

ARTICLE AA

ACCOMMODATION PROCEDURE

I. Purpose

This Article establishes procedures and guidelines by which the Cook County Sheriff's Office (CCSO) provides reasonable accommodations, pursuant to, among other statutes, Title I of the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act (PDA) amendment of Title VII of the Civil Rights Act, and the Pregnancy Accommodation Act (PAA), amendment of the Illinois Human Rights Act, for qualified employees and applicants.

II. Policy

- A. It is the policy of the CCSO to accommodate Qualified individuals who request accommodations under the ADA for the known physical or mental impairment(s) that limits one or more major life activities, unless doing so would result in an undue hardship or constitute a direct threat to CCSO operations.
- B. The CCSO is committed to providing equal access and opportunity to Qualified persons with disabilities in all terms and conditions of employment. CCSO recognizes that in order to have equally effective employment opportunities and benefits, Qualified employees and applicants may need Reasonable Accommodations. The CCSO does not discriminate on the basis of disability, pursuant to Title 1 of the ADA. The ADA makes it unlawful to discriminate against a Qualified employee or applicant with a disability, because of that disability, in hiring, advancement, reassignment, discharge, and job training. CCSO will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing Reasonable Accommodations, as necessary, to afford equal employment opportunity and benefits for Qualified persons with disabilities.
- C. The Pregnancy Discrimination Act and the Pregnancy Accommodation Act forbid discrimination based on pregnancy when it comes to any aspect of employment. Impairments resulting from pregnancy may be disabilities under the ADA and/or the PAA. The CCSO will provide a reasonable accommodation to qualified employees for conditions related to pregnancy, childbirth, or related medical conditions, unless doing so would impose undue hardship or present a direct threat to the operations of the CCSO. If you are pregnant and in need of workplace accommodation or are an applicant for employment who requires accommodation, please contact the Bureau of Human Resources designee at 773-674-4355.
- D. The CCSO designates the authority to manage any and all requests, the interactive dialogue process and approvals for ADA accommodations to the Sheriff's Bureau

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of Human Resources. No other individual or Department may provide or deny an ADA accommodation(s). An employee seeking an accommodation under the ADA or PAA must initiate the request for accommodation with the Sheriff's Bureau of Human Resources, submit the necessary medical documentation and cooperate in any resulting discussion and evaluation.

- E. The Sheriff's Office respects its relationships with its employees' legally recognized collective bargaining representatives and the provisions of the CBAs it has negotiated with such representatives. Those relationships are governed by the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, as amended, and the Sheriff's Employment Action Manual (SEAM) will be construed and administered consistent with that Act to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. With respect to Shakman Non-exempt Employees, if a CBA is in conflict with the language in the SEAM, the language in the CBA governs provided it does not permit or involve the use of Political Reasons or Factors. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion must be exercised subject to the Sheriff's Order regarding Unlawful Political Factors and Reasons, Reporting and Retaliation, and to procedures contained in the SEAM. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in the SEAM must be followed.

II. Applicability

This Article AA is applicable to all qualified CCSO employees and Applicants. All CCSO employees are required to familiarize themselves with the contents of this SEAM Article. All CCSO supervisors shall review the contents of this order with all employees under their supervision, as appropriate, and ensure the provisions as outlined are strictly adhered to.

III. Authority

- A. The Americans with Disabilities Act (ADA)
- B. Illinois Human Rights Act
- C. Pregnancy Discrimination Act (PDA)

IV. Refer to Glossary for the following definitions:

- A. Americans with Disabilities Act
- B. Essential Functions
- C. Major Life Activity

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D. Qualified Employee/Applicant

E. Reasonable Accommodation

V. Procedure

A. A Qualified employee/applicant may request a Reasonable Accommodation under the ADA, PDA and/or PAA.

B. Department Heads/Designees shall ensure that the Americans with Disabilities Act (ADA) is posted on all Cook County Sheriff's Office bulletin boards, as required by law. Additionally this SEAM Article can be obtained on the Sheriff's Office website. Further information can be found by referring the employee to the United States Equal Employment Opportunity Commission's website, www.eeoc.gov and/or the Illinois Department of Human Rights website, www2.illinois.gov.

C. An employee or applicant with a covered disability may request a Reasonable Accommodation by contacting the Sheriff's Bureau of Human Resources. The employee may complete an ADA Reasonable Accommodation Form (which can be found on the CCSO website) and mail or hand-deliver the completed form to the Bureau Chief of Human Resources/Designee at 3026 South California, Building 2, Room 117, Chicago, IL 60608 or an employee may put the request in writing to the Bureau Chief of Human Resources/Designee and mail or hand deliver the request to the above listed address or the employee may report to the Sheriff's Bureau of Human Resources to verbally request a Reasonable Accommodation.

1. An accommodation request is any communication in which an employee asks or states that he or she needs the CCSO to provide or change something because of a physical or mental impairment;

2. An accommodation request does not have to include any special words, such as reasonable accommodation or disability, though it may be helpful.

