



## PERSONNEL POLICY

### **SUBJECT: AMERICANS WITH DISABILITIES ACT AND REASONABLE ACCOMMODATION**

DATE: January 1, 2017

Number: 100-16

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#### **I. Statement of Policy**

It is the policy of Fulton County to ensure the civil rights of all current and prospective employees irrespective of any mental or physical disability, and to fully comply with the Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008, and Fulton County policies. Fulton County will not tolerate discrimination against any individual with a disability in any terms or conditions of employment, including, but not limited to:

- Recruitment, advertising and position application procedures.
- Hiring, promotion, awarding of tenure, demotion, transfer, layoff, termination, right of return from reduction in force, or rehiring.
- Rate of pay or any other compensation or change in compensation.
- Position assignment, position classification, organizational structure, position description, line of progression and seniority listing.
- Leaves of absence, sick leave or any other leave.
- Fringe benefits available by virtue of employment, whether or not administered by Fulton County.
- Selection and/or financial support for training, including apprenticeships, professional meetings, conferences and other related activities and selection for leaves of absence to pursue training.

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## **II. Background and Applicability**

The Americans with Disabilities Act (ADA), as amended, is a federal mandate requiring all public and private sector entities to provide equal access to employment opportunities, facilities, buildings, programs, goods, services and activities for individuals who have mental or physical disabilities. Signed into law in 1990, this federal mandate extends anti-discrimination and civil rights protections to persons with disabilities as defined by the Act.

This policy is designed to assist all Fulton County employees with ADA compliance; to provide full and equal access to employment and promotional opportunities; to assist qualified employees with disabilities whose job performance may be impacted by their disability; and to provide reasonable accommodation(s) which may enable qualified employees to perform the essential functions of their positions, unless the accommodation would result in undue hardship to Fulton County. This policy shall be administered by the Office of Diversity and Civil Rights Compliance (“DCRC”).

## **III. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.



## PERSONNEL PROCEDURE

### SUBJECT: AMERICANS WITH DISABILITIES ACT AND REASONABLE ACCOMMODATION

DATE: March 17, 2017

Number: 100-16

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In establishing this Procedure, Fulton County intends to fully comply with all requirements of the Americans with Disabilities Act, as amended (“ADA”), implementing regulations, and all other applicable laws (“applicable law”). To the extent any part of this Procedure conflicts with applicable law, the requirements of applicable law will control.

#### I. Definitions

- Employee refers to all individuals employed by Fulton County, including but not limited to those in any of the following position categories: Classified, Fee Paid, Permanent, Probationary, Temporary, Temporary Pending Register, Unclassified, Work Test, and WAE (When Actually Employed) Hourly.
- Disability as defined by the ADA, refers to:
  - A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
  - Having a record of such an impairment; or
  - Being regarded as, treated as, or perceived as, having such an impairment.

*Current illegal drug use is expressly excluded from this definition of “disability.”*

- Physical or Mental Impairment refers to:
  - Any physiological disorder, condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory (including speech organ); cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine; or

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- Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

*This is not necessarily an exhaustive list and does not include all physical or mental disabilities that are intended to be included in this definition.*

- Major Life Activities refers to, but are not limited to:
  - Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and
  - The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- Substantially Limits refers to: a limitation that significantly restricts the manner, condition or duration under which an individual can perform a particular major life activity as compared to the manner, condition or duration under which the average person in the general population can perform that same major life activity.
- Having a Record of Such Impairment refers to possessing a history of, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- Being Regarded, Perceived, or Treated as Having Such an Impairment refers to an individual who:
  - Has a physical or mental impairment that does not substantially limit any major life activities, but which is treated by a covered entity as being a substantially limiting impairment;
  - Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment; or
  - Has none of the impairments defined herein, but is treated by a covered entity as having a substantially limiting impairment.

