

ACCOMMODATIONS

POLICY NUMBER: CEMS-018

PURPOSE:

The City provides reasonable accommodations to qualified applicants and employees in accordance with the Americans with Disabilities Act (ADA), Virginia and federal law regarding pregnancy, childbirth, and related medical conditions, and applicable laws governing service animals. The City is committed to providing equal employment opportunities while maintaining a safe and productive workplace.

POLICY:

The City of Winchester is committed to providing equal employment opportunities to qualified applicants and employees with disabilities in accordance with the Americans with Disabilities Act (ADA) and other applicable federal and state laws. The City will not discriminate against qualified individuals with disabilities in any employment practice, including recruitment, hiring, promotion, compensation, training, discipline, or separation.

Qualified applicants and employees may request reasonable accommodation to participate in the hiring process, perform the essential functions of their position, or have equal access to workplace opportunities, programs, and benefits. The City will engage in an interactive process to determine whether reasonable accommodation can be provided.

The City will provide reasonable accommodation unless doing so would create undue hardship or pose a direct threat to the health or safety of the individual or others that cannot be reduced through reasonable accommodation.

DEFINITIONS:

1. Disability: A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.
2. 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
3. Reasonable accommodation: Includes any changes to the work environment. May also include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
4. Undue hardship: An action requiring significant difficulty or expense by the City. In determining whether accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 1. Nature and cost of the accommodation
 2. City's overall financial resources, the effect on expenses and resources, or the impact of such accommodation on the City's operation
5. Essential Functions: The fundamental duties of a position that cannot be removed or changed.

PROCEDURE:

Employees requesting accommodation should notify Human Resources as soon as possible. Supervisors who receive a request or become aware that an employee may need accommodation should promptly contact HR. HR will coordinate the interactive process with the employee and department to determine whether reasonable accommodation can be provided and, as appropriate, the accommodation to be provided.

The City will require medical certification relating to an applicant's or employee's disability. Any confidential medical information shall be maintained in a separate, confidential file.

Any applicant or employee who feels that they have been the subject of discrimination prohibited by the ADA should file a written complaint with HR as soon as possible. Applicants and employees will not be retaliated against for seeking reasonable accommodation or filing a complaint.

PREGNANCY, CHILDBIRTH, AND RELATED MEDICAL CONDITIONS:

The City will provide reasonable accommodation for limitations related to pregnancy, childbirth, or related medical conditions, including lactation, unless doing so would create an undue hardship. Employees should follow the accommodation request process outlined in this policy.

1. Reasonable Accommodation: Adjustments such as extended breaks, private spaces for lactation, modifications to work equipment or schedules, and light-duty assignments to support employees with pregnancy, childbirth, or lactation needs.
2. Related Medical Conditions: Includes lactation.
3. Lactation: Refers to the condition involving the feeding of a child directly from the breast or the expression of milk from the breast.

ANIMALS IN THE WORKPLACE:

The City recognizes the rights of qualified individuals with disabilities to use a service animal in accordance with the Americans with Disabilities Act (ADA).

A service animal is a dog that has been individually trained to perform work or tasks for the benefit of a person with a disability.

Employees who need a service animal as workplace accommodation should notify Human Resources and follow the accommodation process outlined in this policy. Human Resources will work with the employee and their Department Head, or designee to determine whether the accommodation is reasonable and does not create an undue hardship or direct threat to health or safety.

Service animals must always remain under the control of their handler and must not pose a direct threat to the health or safety of others or cause a significant disruption to City operations. Employees are responsible for the care, supervision, and control of their service animal while on City property.

The City may ask that a service animal be removed if it is out of control, not housebroken, or poses a direct threat that cannot be eliminated through reasonable measures. Removing a service animal does not automatically mean the employee will be denied reasonable accommodation. The City will continue to engage in the interactive process to determine whether effective accommodation is available.

All accommodation requests and related medical information will be handled confidentially in accordance with applicable law. Questions regarding this policy should be directed to the Human Resources Department.

For Visitors:

Visitors with disabilities may enter public areas of City facilities while accompanied by their service animal. If it is not obvious that an animal is a service animal, employees may ask only:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Employees may not ask about the person's disability, request medical documentation, or require proof of training or certification for the service animal.