D. Any supervisor who is notified of an employee's disability, limitations, or restrictions, or has knowledge of the employee's disability and perceives it to affect the employee's performance shall:

1. Notify the Sheriff's Bureau of Human Resources within twenty-four (24) hours;

2. Advise the employee to contact the Sheriff's Bureau of Human Resources;

3. Refer the employee to this SEAM Article AA, which is located on the Sheriff's website; and
 4. Notify their Department Head/Designee, through the chain of command.
- E. The employee will be required to provide the CCSO Employee Health RN, located at 3026 South California, Building 2, 1st Floor, Chicago, IL 60608, with comprehensive diagnostic medical documentation, provided by the employee's treating physician. The documentation must identify his/her diagnosis, duty limitations and expected duration of the condition. If the condition is a temporary condition, the physician's documentation must indicate how long the temporary condition is anticipated to last. If the employee refuses to provide the comprehensive diagnostic medical documentation, the request for a Reasonable Accommodation cannot be processed.
- F. If the employee is seeking an accommodation, the employee will provide a comprehensive diagnostic medical documentation including detailed medical restrictions, if the restrictions are anticipated to be permanent or temporary and identifies a re-evaluation date. This will be presented to the Employee Health RN for review.
- G. In the case of conflicting medical opinions, the Human Resources designee has the discretion to consider the area of expertise of each medical professional who has provided information; the kind of information each person providing documentation has about the job's essential functions and the work environment in which they are performed; whether a particular opinion is based on speculation or on current, objectively verifiable information about the risks associated with a particular condition; and whether the medical opinion is contradicted by information known to or observed by the employer. If the medical restrictions must be clarified, an Independent Medical Evaluation and/or a Fitness for Duty may be required. The opinion of the Independent Medical Examiner shall be binding and final.
- H. The Bureau Chief of Human Resources/Designee will conduct a job analysis and dialogue with the Department Head/Designee and the employee to determine if the employee can perform the Essential Functions of the job for which they are requesting the accommodation.
- I. If the employee cannot perform the Essential Functions of his or her current position, the Bureau Chief of Human Resources/Designee will identify vacancies of other positions/classifications. The Bureau Chief of Human Resources/Designee shall notify the Department Head/Designee of vacant position(s) that may be utilized for an accommodation. The employee may be administered a Skills Assessment or other additional testing to determine if he/she

meets the Minimum Qualifications of the identified position. If the employee meets the Minimum Qualifications for a vacant position, the employee will be notified of the new position. In the event an employee does not meet the Minimum Qualifications of a position the employee will be notified to contact the Cook County Pension Board to determine their eligibility for Ordinary Disability. Alternate positions may require changes in title, shift, work location, Merit status and/or salary and are subject to availability.

- J. The Bureau Chief of Human Resources/Designee will notify the employee in writing of the identified position/classification for which the employee meets the Minimum Qualifications and can accommodate the employee's workplace restrictions. The employee will be required to respond, in writing, if he/she is accepting or declining the identified position/classification, within the timeframe requested by the Sheriff's Bureau of Human Resources.
- K. The Bureau Chief of Human Resources/Designee will identify in writing when an accommodation is approved by providing the employee with an Authorization to Return to Work Form and will notify the respective Department Head/Designee to identify the employee's assignment. In the event of a transfer authorized by the Bureau Chief of Human Resources/Designee, the Department Head/Designee will then provide a written notification of the approved Transfer, via memorandum, to the following:
 - 1. Employee
 - 2. Undersheriff
 - 3. Bureau Chief
 - 4. Department Head
 - 5. Compliance Officer
 - 6. Bureau Chief of Human Resources
 - 7. Union, if applicable.
- L. Employees who need to revise, modify, or update their medical restriction(s) and/or limitations or who require further accommodation will be required to provide current comprehensive diagnostic medical documentation and the revised, modified or updated medical restriction(s) and/or limitations to the CCSO Employee Health RN, in accordance with SEAM, Article T.
- M. The Bureau Chief of Human Resources/Designee will identify in writing if an accommodation is denied for reasons to include, but not limited to, a result of an undue hardship or constitutes a direct threat to CCSO operations. If the

employee's accommodation request cannot be met because the request does not fall under the covered Acts, the employee may still qualify for a Hardship Transfer. The Bureau Chief of Human Resources/Designee shall advise the employee of the option to request a Hardship Transfer pursuant to the Sheriff's Employment Action Manual (SEAM), Article G, Hardship Transfer and/or other Employment Actions.

- N. Medical confidentiality standards will be strictly maintained in accordance with Americans with Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act (HIPAA) law requirements.

VI. Processing Accommodation Requests

CCSO shall process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. An employee shall respond within a timeframe requested by the Sheriff's Bureau of Human Resources to a request for further supporting documentation by the Director of Personnel/Designee.

VII. Appeals

Employees who wish to appeal the Bureau Chief of Human Resources/Designee's decision may complete a Reasonable Accommodation Appeal Form (which can be found on the CCSO website) within thirty (30) calendar days from the date of the decision, and submit it to the Legal and Labor Affairs Department. The Sheriff's General Counsel/Designee shall review the matter and inform all parties of his/her decision in writing. The CCSO Bureau of Human Resources shall provide all necessary information to facilitate this review. The decision of the Sheriff's General Counsel/Designee is the final internal appeal.

VIII. Questions

If an employee/applicant has any questions or needs assistance regarding accommodations, the employee/applicant should contact 773-674-4355.

IV. Record Keeping Requirements

The Bureau Chief of Human Resources/Designee will retain all documentation in a separate file, with the exception of the Release for Duty Authorization. All medical documentation will be retained only by the Bureau of Human Resources.

V. Training

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Sheriff's Bureau of Human Resources, Department Heads and Supervisors shall receive the appropriate training to facilitate their role in this process.