*Employees simply “regarded as” disabled are not entitled to a reasonable accommodation under the ADA.*

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- Qualified individual with a disability refers to an individual who meets the definition of a person with a disability under the ADA and satisfies the requisite skill, experience, education and other position related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodations, can perform the essential functions of such position.
- Essential functions refers to the fundamental position duties of the employment position as described by the Fulton County, Georgia Classification Specification, inclusive of, but not limited to, the included Essential Duties and Physical Requirements for all applicants and employees of Fulton County. The term “essential function” does not include marginal functions of the position. The Performance Appraisal (PA), the Fulton County Classification Specification, and input from the employee’s supervisor may be utilized to determine essential or marginal functions of the job.
- Reasonable Accommodation refers to: A modification to the normal policies, procedures, processes, and rules to provide persons with disabilities (whether applicants or employees) equal access to an entity’s programs, facilities and services in the same manner as those without disabilities; or
  - Adjustment(s) to the application process that enables an applicant with a disability to apply for the position such applicant desires; or
  - An adjustment to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, which may enable an individual with a disability who is qualified, to perform the essential functions of that position; or
  - An adjustment that enables an employee with a disability to enjoy equal benefits and privileges of employment as enjoyed by other similarly situated employees without disabilities.
  - Other possible reasonable accommodations may include, but are not limited to:
    - ❖ Modification of work sites or environment
    - ❖ Job restructuring of non-essential duties
    - ❖ Modification of work schedules
    - ❖ Provision of adaptive equipment or modifying equipment
    - ❖ Provision of effective communications via alternative formats, qualified readers, sign language interpreters and/or large-font print

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- ❖ Reassignment to a vacant-funded position for which the employee is qualified to perform the essential functions of the job with or without a reasonable accommodation
- ❖ Leave of absence for a specified duration of time
- Direct Threat refers to a significant risk of substantial harm to the health or safety of the individual or another individual that cannot be eliminated or reduced by reasonable accommodation(s). The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the position in accordance with Fulton County’s Fitness for Duty Policy. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. Factors to be considered include:
  - The duration of the risk
  - The nature and severity of the potential harm
  - The likelihood that the potential harm will occur, and
  - The imminence of the potential harm.

To the extent any such definitions conflict with definitions in any applicable law or regulation, such applicable law or regulation is controlling.

## **II. Reasonable Accommodations Procedure**

### **A. Applicant and Pre-Employment Requests for Accommodation**

The ADA covers all employment activities, including position applications and recruitment. The Fulton County Department of Human Resources Management shall endeavor to: make all aspects of the recruitment process accessible; make and/or provide requested reasonable accommodation(s) relative to the recruitment, application, or interview process as required; and ensure equal access to employment opportunities for all applicants. The following is a partial list of actions that Fulton County may implement to ensure equal access to employment opportunities:

1. Notice of position openings shall be provided via a recorded “position hotline” and in print formats at its main office located at 141 Pryor Street, SW, Suite 3030, Atlanta, Georgia 30303 (additional access to Fulton County forms and applications are available at [www.myfultoncountyga.com](http://www.myfultoncountyga.com)). Position notices, application forms, testing materials and other printed materials shall be made available in alternative formats upon request to the Department of Human Resources Management for persons who may require them.

2. Printed position notices, or other alternative formats, shall be posted in the main office and an identical set provided in a notebook that is accessible to persons with disabilities who are unable to read the wall posted notices.

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3. County Department of Human Resources Management staff is available upon request to assist applicants who have disabilities with reading position notices or completing positions applications.

4. Sign language interpreters will be provided upon request, to assist persons who require such assistance. Requests for this assistance should be made at least 72 hours in advance and should be directed to the Deputy Chief Human Resources Officer or the HR Operations Manager. Recruitment personnel will obtain appropriate sign language interpreters by contacting the DCRC – Disability Affairs Unit.

5. Callers utilizing TTY/TTD or relay-type services, may request sign language interpreter services or communicate with Fulton County via the Georgia Relay Service (711) for assistance.

6. Other requested accommodations that are reasonable and will not result in undue hardship to Fulton County may be provided to ensure equal access during the recruitment and application process.

#### Advance Notice Required

It is the responsibility of the applicant to request accommodations at least 72 hours in advance of arriving to participate in any part of the recruitment or application process for which the applicant may need a reasonable accommodation. Applicants should contact the Deputy Human Resource Officer or the HR Operations Manager by calling 404-613-0871 at least 72 hours in advance to request accommodations.

### **B. Employee and Post-Employment Reasonable Accommodations and the Interactive Process**

In accordance with the requirements of the ADA, when an employee with a disability requests an accommodation under the ADA, Fulton County and the employee must engage in an interactive process to evaluate the employee's request and identify reasonable accommodations that would allow the employee to perform the essential functions of his or her job without resulting in undue hardship to Fulton County.

