

## REASONABLE ACCOMMODATION POLICY

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<b>Issuing Authority</b>	Issued by: Office of Human Resources Authorized by: Office of the Chief Administrative Officer
<b>Authorized Signer</b>	Signee 1 Candi Blossom Jones, Chief Human Resources Officer Signee 2 Camille Duchaussee, Chief Administrative Officer
<b>Policy Number</b>	2025-56-1

### 1. BACKGROUND

Title I of the Americans with Disabilities Act of 1990 (the “ADA”) and other similar federal, state, and local laws prohibit employers from discriminating against employees based on disability. These laws require an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees, or applicants for employment, unless to do so would cause undue hardship to the employer.

### 2. POLICY

- A. The City of Philadelphia (“City”) is committed to providing equal opportunity in all aspects of employment.
- B. In accordance with federal, state and local laws, the City shall provide reasonable accommodations to employees or applicants who have a disability that affects their ability to perform their job, unless doing so would pose an undue hardship or a direct threat to safety.
- C. Employees and applicants, HR, and supervisors all must participate in the reasonable accommodation process to ensure accommodations can be granted in a timely manner.
- D. All medical information and documentation collected or received in accordance with this policy shall be kept confidential. Medical records shall be maintained in their own files, separate from personnel files, by the Human Resources (HR) Departments of the City. Such information shall only be shared with those who have an official need to know.

- E. Retaliation against an individual for requesting an accommodation for a disability under this policy is strictly prohibited. Any employee or applicant with concerns about retaliation for requesting a reasonable accommodation should promptly report such concern to a supervisor, the HR department, or the Department of Labor's Employee Relations Unit.
  - F. Failure to comply with this policy may result in discipline, up to and including dismissal.
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### 3. DEFINITIONS

- A. **Applicant** – An individual seeking consideration for employment by the City of Philadelphia.
  - B. **Employee** – All current and newly hired permanent full- and part-time members of the City's workforce; elected officials, mayoral appointees, and most board members; and all seasonal or other short-term employees and interns (paid and unpaid). This policy also applies to contracted workers who are not City employees when the City determines the location of their work and their responsibilities.
  - C. **Disability** – For purposes of this policy, a person with a disability is someone who has any physical or mental impairment that substantially limits a major life activity; or has a history or record of an impairment (such as cancer that is in remission); or is regarded as having such an impairment by others even if the individual does not actually have a disability (such as scars that do not limit a major life activity).
  - D. **Interactive Process** – Collaborative effort in which employers and individuals with disabilities who have requested accommodations work together to come up with accommodation solutions. It is intended as a good faith interaction between the parties – a back and forth of questions and information sharing relating to the limitations and capabilities of the requestor, the needs and constraints of the employer, and the range of possibilities to make it all work. The interactive process may include trying out various accommodations.
  - E. **Reasonable Accommodation** – Is a change to the application or hiring process, to the job, to the way the job is done, or to the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered "reasonable" if they do not create an undue hardship or a direct threat.
  - F. **Undue Hardship** – An excessively costly, extensive, substantial, or disruptive modification; a direct threat to safety; or a change that would fundamentally alter the nature of operation of the department.
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### 4. PROCEDURE FOR REQUESTING ACCOMMODATIONS

- A. Employees and Applicants may request a reasonable accommodation in writing.
  - 1. In the event an employee or applicant cannot submit their request in writing, reasonable accommodation requests will be accepted through other methods such as, but not limited to, via phone, via e-mail or in-person to the HR function of

the employing Department.

B. Once the need for disability accommodation has been communicated, a representative from the respective HR Department must respond within three (3) business days to provide any necessary paperwork and to begin an interactive process to determine whether the applicant or employee is eligible for accommodation and to evaluate whether workplace accommodations are feasible and/or appropriate.

