

City of Richmond

Administrative Policy Manual

SUBJECT: Reasonable Accommodations

SECTION: Human Resources Department

POLICY NUMBER: AP 316

INITIAL DATE PREPARED: April 2, 2025

LAST DATE REVISED:

I. Purpose

The City of Richmond is committed to providing employment-related reasonable accommodations to employees and applicants to enable them to perform essential job functions.

II. Policy

Absent the imposition of undue hardship to the City or its operations or the existence of a direct threat to either the health and safety of employee requesting the accommodation or others, the City will provide employment-related accommodations to the following employees and applicants for employment:

- Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
- Employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition, if they so request; and
- Employees who are a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work, if the employee has disclosed the employee's status, or the employee's family member's status, as a victim; and
- Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

III. Guidelines

The City recognizes that the process of identifying potential accommodations and determining whether any particular accommodation is reasonable requires a good faith, case-by-case evaluation.

The City will engage the reasonable accommodation procedures and interactive process listed in Section IV, below, when any of the following occur:

- An employee/applicant or a representative of same requests an accommodation for a medical condition or disability (as defined by federal or state law) that will enable the employee to perform one or more essential job functions.
- The City becomes aware that an employee has been injured and needs an accommodation to perform one or more essential job functions.

- 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 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.
- The City becomes aware that the applicant/employee cannot perform one or more of the essential functions of a position.
- The City receives a doctor's note or report that places limitations or restrictions on an applicant's or employee's ability to perform one or more essential job functions.
- An employee with a known limitation related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions requests a reasonable accommodation.
- An employee with a physical or mental disability, regardless of the cause, fails to return to work following pregnancy disability leave;
- An employee requests an accommodation to address a conflict between religious belief, observance, or practice and any employment requirement;
- The city is aware of the need for reasonable accommodation for an employee or applicant's religious beliefs, observance, or practices.
- A currently-provided reasonable accommodation is not effective to enable an employee to perform one or more essential job functions.

IV. Potential Accommodations

A. For Employees with Disabilities

Depending on the facts of each case, the interactive process analysis will generally begin with a review of possible reasonable accommodations that would enable the individual to retain their current job. The process will generally then move on to possible reasonable accommodations in other vacant jobs, for which the individual is qualified, if there is no reasonable accommodation in the current job that does not cause undue hardship, or that does not present a risk of harm to the individual or others. The City will consider accommodations that the applicant or employee suggests but has the right to select and implement any reasonable accommodation that it deems effective. The range of potential reasonable accommodations includes, but is not limited to, the following:

- Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities;
- Acquisition or modification of equipment or devices;
- Adjustment or modifications of examinations, training materials or policies;
- Provision of qualified readers or interpreters;
- Job restructuring;
- Part-time or modified work schedules;

- 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;
- Preferential consideration to reassignment to a vacant, comparable position, except when such preference would violate a bona fide seniority system;
- Reassignment to a vacant lower-paid position if there is no funded, vacant comparable position for which the individual is qualified for; or
- Reassignment to a temporary position if the individual agrees.

B. 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 reasonable accommodations that are 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 and may include considerations of 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 includes, but is not limited to, the following:

- Transfer to a less strenuous or hazardous position for the duration of the pregnancy;
- Change in or restructuring of work duties, such as modifying lifting requirements;
- Providing more frequent breaks;
- Providing seating;
- Time off for medical appointments; and
- Transfer temporarily to a job with equivalent pay and benefits that the employee is qualified to perform in order to accommodate reduced work schedule or intermittent leave.

C. For Employee-Victims of Domestic Violence, Sexual Assault, or Stalking

The City will provide a reasonable accommodation for an employee who is a victim or whose family member is a victim of a qualifying act of violence who requests an accommodation for the safety of the employee while at work, if the employee has disclosed the employee's status, or the employee's family member's status, as a victim.

"Family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in Government Code Section 12945.2, or designated person. For purposes of this paragraph, "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship.

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Qualifying act of violence means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

1. Domestic violence
2. Sexual assault
3. Stalking
4. An act, conduct, or pattern of conduct that includes any of the following:
 - In which an individual causes bodily injury or death to another individual.
 - In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.
 - In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

Depending on the facts of each individual case, the interactive process analysis will review all possible 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 preferences of the employee to be accommodated but has the right to select and implement any accommodation that it deems effective. The range of potential safety measure accommodations includes, but is not limited to, the following:

- Transfer, reassignment, modified schedule;
- Change in work telephone number;
- Change in location of workstation;
- Installation of locks;
- Assistance in documenting domestic violence, sexual assault, stalking, or a crime that occurs in the workplace;
- The implementation of a safety procedure(s);
- Adjustment to job structure, workplace facility, or work requirement; and
- Referral to a victim assistance organization.

D. For 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 includes, but is not limited to, the following:

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

V. Procedures

A. Request for Reasonable Accommodations

To enable the City to keep accurate records regarding requests for accommodations, individuals seeking any reasonable accommodation must submit their request in writing to the Director of Human Resources or designee.