The interactive process consists of two components: (1) determining whether the employee may have a medical condition or impairment that meets the definition of disability under the ADA (qualification/eligibility) and may be entitled to reasonable accommodations; and (2) determining what reasonable accommodations exist that would allow the employee to perform the essential functions of his or her job without resulting in undue hardship to Fulton County. Any employee seeking to request a reasonable accommodation must contact the DCRC – Disability Affairs Unit. The following steps will then be initiated to complete the reasonable accommodations/interactive process:

#### **1. Determining Eligibility**

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a. Intake: During this stage of the process, an intake session is conducted with the requesting employee at which time:

- A copy of this policy shall be explained and provided to the requesting employee by the DCRC Program Coordinator or designee.
- The DCRC shall review qualification requirements and possible outcomes of the process with the employee and answers any questions the employee may have at that time.
- The employee will be asked to sign an Acknowledgment/Consent to Proceed form to verify his/her receipt and understanding of the County's ADA/Reasonable Accommodations policies and procedures. This signed acknowledgment form also provides the DCRC with authorization to proceed with the reasonable accommodation process.
- If the employee's disability is not known or readily apparent, the employee may be asked to provide medical documentation sufficient to establish that the employee has a disability and the need for a reasonable accommodation. The documentation must identify the "limitations" relative to performing the essential duties of the position. When appropriate, Fulton County may also request that the employee provide medical documentation establishing the need for particular accommodation(s) requested by the employee. It is the employee's responsibility to request a reasonable accommodation and to ensure that the proper documents to support the request are provided by the employee's medical professional directly to DCRC.
- The employee should ensure that Fulton County will receive requested medical documentation (where required) within 15 days from the intake meeting. If the DCRC does not receive a response within 15 business days from the date of the intake meeting, the employee shall be informed via certified letter, and given an additional 10 business days to communicate with the medical provider regarding the importance of responding in a timely manner. It is the employee's responsibility to have the licensed health care provider(s) transmit the requested information directly to the DCRC. If after the additional 10 business days has passed and there is still no response received by the DCRC, the case will be administratively closed as incomplete. The employee shall be notified of the closure via certified letter. The DCRC will re-open or recommence the reasonable accommodation process at any time if a medical provider, knowledgeable about the employee's condition, provides the DCRC with the necessary supporting documentation.
- In cases where the employee has been requested to provide medical documentation, the DCRC will review the medical documentation provided by the employee's medical provider to support eligibility/qualification for disability (physical or mental impairments) and limitations relative to performing essential

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duties. If the documentation is insufficient, incomplete, vague or ambiguous, the DCRC will notify the employee by certified letter and the employee will have 10 business days to request that his or her healthcare provider provide complete and sufficient information to DCRC. If the employee's healthcare provider does not respond or again provides information that is insufficient, incomplete, vague or ambiguous, Fulton County will give the employee the option of choosing to sign a limited release to allow the DCRC to communicate directly with the employee's medical provider for the purpose of assessing the employee's request for accommodation. The County may also wish to request recommendations from the employee's medical provider regarding the employee's job duties.

- During this step of the process, an employee may be granted a temporary accommodation pending a final determination and/or may be placed on paid leave up to the amount of the employee's accrued leave balance, placed on unpaid leave and/or afforded the opportunity to apply for leave under the FMLA, if s/he is unable to perform the essential duties of his or her position. Each case will be evaluated and treated on an individual basis.

b. Eligibility- Upon receipt and review of any required medical information provided to the DCRC, a determination shall be made and notifications sent within five (5) business days as to whether the employee is eligible to participate further in the interactive process under the ADA . The DCRC's determination will include whether that employee may be entitled to the provision of Reasonable Accommodations and/or whether further discussion is warranted. Employees who are not required to provide medical information to substantiate a disability will be similarly notified of the qualification status.

- If the determination is that the employee has a disability, a notification letter will be directed to the Appointing Authority and the employee (employee's letter will be sent by certified mail), notifying him/her of the employee's eligibility for a Reasonable Accommodation. An interactive meeting shall be scheduled within 15 business days by the Appointing Authority with the employee, the DCRC Program Coordinator and/or other relevant personnel to discuss possible reasonable accommodation(s).
- If the determination is that the employee is not eligible, the employee shall be sent a notification letter via certified mail and the case shall be closed.
- An employee's eligibility status may be modified upon request for or submission of additional documents from a licensed health care provider should the employee's condition(s) change. An automatic review of the initial eligibility may also occur when:
  - additional or modified accommodations are requested

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- the essential job functions have changed and/or
- Fulton County's business needs have changed

## **2. Interactive Meeting**

The intent of the interactive meeting is to assist the employee and the Appointing Authority in reviewing all essential functions of the employee's position and physician-described limitations (where applicable), and determining if a reasonable accommodation that will not result in an undue hardship to Fulton County is available to assist the employee with the performance of all essential functions of his or her position.