1. This process must involve discussions with the employee or applicant and the employee or applicant's supervisor about the essential elements of the job and the appropriate accommodations. The employee or applicant may bring a support person to these discussions, including a union representative.
2. Employees will provide their health care providers with the ADA Health Care Provider Form and job description or list of essential elements of the job from HR. HR employees may request more details from health care providers if needed.
3. When evaluating accommodation options, HR and the employee or applicant's supervisory team must consider whether the employee or applicant can perform all essential functions of their full-duty position using reasonable accommodation strategies that do not pose an undue hardship to the employing department or a direct threat to the health or safety of the employee, applicant, or others. Note that the nature of the employee or applicant's restrictions may be shared during this process but not the medical information, unless the employee or applicant volunteers it. Ultimately, HR must make the decision about what, if any, accommodation(s) will be offered.

C. HR must:

1. Approve the requested accommodation as presented by the employee or applicant;  
OR
2. Suggest one (1) or more effective alternative accommodations, which the employee or applicant accepts; OR
3. Consult with the Compliance Unit of the Law Department if HR and the employee or applicant cannot come to a consensus, HR plans to offer a transfer, demotion or placement pursuant to Civil Service Regulation 34 (for exempt or civil service employees) as an accommodation solution, or HR plans to deny the accommodation request; AND
4. Communicate the decision with the employee or applicant.
5. Each department is responsible for tracking the status of accommodations requested in LaborSoft or other City designated database.

D. Accommodations will be offered and implemented as appropriate.

1. Accommodations that pose an undue hardship or a direct threat to safety will not be offered or permitted. Workplace accommodations are meant to enable employees and applicants to successfully perform their essential job functions. Accordingly, workplace accommodations will be designed to help an employee meet performance goals and expectations, not eliminate or lower them.

2. Although the employee or applicant is not obligated to accept the accommodation offered, a decision to decline an accommodation may render the employee or applicant unqualified to remain in the position or receive an employment offer.
3. HR shall notify the employee's supervisor about a granted accommodation. HR shall maintain a summary of the accommodation request and the nature of the accommodation granted or denied in a database or chart.
4. Once a workplace accommodation is granted, the supervisor and HR will work with the employee or applicant to ensure the accommodation enables the employee or applicant to safely perform the job and meet performance expectations. HR may request an update from the employee, the medical provider, or both regarding the employee's limitations and ongoing need for accommodation. HR's request for updates should occur no more frequently than annually unless the accommodation becomes an undue hardship, the City can offer a new accommodation, or the employee's need for an accommodation changes. Employees have an obligation to participate in this reopening of the interactive process.

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## 5. RESPONSIBILITIES

### A. Employee Responsibilities:

1. The employee or applicant requesting a disability accommodation is expected to work cooperatively with the employing Department's HR team to obtain any necessary medical documentation requested in a timely manner and must authorize their health care provider to communicate this information to the HR team.

**NOTE:** Failure to provide necessary medical documentation and information, or the refusal to undergo a medical examination when requested, may result in the denial of the employee's or applicant's accommodation request.

2. The requesting employee or applicant should be prepared to communicate about their specific disabilities as they relate to the duties of the position. The applicant or employee shall work collaboratively with HR to explore and evaluate possible workplace accommodations. The applicant or employee must provide the completed formal application and medical documentation so that HR is able to engage in the interactive process.
3. While an employee's request is being processed, the employee should follow their work schedule, hours, and expectations as they were prior to their accommodation request. If an employee is not able to follow their previous work schedule, hours, and expectations, they must take leave time while their request is processed.
4. If the accommodation authorized by HR is not the same accommodation that the employee requested, but it still meets the employee's disability-related needs as described in the medical documentation, the employee is required to try out the accommodation authorized by HR for a reasonable period of time. "Reasonable" in this context generally means two (2) to four (4) weeks of work. This trial period is considered part of the interactive process and at the end of it the employee and HR should meet again to determine if the accommodation is sufficient or if

different or additional accommodations are needed.

