

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

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<b>Topic: Americans with Disabilities Act (ADA)</b>	
<b>Subject:</b> Disabilities	<b>Revised:</b> August 2004
<b>CSC Rule:</b> 8.06, 12.03, 16.02	<b>Approval:</b> _____
<b>Location:</b> P:\PERSONNEL DEPT. POLICIES - 2004\Final Policies 2004\DISABILITIES\Americans with Disabilities Act (ADA).doc	<b>Date:</b> _____
	<b>Note:</b> Original signed copy on file in Personnel Department.

The Americans with Disabilities Act of 1990 (ADA), effective July 26, 1992, makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in State and local government services, public accommodations, transportation, and telecommunications. (Recent legislation (AB2222\*) has broadened the coverage and protection for individuals with disabilities beyond the ADA in several areas which extend the employer's responsibilities.)

**SCOPE**

Any employee or applicant for employment with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of a job in question. An individual with a disability is a person who:

- Has a temporary or permanent physical or mental impairment that substantially limits one or more major life activities, e.g., seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working; (\*AB2222 does not require that the impairment be "substantial" but simply "limit" a major life activity. It also extends the major life activity of "working" to one specific job rather than a broad range of jobs. Per AB2222, the limitation is without regard to mitigating measures.)
- Has a record of such an impairment; or
- Is regarded as having such impairment.

**GENERAL PROVISIONS**

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant who is offered a job or employee with a disability to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Job restructuring,
- Part-time or modified work schedules,

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- Reassignment to a vacant position,
- Adjusting or modifying examinations, training materials or policies,
- Providing readers and interpreters, and
- Making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodation also must be made to enable an individual with a disability to participate in the County's recruitment and testing process and to enjoy employment opportunities equal to those available to other applicants.

**HOW TO IDENTIFY A REASONABLE ACCOMMODATION**

An individual with a disability may request a reasonable accommodation. The individual may suggest a reasonable accommodation based upon the individual's own life or work experience. However, when the appropriate accommodation is not readily apparent, the County must make a reasonable effort to identify one. The County ADA Coordinator, the Personnel Director, and the appropriate Department Head will consult informally with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of a job if it has been offered to them. If this consultation does not identify an appropriate accommodation, the Personnel Director will make reasonable inquiry to determine available accommodations which may include contacting the EEOC, state or local vocational rehabilitation agencies, or state or local organizations representing or providing services to individuals with disabilities, and will then meet with appropriate personnel to reach a resolution.

**REASONABLE ACCOMMODATION AND UNDUE HARDSHIP**

Under the ADA it is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature of a job or operation of the County's business. Factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, and the nature and structure of its operation.

All final decisions regarding reasonable accommodation and undue hardship will rest with the County's designated ADA Coordinator.