- Participants in the interactive process include the employee, the Appointing Authority or designee (which may include the direct supervisor and/or the Department of Human Resources Management representative) and the ADA Administrator or designee.
- The process may involve: an analysis of the employee's current job to determine the essential functions; consultation with the employee to identify potential accommodations and the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job; and consideration of the overall business needs of the Department or County. All requests for reasonable accommodations shall be addressed on a case-by-case basis.
- Should the employee's condition(s) change (e.g. limitations or essential duties), an employee's reasonable accommodation(s) may be modified upon request with the submission of additional documents from a licensed health care provider or the Appointing Authority. Fulton County may also review an employee's reasonable accommodation(s) based on changing business needs.

## **C. Possible Accommodations – Examples**

Examples of possible accommodations or outcomes may include, but are not limited to:

### **1. Modification to the Work Environment or Schedule**

Should the identified reasonable accommodation(s) consist of a modification to the employee's work "environment," the DCRC may recommend the following:

- The Appointing Authority, or his/her designee, must contact the Workers' Compensation Safety Officer to conduct a workplace assessment of the primary work area.
- Recommendations may be made as to the type of adaptive equipment necessary to minimize the impact of the limitations, and/or rearrangement of the equipment or primary work area.
- Should the identified reasonable accommodation(s) consist of a modification to the employee's work "schedule," the DCRC, through the interactive meeting, may

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request additional information from the Appointing Authority, or his/her designees, regarding possible scheduling modifications, including, but not limited to flex schedules, extended hours, or alternative operation hours when possible.

## **2. Provision of Adaptive Equipment and Devices**

Should the identified reasonable accommodation(s) consist of equipment, devices or similar items, the DCRC Program Coordinator will initiate the following procedures:

- Based on physician's or other specialists' recommended specifications, identify a minimum of three (3) potential vendors (make note if sole source vendor) to contact for price quotes, including shipping. The DCRC Program Coordinator may also coordinate purchase activities with various internal departments (e.g. Department of Information Technology [IT] for telecommunication or computer-related equipment needs).
- Forward a memo to the Appointing Authority requesting a funding line for the purchase of specified item(s). The DCRC Program Coordinator shall be notified of the availability of funds within five (5) business days after receipt of this memo.
- Upon approval of funds by the Appointing Authority (or designee), the DCRC Program Coordinator shall coordinate the purchase, delivery and installation of the equipment with the appropriate department.
- Upon receipt and confirmation that the correct equipment has been received and functions properly, the DCRC Program Coordinator shall modify the Reasonable Accommodation Plan as appropriate as well as confirm functionality of the equipment and/or implementation of the Reasonable Accommodation Plan in 30-business days.

All items provided to any County employee as a Reasonable Accommodation under the ADA shall remain the property of Fulton County Government. If for any reason the employee no longer requires these items or any part thereof, these items shall be returned to the Appointing Authority for recycling and/or may be re-assigned to other employees.

Upon separation and/or termination of employment with the County, an employee shall return to the Appointing Authority all assistive devices which have been provided to him/her by the department. This return shall be completed within three (3) business days of the employee's separation and/or termination.

The Appointing Authority shall be responsible for maintaining a current inventory list of any and all equipment which has been purchased by and/or distributed to the employee.

## **3. Reassignment**

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Where appropriate, the County may attempt to place an individual into a vacant-funded position for which he/she is qualified and can perform all essential functions, with or without reasonable accommodations. Reassignment positions may be within the employee's current department or, may be identified in another County department. Should this option become necessary, the preliminary contacts and arrangements will be made during the "Interactive Meeting" process as described above.