5. The employee or applicant is responsible for contacting the Department's HR manager or HR representative who is designated to handle ADA issues, if a reasonable accommodation is not implemented in a timely and/or effective manner, if the accommodation is not sufficient to meet the employee or applicant's needs, or when the employee or applicant's accommodation needs have changed. In such cases, the HR representative will work with the employee and other parties as needed to resolve any problems or concerns related to the accommodation.
6. If an employee has attempted an accommodation authorized by HR and has determined that it is not sufficient, the employee may request to reopen a reasonably recent interactive process. However, the employee may need to provide additional medical documentation if HR reasonably believes the medical documents already provided do not justify the employee's preferred accommodation.

#### B. Supervisor's Responsibilities

1. Responsibility for initiating a request for an accommodation generally rests with the employee, however, a supervisor who discovers or is made aware that a disability may be impacting an employee's job performance should immediately notify HR.
2. Supervisors may not approve or deny an accommodation. Supervisors must work collaboratively with department HR to identify the essential elements of a position and to assess how a proposed accommodation could be feasible and/or appropriate on a case-by-case basis.

**NOTE:** The nature of the employee or applicant's restrictions may be shared with a supervisor but not the medical information, unless the employee or applicant volunteers it. For example, a supervisor may be told that an employee needs lower lighting but may not be told that the reason is the employee's migraines.

#### C. Departmental HR Responsibilities

1. HR will make the process a high priority and promptly respond to the employee or applicant's requests for information and/or assistance. HR should immediately provide the employee with the ADA Accommodation Employee Request Form, the ADA Accommodation Health Care Provider Form, and the employee's job description or list of essential duties. HR should meet with and engage with the employee within three (3) business days of the initial request.
2. While the applicant or employee and the supervisor provide input during the accommodation process, HR shall decide whether and to what extent an accommodation will be offered.
3. If there is no consensus, HR should prepare a written summary and timeline of its interactive process and proposed accommodation plan and forward the employee's information and the summary to the Compliance Unit of the Law Department for review. HR should send this plan within 15 business days of the employee's initial request, but ideally sooner.

- a. HR will make themselves available for phone calls or meetings with the Law Department. HR managers/representatives are encouraged to seek guidance from the Compliance Unit of the Law Department early in the process of evaluating and deciding requests for workplace accommodations.
  4. HR should document every step and keep documentation in a separate location from the employee's personnel file. That location should be secure and only members of HR should have access to it. HR shall also maintain a summary of the accommodation request and the nature of the accommodation granted or denied in a database or chart.
  5. HR must give employees a copy of the final approved accommodation plan and instruct employees that if they have concerns or if anything needs to change in the future, they should reach out to reopen the interactive process.
  6. HR shall also notify the employee's supervisor about a granted accommodation.
  7. If the employee receives physical equipment as an accommodation, including but not limited to an accessible desk, chair, or keyboard, employees will also need to sign an ADA Accommodation Receipt Form promising to return any City-provided ADA equipment when they leave City employment or no longer need the equipment.
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## **6. LEAVE**

### **A. Requests for Leave as an Accommodation**

1. Employees who apply for leave should also be evaluated for reasonable accommodations that would potentially allow them to continue working.
2. In all cases where an employee is requesting time-off from work, or a reduced work schedule, as a workplace accommodation, HR should first determine whether the employee may be eligible to take Family and Medical Leave (FMLA) pursuant to Public Law 103-3, The Family and Medical Leave Act of 1993.

### **B. Employees can combine ADA accommodations and FMLA leave.**

1. For example, if an employee is receiving cancer treatments, the employee may need to take time off for the actual treatments under FMLA. But if the employee needs to work remotely on a temporary basis or have workplace accommodations related to the effects of the cancer treatments, those would fall under the ADA.

