



**City of Healdsburg
Reasonable Accommodation, the Interactive Process,
and Medical Examination Policy**

Effective Date: March 1, 2023

Approved: _____
Jeff Kay, City Manager

I. REASONABLE ACCOMMODATION:

Absent undue hardship, the City of Healdsburg (City) provides employment-related reasonable accommodations to the following employees and applicants for employment:

1. Qualified individuals with disabilities (within the meaning of the Americans with Disabilities Act (ADA) and the California Fair Employment Housing Act (FEHA) to enable them to perform essential job functions; and
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between a sincerely held religious belief or observance and any employment requirement.

II. SUPPORTING DOCUMENTATION OR CERTIFICATION:

A) Reasonable Medical Documentation of Disability. If the disability or the need for reasonable accommodation is not obvious, the City may require the individual requesting such accommodation to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the City will do the following: (1) explain the insufficiency of the documentation provided; (2) allow the employee or applicant to supplement the documentation to remedy the issue with the documentation provided; and (3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

B) Medical Certification Indicating the Need for a Reasonable Accommodation or Transfer Due to Pregnancy or Related Conditions. If a pregnant employee, or an

employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, the City will provide the employee with notice of the need for a medical certification. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: (1) a description of the requested accommodation or transfer; (2) a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and (3) the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

C) Certification of Victim Status. An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for their safety while at work must provide both of the following:

1. A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and
2. A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking.

III. FITNESS FOR DUTY EXAMINATIONS:

A) Applicants. After the City extends a conditional offer of employment to an applicant, the city may require the applicant to submit to a pre-employment fitness for duty examination that is job-related, necessary for efficient operations of the City, and required of all applicants for the pertinent job classification. The City will notify an applicant who is required to pass a medical and/or psychological examination of the right to obtain a second opinion at the applicant's expense and that the applicant may submit such second opinions for consideration.

B) Current Employee. The Personnel Director may require an employee to submit to a fitness for duty examination to determine whether the employee has a disability and is able to perform the essential functions of their job when there is significant evidence of the following:

1. The employee's ability to perform one or more essential functions of their job has declined; or
2. Evidence that could cause a reasonable person to question whether an employee is still capable of performing one or more of their essential job duties, or is still capable of performing those duties in a manner that does not harm themselves or others.

C) Role of Health Care Provider. The City of Healdsburg may request the applicant's or employee's health care provider to conduct a fitness for duty exam on the applicant or employee or may request a City-selected health care provider to do so at the City's expense. The City will allow an employee paid time off to attend the exam. The City will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the job. The examination will be limited to determining whether the applicant or employee can perform the essential functions of their position and any work restrictions and/or functional limitations that apply to the applicant or employee. The health care provider will examine the employee and provide the City with non-confidential information regarding whether:

1. The applicant or employee has a disability within the meaning of the FEHA;
2. The applicant or employee is fit to perform essential job functions;
3. Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
4. There are any reasonable accommodations that would enable the employee to perform essential job functions; and
5. The employee's continued employment poses a threat to the health and safety of themselves or others.

D) Authorization for Use of Medical Information. During the course of a fitness for duty examination, the City will not seek or use information regarding an employee's or applicant's medical history, diagnoses, or course of treatment without the employee's or applicant's written authorization.

IV. INTERACTIVE PROCESS:

A) When to Initiate the Interactive Process. The Personnel Director will initiate the interactive process when:

1. An applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodation(s);
2. The City otherwise becomes aware of the need for an accommodation through a third party (e.g., an employee's colleague), or by observation of the employee's work;
3. The City becomes aware of the possible need for an accommodation because the employee with a disability has exhausted workers' compensation leave, Family and Medical Leave Act leave, California Family Rights Act leave, or other leave rights, but the employee and/or the employee's health care provider indicate that further accommodation is still necessary for recuperative leave or other accommodation;

4. An employee disabled by pregnancy, childbirth or related medical conditions requests a reasonable accommodation or transfer based on the advice of their health care provider;
5. An employee-victim of domestic violence, sexual assault, or stalking requests a reasonable accommodation(s) for their safety at work;
6. An employee requests an accommodation to address a conflict between a sincerely held religious belief, observance, or practice and any employment requirement; or
7. The City becomes aware of the need for a reasonable accommodation for an employee's or applicant's sincerely held religious beliefs, observance, or practices.