- Internal Departmental Reassignment- If the employee cannot perform all essential functions of his/her current position with or without reasonable accommodations, the employee will be asked to provide a current resume and completed Fulton County Application Form to the HR Operations Manager and to the DCRC. This information will be reviewed to determine which minimum job requirements and skill sets the employee meets relative to available positions which may be a suitable fit for reassignment. The current department will have 30-business days to conduct an internal departmental job search for any vacant-funded positions for which the employee may be qualified, with or without reasonable accommodations.
- County-wide Reassignment – Upon request by the employee, the DCRC Program Coordinator shall provide the Fulton County Department of Human Resources Management with the employee's application and resume to review for minimum job requirements and skill sets the employee possesses in order to identify available vacant-funded positions for which the employee may be qualified, with or without reasonable accommodations, outside of the employee's current department. This process may be concurrent with the internal job search and will continue for a period of 60 business days.
- Once the Fulton County Department of Human Resources Management identifies possible job opportunities for which the employee qualifies, the DCRC Program Coordinator shall contact any department(s) in which there appears to be a viable vacancy to discuss the position requirements, funding, availability, and interview opportunities. If the vacancy appears viable, DCRC will facilitate a meeting between the Hiring Authority or designee, and the employee for interview opportunities.
- The employee shall be notified in writing by the Hiring Authority of any offered positions as a reasonable accommodation (reassignment), pending final approval.
- If the County-wide search does not identify a vacant-funded position within 60 business days, or the employee is not re-assigned to an internal department position, the employee and his/her Appointing Authority shall be notified via certified mail by the DCRC.
- Reassignment opportunities as a result of a reasonable accommodation may be offered at a pay rate equivalent to the employee's current pay rate, subject to the

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budgetary constraints of the Department and provided the employee's current pay rate falls within the pay range for the new position. If the employee's current pay rate does not fall within the pay range for the new position, the employee must be offered a pay rate within the pay range for the new position, consistent with Fulton County's Compensation Policy.

#### **4. Leave of Absence**

Depending on the circumstances, a leave of absence (including but not limited to leave under the FMLA) may be a reasonable accommodation.

#### **5. Inability to Accommodate**

If the employee rejects all reasonable accommodation(s) offered by Fulton County and/or if there is no reasonable accommodation that can be made that would allow the employee to perform the essential functions of the job without undue hardship to Fulton County, at the conclusion of the Reasonable Accommodation/Interactive process, the employee will be allowed to take FMLA leave and/or other applicable leave in accordance with Fulton County policies and applicable law. In cases where an employee is not eligible for FMLA leave or any other applicable leave and there is no reasonable accommodation that can be made that would allow the employee to perform the essential functions of the job without undue hardship to Fulton County, an Appointing Authority may separate the employee in accordance with Fulton County's Separations Policy.

#### **D. Reasonable Accommodation Plan**

The Reasonable Accommodation Plan captures any suggested accommodations, limitations, applicable timeframes, including but not limited to reassignment agreements discussed between the involved parties during the interactive meeting. Prior to its implementation, the Reasonable Accommodation Plan must be endorsed by the Appointing Authority (or designee), the requesting employee and the DCRC. Reasonable Accommodation Plans shall be distributed for signature within 5 business days of the interactive meeting. The Appointing Authority shall be responsible for the collection of any applicable signatures, excluding the ADA Administrator, and the DCRC shall monitor and verify implementation for a period of no less than 30-business days.

#### **E. County Manager Responsibility and Authority**

In the event that the Appointing Authority should dispute or deny the provision of reasonable accommodation for the employee, DCRC will send the matter to the County Manager for further review and action. In such cases, the County Manager will make a final determination regarding reassignments and/or implementation of the Reasonable Accommodation Plan and communicate that decision to the Appointing Authority and DCRC within 10 business days of the receipt of the DCRC's referral.

#### **F. Monitoring and Case Closure**

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The DCRC will monitor implementation of the Reasonable Accommodation Plan for 30 business days following the interactive meeting, to ensure that the Plan is implemented and working well for all parties and the subject case will be closed. In the event that the Plan is not working for either the employee or the Appointing Authority, the ADA Administrator has the discretion to initiate a 2nd interactive meeting to address any challenges or revise the Plan.

### **III. Additional Information**

#### **A. Confidentiality**

1. The DCRC shall maintain all medical information in a strictly confidential manner at all times. However, the DCRC, as needed or required by law, may disclose certain limited information to support the need for the requested reasonable accommodations.