B. Reasonable Medical Documentation of Disability

If the disability or the need for accommodation is not obvious, the City may request the individual requesting the 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 in order 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.

C. 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 evaluate whether it needs a medical certification and, if so, will provide the employee with notice of the need for a medical certification within two (2) business days after the employee's request for accommodation. 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.

D. 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:

- 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
- 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.

Failure to provide appropriate documentation or to cooperate with the City's efforts to obtain such documentation may result in the denial of an accommodation.

E. Fitness for Duty Evaluations

The City may require an employee or applicant to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation.

Applicants

After the City extends a conditional offer of employment to an applicant, the City may require the applicant to submit to fitness for duty examination that is job-related, necessary for efficient operations of the agency, and required of all applicants for the job classification. The City will notify an applicant or employee who is required to pass a medical and/or psychological examination of their right to obtain a second opinion at their expense and that they may submit a second opinion for consideration.

Current Employees

The Director of Human Resources or designee may require an employee to submit to a fitness for duty examination to determine whether the employee has a disability or is able to perform the essential functions of their job when there is objective evidence that a reasonable person would question whether the employee is still capable of

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performing one or more of their essential duties or is still capable of performing those duties in a manner that does not harm themselves or others.

F. Role of Health Care Provider

The City 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-approved physician to conduct the examination 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 whether:

- The applicant or employee has a disability within the meaning of the Fair Employment & Housing Act ("FEHA");
- The applicant or employee is fit to perform essential job functions;
- Workplace restrictions or functional limitations apply to the applicant or employee, and the duration of the work restrictions or functional limitations;
- There are any reasonable accommodations that would enable the employee to perform essential job functions.
- The employee's continued employment poses a threat to the health and safety of themselves or others.

Should the health care provider exceed the scope of the City's request and provide confidential health information without valid consent of the applicant or employee, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

G. Authorization for Use of Medical Information

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

H. Medical Information from the Employee or Applicant

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If an employee or applicant submits medical information to the City from their own health care provider, the Director of Human Resources will not forward that information on to the physician who conducted the examination for the City, without the employee or applicant's written authorization.

Upon receipt of the written authorization, the Director of Human Resources or designee will request the physician who conducted the examination for the City to determine whether the information alters the original fitness for duty assessment.

I. Confidentiality of Medical Information

Medical records and information regarding fitness for duty, or the need for an accommodation, will be maintained separately from non-medical records and information. Medical records and information regarding fitness for duty and the need for accommodation will be accessible only by the Director of Human Resources or designee, the City's legal counsel, first aid and safety personnel in case of emergency, and supervisors who are responsible for identifying reasonable accommodations. Medical records and information contained therein may be released pursuant to federal and state law.

J. The Good Faith Interactive Process

Once a request for an accommodation is received, or if the City learns of any of the factors listed in the Section III, above, the City will initiate a good faith interactive process.

The interactive process is a fluid process and the means by which the City collects information to determine if a reasonable accommodation for the employee or applicant is available. The interactive process will include one or more meeting or communication between Risk Management and City staff who are knowledgeable about the essential job functions at issue, and the employee or applicant and any of the employee's or applicant's representative. The Risk Manager or designee will document these communications in writing.

During the interactive process, the City may request or collect information relating to an individual's disability, the need for an accommodation, and other information necessary to evaluate a request for an accommodation, to determine if an accommodation can and should be provided, or to determine the full range of potential accommodations.

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An employee's or applicant's failure to participate in good-faith in the interactive process constitutes a waiver of the employee's or applicant's right to an interactive process and may also constitute a waiver of a specifically-requested accommodation.

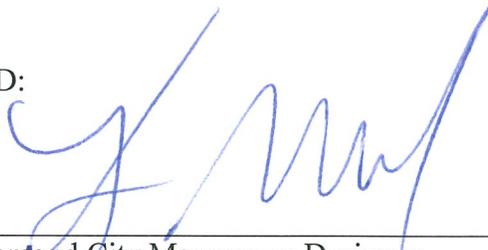
K. Case-by-Case Determination

After the interactive process communications, the Director of Human Resources or designee in collaboration with the Risk Manager will review the information received and determine whether all potential accommodations that the employee or applicant has suggested have been considered; whether all available information has been reviewed; whether additional discussions with the applicant or employee would be helpful; whether the employee's or applicant's preferences have been taken into account; if there is a reasonable accommodation that would enable the applicant or employee to perform the essential job functions without harming themselves or other; and if the accommodations would pose an undue hardship on City finances or operations.

If the City determines, in its sole discretion, that the accommodation(s) can be made and the type of accommodation(s) to be provided, the City will advise the employee or applicant of its determination in writing.

If the City determines that a request for an accommodation will be denied, the Director of Human Resources or designee will communicate the denial in writing to the requesting individual. The explanation for the denial will state the specific reasons for the denial. If a specifically-requested accommodation has been denied, but an alternative reasonable accommodation has been offered, the notice should explain both the reasons for the denial and the reasons as to why the offered alternative will be effective.

APPROVED:



City of Richmond City Manager or Designee

4/2/25

Date