



City of Los Angeles Reasonable Accommodation Process

Introduction

Disability laws are intended to allow persons with disabilities the opportunity for employment. Once a need for reasonable accommodation arises, the law requires an employer to engage the employee in a timely, good faith, interactive process to determine how to overcome the job-related limitations. A reasonable accommodation is a change in the work environment or in work processes that enables a qualified individual with a disability to enjoy equal employment opportunities. The accommodation must be effective in meeting the needs of the individual by addressing the barrier created by the functional limitations and does not impose an undue hardship on the employer.

Policy

The City of Los Angeles is committed to maintaining a discrimination free workplace. It is our intent to provide equal employment opportunities to individuals with disabilities by ensuring that selection and employment practices include efforts to reasonably accommodate disabled employees and candidates for employment by fully complying with Federal and State law. The following is an overview of the reasonable accommodation legal obligations required by the Federal ADA and State FEHA law.

- An employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would impose an undue hardship on business operations.
- The obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise anytime a person's disability or job changes.
- An employer cannot deny an employment opportunity to a qualified applicant or employee because of the need to provide reasonable accommodations, unless it would cause undue hardship (a high standard).
- An employer does not have to make an accommodation for an individual who is not otherwise qualified for a position.
- Generally, it is the obligation of the prospective employee or employee with a disability to inform the employer that an accommodation is needed to participate in an application process, to perform essential functions, or to receive equal benefits and privileges of employment. The individual does not have to specifically request a reasonable accommodation, but merely has to let the employer know that some adjustment or change is needed to perform a job because of the limitations caused by a disability.

- An employer must engage in a good faith, timely and interactive process with an employee or prospective employee with a disability who is in need of or requests an accommodation. The department should document these efforts.
- If an employee or applicant requests an accommodation, he/she must provide documentation of their functional limitations to support the request. Departments may request documentation in the form of a letter from the individual's private physician and/or refer the individual to the Personnel Department's Medical Services Division (MSD) for a medical evaluation to determine work limitations if the individual has been given an offer of employment or is a current employee. Departments are advised not to inquire as to the nature of the disability.
- A qualified individual with a disability has the right to refuse an accommodation, however, if the individual cannot perform the essential job functions without an accommodation, the individual may not be qualified for the position.
- If the cost of an accommodation would impose an undue hardship on the employer, the employee/applicant with a disability should be given the option of providing the accommodation or paying that portion of the costs which would constitute an undue hardship. If a department believes that an accommodation would impose an undue hardship, the Personnel Department's Citywide Disability Coordinator and the ADA Compliance Officer in the Department on Disability are available to discuss those findings and conclusions.
- The reasonable accommodation does not have to be the exact accommodation requested by the applicant or employee as long as what is offered as a reasonable accommodation allows the individual to perform the essential functions their position.