2. Under the guidelines of the ADA, an employer may not discuss this matter with anyone who is not directly involved or responsible for the subject employee's job performance. Specifically, an employer is prohibited from disclosing that the employee: has requested a reasonable accommodation; is receiving accommodations, or is covered under the ADA.

3. Employers are also prohibited from disclosing any other information which would violate the employee's rights to confidentiality under the ADA.

4. The employee shall be notified in writing should DCRC be required to release any part of their confidential information.

#### **B. Notification**

1. All correspondence to applicants and new or current employees regarding this process or any employment/advancement opportunities shall include a statement informing the individual that all requests for a reasonable accommodation will be considered upon request and that reasonable accommodations will be provided in accordance with the ADA.

2. All correspondence regarding public meetings, training, special events, etc., shall include a statement informing the individual that requests for reasonable accommodations, including information in an alternative format for persons with disabilities, will be considered upon request and that reasonable accommodations will be provided in accordance with the ADA.

3. Examples of such statements might include the following: "Should you require reasonable accommodations for this interview, please contact (name of department contact) at least 72 hours in advance"; or "Should you require a reasonable accommodation or this communication in an alternative format due to a disability, please contact (name of department contact) at least 72 hours in advance of the scheduled event. [72 hours advance notice is specific to alternative communications requests. For other types of reasonable modifications that may not be communication-

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related, additional time may be required. *i.e.* public events, accessibility, etc. may be requested 2 weeks in advance.]

### **C. Parking**

1. Fulton County does not provide parking for all employees. Title II of the Americans with Disabilities Act (ADA) requires that a minimum percentage of parking spaces, at facilities where parking exists, be made accessible for the public. The provision of a special parking space for an employee, however, may be considered in the context of the reasonable accommodations process.

2. Accessible parking spaces are strictly for use by the public (individuals with disabilities who display the appropriate permits) on a first-come-first-serve basis. County employees shall not occupy accessible public parking spaces on County property designated for private individuals with disabilities, unless designated as “staff parking.”

### **D. Representation**

For any and all meetings required under this Policy, an employee may choose to bring a representative of his/her choice. That representative may be a family member/friend, employee organization/union representative or a legal representative. However, should the employee determine that he/she wishes to have a legal representative present, the employee is responsible for notifying all individuals involved in sufficient time such that the Appointing Authority and/or the DCRC staff may also secure legal representation, as appropriate. The DCRC reserves the right to postpone any meeting during the interactive process in order to secure legal counsel.

### **E. Retaliation**

Retaliation due to any contact with the DCRC or participation or assistance in the DCRC Qualification process and/or Reasonable Accommodation process is strictly prohibited. Any employee engaging in such retaliation is subject to disciplinary action in accordance with Fulton County policy.

### **F. Training**

1. The DCRC, in coordination with the Department of Human Resources Management’s Training Division, provides on-going training to all Fulton County employees in the areas of disability awareness and etiquette, non-discrimination in employment practices, reasonable accommodations (Title I), ADA requirements for state and local governments (Title II) and public accommodations (Title III).

2. Training is provided to all new employees during New Employee Orientation and other established County training classes that include ADA/disability training components. Basic ADA training is provided on a cyclical basis. However, customized, specialized, or department-specific training is provided as needed or requested by specific departments.

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3. The Office of Diversity and Civil Rights Compliance staff regularly participates in professional training workshops/seminars on various topics including the ADA and current case law.

#### **IV. Worker's Compensation and the ADA**

To be covered by both Workers' Compensation and the ADA, an injury/illness must arise out of and in the course of employment and must result in a limitation of a major life activity as defined by the ADA. Employees who have active worker's compensation cases and believe they may also qualify for a reasonable accommodation under the ADA should contact the DCRC for assistance.

#### **V. Family and Medical Leave Act (FMLA) and the ADA**

An employee who is temporarily or intermittently unable to perform one or more of the essential functions of his/her current position may be entitled to the protections afforded by the Family and Medical Leave Act (FMLA). Any employee who is in such a situation and believes that he/she may be entitled to the protections afforded by the Family and Medical Leave Act should contact the Department's HR Liaison or the County's FMLA Leave Administrator to explore all available options. The DCRC does not review or approve requests for FMLA.

At the expiration of the employee's FMLA leave, if the employee is preparing to return to work with or without limitations and is in need of a reasonable accommodation, they may initiate the interactive process as described above prior to their return.

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