request, to facilitate the collection of necessary data including medical, the nature of employee complaint/request, and the nature of employee's work.
- 3) Upon collection of all necessary documentation, the EBA convenes a Review Committee comprised of the EOR, Human Resources Manager, a City Attorney, and Loss Control Specialist, which will review the data and determine if disability qualifications are met under the ADA. If they are not, the EOR will notify the employee of the decision. If ADA qualifications are met, the Review Committee will meet with the employee, direct supervisor, and Division Manager to discuss and select reasonable accommodations for trial, keeping compliance of applicable laws and labor contracts in mind. The recommended accommodation will be documented on the [ADA Qualification Determination Worksheet](#).
- 4) The trial period for the accommodation will be 90 days, during which time, the supervisor will be responsible for monitoring the use of the accommodation and to meet periodically with the employee to discuss its effectiveness. Any further adjustments made to the initial recommendation must have Review Committee approval before implementation to ensure legal compliance.
- 5) The Review Committee will review the initial recommendation with the Division Manager, direct supervisor and employee 90 days after implementation to ensure measures are adequate. If the recommendations are not adequate, further accommodations will be recommended or the Review Committee may reconsider its determination of the employee's capability to perform the essential job functions with accommodation. If the Review Committee believes that the employee will not be able to perform the essential job functions with reasonable accommodations, the employee will be offered Long Term Disability benefits in accordance with the governing collective bargaining agreement. Employees unable to perform the essential job functions with accommodations who have less than six months of continuous employment will be terminated on probation.

Note: If there are already modifications in place to prevent injury or to assist employees to do their job, it is the supervisor's responsibility to ensure that employees are using them. Failure to use or enforce modifications will result in disciplinary action. The City's goal is to stop preventable injuries from occurring.