

WORKPLACE ACCOMMODATION POLICY

OFFICE of COURT ADMINISTRATION

Policy

The Office of Court Administration (OCA) prohibits employment discrimination based on disability status, pregnancy status, and sincerely held religious beliefs. In compliance with federal and state law, including the Americans with Disabilities Act, OCA will make reasonable workplace accommodations for qualified individuals, so long as the accommodations do not constitute an undue hardship to the agency. Furthermore, OCA will not discriminate against qualified individuals, regardless of their disability status, pregnancy status, or sincerely held religious belief, in regard to application procedures, hiring, advancement, compensation, training, discharge, or other conditions of employment.

Human Resources is responsible for the administration of this policy and its procedures to ensure compliance with applicable state and federal laws.

Scope

This policy applies to all OCA employees, applicants, interns, and volunteers.

Definition of Terms

- **Disability:** An individual is considered to have a "disability" if s/he has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Persons who have a known association or relationship with an individual with a disability also are protected.
- **Qualified individual:** A qualified individual is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. **Sincerely-held religious belief:** Title VII of the Civil Rights Act of 1964 prohibits discrimination and workplace harassment based on religion (or lack of religious beliefs).
- **Reasonable accommodation:** Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee to participate in the application process or to perform essential job functions, and depends on the particular facts of each case. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. Some examples of reasonable accommodations include:
 - ✓ Making existing facilities used by employees readily assessable to, and useable by, an individual with a disability
 - ✓ Restructuring a job
 - ✓ Acquiring or modifying equipment or devices
 - ✓ Providing qualified readers or interpreters

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- ✓ Modifying work schedules
- ✓ Scheduling changes or making an exception to the dress code for religious accommodations
- Direct threat: A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- Undue hardship: Undue hardship is determined on a case-by-case basis; a requested accommodation would cause undue hardship if it requires significant difficulty or expense when considered in light of a number of factors including, but not limited to, the nature and cost of the proposed accommodation, the financial resources of the agency and the effect of the accommodation upon expenses and resources, and the impact of the proposed accommodation on the agency's operations.

Procedures

OCA will reasonably accommodate a qualified applicant or employee so they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to OCA.

Job postings will inform applicants of the contact information for human resources in order to request necessary accommodations for the application process. Any employee requiring an accommodation shall submit a written request to his/her immediate supervisor as soon as practical, informing the supervisor of the nature of the disability or other workplace issue requiring accommodation.

Any supervisor notified of a disability shall immediately report the same to the human resources director or other designee of the administrative director. The confidential report shall state the name of the employee, the disability or other workplace issue, and the date reported, and should attach the employee's written request.

For reasonable accommodations for a disability, upon request, the employee shall provide medical certification to the human resources director or other designee within a reasonable time from the date of notification. The medical documentation must describe the effect the impairment will have on the employee's ability to perform the essential duties associated with the employee's position, and identify the major life activity that is substantially limited as a result of the disability. If additional information is needed, the employee will provide any necessary medical authorization and release forms.

The human resources director or other designee will analyze the request and confer with the employee to ascertain the employee's requirements and suggestion of a reasonable accommodation. Any accommodations will be made on an individual basis, because the nature and extent of a disabling condition and the requirements of a job will vary in each case. The human resources director or designee will prepare and submit a written report

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and recommendation to the OCA administrative director and, if applicable, the supervising presiding judge, within a reasonable period of time.

The employee will be notified in writing of the decision of the administrative director (and, if applicable, the presiding judge) regarding the requested accommodation. The agency will state the nature of any claimed undue hardship. If a reasonable accommodation is implemented, the human resources director or other designee will periodically confer with the employee with the disability to determine the continuing appropriateness of the accommodation.