### **C. If, after exhausting FMLA leave entitlement, the employee requests additional leave as a disability accommodation, HR managers shall evaluate the request for additional leave in accordance with this policy and their Department policy. Determinations shall be made on a case-by-case basis after consultation with the Office of Human Resources and the Compliance Unit at the Law Department.**

### **D. There may be other leaves for which an employee may be eligible, such as medical leave, after FMLA is exhausted.**

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## **7. MEDICAL DOCUMENTATION**

### **A. Medical Documentation and Examination**

1. Whenever a requesting employee or applicant's disability and/or accommodation needs are not obvious; HR shall ask the employee or applicant to provide reasonable documentation from an appropriate health care provider that explains the medical condition and any functional limitations, as well as the type of accommodation(s) that may be required.
  - a. Such information must be provided by the healthcare provider in writing. The request for documentation shall be narrow in scope and focus on the existence and nature of the disability issue that prompted the accommodation request and the applicant or employee's need for accommodation. The City will also accept written documentation from a health care provider that is not on the City's form so long as it sufficiently explains the employee or applicant's limitations, so long as it includes the medical professional's contact information and signature.
  - b. The employee or applicant should make the request for medical documentation. An HR representative may follow up with the health care provider after receiving the initial medical documentation. If the employee/applicant wishes for the HR representative to communicate directly with the health care provider, the employee/applicant must authorize their health care provider and the HR representative to share information.
  - c. If medical documentation provided by an employee or applicant's health care provider is not sufficient to establish a qualifying disability and the functional limitations requiring accommodation, the applicant/employee is responsible for acquiring more detailed recommendations.
2. If the employee or applicant's health care provider fails to correct any deficiencies in the documentation, HR may require the applicant or employee to undergo a medical examination. The request for accommodation will be considered upon provision of complete documentation.
  - a. Such evaluation can be conducted at the Department's expense by the Employee Medical Unit, though employees and applicants can also seek a private provider to perform such examination at their own expense.

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## **8. TIME FRAMES**

- A. All requests for accommodations, including engagement in the interactive process, will proceed within a reasonable period of time based upon the facts and circumstances.
- B. HR should provide any necessary paperwork to the employee or applicant and meet and engage with the employee or applicant within 3 business days of the reasonable accommodation request. This includes providing the employee or applicant with a list of the essential elements of the position. HR teams are encouraged to collect this information about each job ahead of time so it is easily available and only needs to be updated or checked by the supervisor before it is given to the employee or applicant.

- C. After receiving the accommodation request, HR should meet with the supervisor separately from the employee or applicant to discuss the requested accommodation and any potential issues that might arise. If the supervisor has questions, HR should go back to the employee to discuss further. This entire process should not take more than 7 business days. If the HR Manager is temporarily unavailable, they should have an appointed delegate assume these responsibilities.
  - D. If there is no consensus or the plan is denial, demotion, or transfer as described in Section 4(C)(3) above, HR should draft a summary of its interactive process and proposed accommodation plan and forward it to the Law Department for review. HR should send this plan to the Law Department for review within 15 business days of the employee's initial request.
  - E. The time for processing the request and providing the accommodation will be extended as reasonably necessary if the request involves extenuating circumstances. HR shall communicate at least weekly with the employee or applicant regarding the status of their accommodation request.
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## 9. BARGAINING UNIT EMPLOYEES

- A. This policy does not supersede procedures contained in existing collective bargaining agreements (CBAs) covering bargaining unit employees. In addition, this policy must be used in conjunction with negotiated procedures contained in existing CBAs.
  - B. All employees, both bargaining unit employees and exempt employees, may bring a support person into interactive process meetings with HR.
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## 10. CONFIDENTIALITY

Requests for reasonable accommodations shall be confidential and only shared with those individuals whose input is needed to facilitate an accommodation. Department personnel must respect the employee or applicant's confidentiality. All documentation and information filed in support of an accommodation request shall be stored in accordance with Section 2(D) above. Information shall be treated as confidential except when Directors/supervisors, first aid providers, or safety personnel need to be informed about the restrictions in the case of an emergency.

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## 11. APPEALS

There is no formal appeal procedure for employees or applicants, as the Law Department will already have evaluated any denials of reasonable accommodation requests. However, applicants and employees may request to reopen their existing accommodation process to provide new information.

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