



POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **AMERICANS WITH DISABILITIES ACT**

NUMBER: 1.25

ISSUED: 08/02/2021

EFFECTIVE: 08/02/2021

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

- RESCINDS
- AMENDS

REFERENCE:

WILEAG 5TH EDITION
STANDARDS: N/A

INDEX AS: ADA
Americans with Disabilities Act

PURPOSE: This Policy & Procedure outlines the provisions of the Americans with Disabilities Act (ADA) of 1990 and the rights and obligations for employees with the City of Sturgeon Bay and the Sturgeon Bay Police Department under federal and state law.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURE

I. DEFINITIONS

- A. "Disability" as defined under the Americans with Disabilities Act of 1990 (42 U.S.C. sec. 12101): A qualified individual who has a physical or mental impairment that substantially limits one or more major life activities; a person who has a record of such impairment; a person who is regarded or perceived to have an impairment; or has a known association or relationship with an individual with a disability.

- B. "Disability" as defined under the Wisconsin Fair Employment Act (Section 111.32): A physical or mental impairment which makes achievement unusually difficult or limits the capacity to work; has a record of this impairment; or is perceived as having this impairment.
- C. DIRECT THREAT TO SAFETY: A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
- D. ESSENTIAL JOB FUNCTIONS: Those activities of a job that are the core to performing the position that cannot be modified. A function is essential if: the job exists to accomplish the function, only a limited number of employees can perform the function, the function is highly specialized and an employee is hired for his/her expertise in the area.

Other factors that may be considered in determining whether a function is essential are: the amount of time an employee spends performing the function, the consequences if the employee were not required to perform the function, the terms of applicable collective bargaining agreements, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.

- E. QUALIFIED INDIVIDUAL WITH A DISABILITY: A person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the "essential" functions of the position with or without reasonable accommodation.
- F. REASONABLE ACCOMMODATION: Any modification or adjustment to a job or the work environment that will enable a "qualified" applicant or employee with a disability to participate in the application process or to perform essential job functions. Examples of reasonable accommodation include: making facilities readily accessible, job restructuring, modifying work schedules, implementing flexible leave policies, reassignment to a vacant position, acquiring or modifying equipment or devices, adjusting or modifying tests, training material or policies, and providing qualified readers or interpreters.
- G. UNDUE HARDSHIP: An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

II. POLICY

- A. In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 and the Wisconsin Fair Employment Act, the City of Sturgeon Bay prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment.

The City of Sturgeon Bay is committed to providing accommodations for eligible employees, citizens and/or applicants with documented disabilities.

III. PROCEDURE

A. Reasonable Accommodation

1. The City is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the City.

B. Complaint Procedure for Employees

1. If an employee believes they have been discriminated against in employment on the basis of disability, an internal complaint may be filed through the City's harassment complaint procedure, or a formal complaint may be filed with the Wisconsin Equal Rights Division of the Department of Workforce Development and/or the federal Equal Employment Opportunity Commission.

2. Requests for Accommodation

- a) An employee who believes they need a reasonable accommodation to perform an essential function of their job should make that request through their direct supervisor, the ADA Coordinator or Personnel Director. The City will work with the employee to determine if their disability can be reasonably accommodated.
- b) When a request for accommodation is received by a supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process, the employee should be directed to submit a **"Reasonable Accommodation Request Form"** with appropriate supporting documentation to their direct supervisor [Cities should determine whether accommodation requests should go to the supervisor or an ADA Coordinator] or the Personnel Director [Cities should establish a "ADA Coordinator" or designate the position which accommodation requests or other ADA related inquiries should be addressed to] for consideration.

[Note: A request for reasonable accommodation may be verbal or written. If the request is verbal, the agent of the employer must begin the interactive process, regardless of whether a "request for accommodation form" is completed].

- c) All requests for accommodation shall be responded to in a timely fashion, after the supervisor has engaged in the “interactive process” with the employee requesting accommodation. Supervisors are encouraged to request assistance from the Personnel Department [or other department or ADA Coordinator] or other outside sources, as necessary.
- d) The City reviews all requests for accommodation on a case by case basis and may provide a reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees.

The City is not obligated to provide an accommodation that causes an undue hardship on the City.

3. Documentation of Request for Accommodation

- a) Documentation of the request for accommodation and the response (provided on the “**Response to Accommodation Request Form**”) by the supervisor and/or [Personnel Director or ADA Coordinator] should be forwarded to the [Personnel Department – Cities should designate a specific department] and shall be kept in a confidential file (separate from personnel and/or medical files).

C. Complaints or Inquiries by Disabled Citizens.

- 1. In all cases of requests, comments or complaints by disabled citizens regarding matters relating to their special use of City facilities or services (including facilities administered by the Police Department), elected officials, appointed department heads, and employees of the City should prepare a written memo with the date of the contact, the name, address and telephone number of the person making the contact, a brief description of the nature of the request, comment or complaint, and the resolution of the contact if it was handled through their office or department.

D. Public Meeting Notice ADA Information.

- 1. All City department covered by the Open Meeting Law of Wisconsin should state on all open meeting notices that sign language interpreters are available upon request and at no charge for hearing impaired persons wishing to attend such meetings.
- 2. Such requests must be made to the authority holding the meeting at least three (3) days before the meeting. Requests may be made to the authority or department holding the meeting in writing or by voice telephone.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/30/2020