B) Interactive Communication. After the occurrence of any of the above-stated circumstances that trigger the need to conduct an interactive process meeting, the Personnel Director will promptly arrange for a discussion or discussions, in person, via video conference, or telephone call, with the applicant or employee and their designated representative, (if any). The purpose of the interactive communications will be to discuss in good faith all feasible potential reasonable accommodations. The Personnel Director will document these communications in writing.

C) Potential Accommodations for Applicants or Employees with Disabilities. The City provides employment related reasonable accommodation(s) to qualified individuals with disabilities, within the meaning of the ADA and FEHA, that permit the applicant or employee to perform the essential job functions of their job. The range of potential reasonable accommodations may include the following:

1. Making existing facilities used by applicants and employees readily accessible to, and usable by, individuals with disabilities, including, but not limited to, the following: acquisition or modification of equipment or devices; adjustment or modifications of examinations, training materials or policies; and/or the provision of qualified readers or interpreters;
2. Job restructuring, which may include reallocation or redistribution of non-essential job functions;
3. Part-time or modified work schedules;
4. Paid or unpaid leave of absence of a finite duration that is likely to enable the employee to return to work at the end of the leave;
5. Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
6. Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or

7. Reassignment to a temporary position if the individual agrees.

D) Potential Accommodations for Employees Affected by Pregnancy and Related Medical Conditions. Depending on the facts of each case, the interactive process will attempt to identify and implement a reasonable accommodation that is consistent with the medical certification applicable to the applicant or employee. Whether an accommodation is reasonable is a case-by-case analysis that takes into account several factors, including, but not limited to the employee's medical needs; the duration of the needed accommodation; and the employer's legally permissible past and current practices. The range of potential accommodations may include the following:

1. Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
2. Change in or restructuring of work duties, such as modifying lifting requirements;
3. Providing more frequent breaks;
4. Providing seating;
5. Time off for medical appointments; and
6. Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform to accommodate reduced work schedule or intermittent leave. However, a reduction in work hours may be considered a form of pregnancy disability leave and deducted from the employee's four (4) month pregnancy disability leave entitlement.

E) Potential Accommodations for Employee-Victims of Domestic Violence, Sexual Assault, or Stalking. Depending on the facts of each individual case, the interactive process analysis will review all possible reasonable accommodations that would enhance the safety of the employee victim at work. In determining what accommodation is reasonable, the city will consider the exigent circumstance or danger facing the employee. The City will consider the accommodation preferences of the employee but has the right to select and implement any accommodation that the City deems effective. The range of potential safety measure accommodations may include the following:

1. Transfer, reassignment, modified schedule;
2. Change in work telephone number;
3. Change in location of work station;

4. Installation of locks;
5. Assistance in documenting domestic violence, sexual assault, stalking, or a crime that occurs in the workplace;
6. The implementation of a safety procedure(s);
7. Adjustment to job structure, workplace facility, or work requirement; and
8. Referral to a victim assistance organization.

E) Potential Accommodations for Sincerely Held Religious Creed, Religious Dress Practice, or Religious Grooming Practice. Depending on the facts of each case, the interactive process analysis will review all possible accommodations that would resolve the conflict between the religious belief or observance and any employment requirement. The City will consider the preference of the employee or applicant but has the right to select and implement any accommodation that it deems effective. The range of potential accommodations may include the following:

1. Job restructuring or job reassignment (but not segregation from other employees or the public);
2. Modification of work practices, including dress or grooming;
3. Allowing time off in an amount equal to the amount of non-regularly scheduled time the employee has worked to avoid a conflict with their religious observances.

G) Determination. After engaging in the interactive process, the Personnel Director will review the information received, and determine: whether all available information has been reviewed; whether all potential accommodations that the applicant or employee has suggested have been considered; whether additional discussions with the applicant or employee would be helpful; whether the applicant's or employee's preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform essential job functions without undue hardship on the City. The Personnel Director will inform the applicant or employee of their determination in writing. The Personnel Director will use their discretion based upon the particular facts of each case.

F) Access to Medical Information Regarding Fitness for Duty. Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information. Access to these files will be restricted to persons with an identifiable need to access the information.