

**101.4 SUBJECT: AMERICANS WITH DISABILITIES ACT**

:1 OBJECTIVE:

Define disability and establish a reporting and investigation procedure for complaints of discrimination made by disabled City employees, as well as complaints from disabled citizens.

:2 AUTHORITY:

This procedure amended by City Council May 13, 2019, Item A-5.

:3 DIRECTION:

Chief Administrative Officer, Department Directors, Office Heads, Division Managers

:4 METHOD OF OPERATION:

A. Definitions

The following words, for the purpose of this policy and procedure, shall mean:

*City* is the City of Orlando Government.

*Employee* is any person who is employed by the City of Orlando.

*Disability* means having a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, having a record of such impairment or being regarded as having such impairment.

*Americans with Disabilities Act (ADA)* is Federal legislation which prohibits discrimination against persons with disabilities.

*Americans with Disabilities Act Official* is an employee designated by the Chief Administrative Officer (CAO) to coordinate the City's efforts to comply with the ADA. The Director of Human Resources is the ADA official.

*Qualified* means an employee who meets all of the posted requirements and is able to perform all of the essential functions of the position with or without reasonable accommodations.

B. Policy

The City shall not discriminate against a qualified individual because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

The City shall not discriminate against any qualified individual with a disability on the basis of disability nor shall it unlawfully exclude such an individual from participation in or deny the individual the benefits of the services, programs or activities of the City.

Persons with non-obvious disabilities have an obligation to inform the City about the existence of the disability in a timely manner if reasonable accommodations are needed.

The ADA Official shall be responsible for the following:

1. Investigation of any complaint alleging non-compliance with the ADA by the City or its employees;
2. Coordination of the City's efforts to comply with and carry out its responsibilities under the ADA;
3. On or before January 26, 1993, completion of a written self-evaluation of the City's current services, policies and practices and the effects thereof with respect to the requirements of the ADA, and on or before July 26, 1993, preparation of a barrier removal transition plan;
4. Provision of opportunities for interested persons including individuals with disabilities to participate in the self-evaluation process; and
5. Recommendation to the CAO and other appropriate City officials which physical barrier accommodations are readily achievable.

C. Employment Procedures

1. The City of Orlando values the talents and abilities of those qualified individuals having a disability and supports their employment within the City work force. Recruitment and Employment processing is conducted in accordance with Policy and Procedure 808.2 with reasonable accommodations provided for testing and job placement.
2. Procedures for continued employment of individuals who become disabled while employed by the City are provided in paragraph D. Reasonable efforts will be taken to continue employment in the spirit of the ADA for those qualified employees when a position is available.

D. Reporting/Managing Employees With Potential Disabilities

1. If the employee is unable to perform the essential functions of his/her current position, due to permanent restrictions from a disability, and if within the employee's Department, no reasonable accommodation can be made which would allow the employee to perform the essential functions of his/her current position, and no open position for which the employee is qualified is available, the department will refer the employee to Human Resources for a City wide job search.

Human Resources shall search all position openings for which the employee may be qualified. If the employee is qualified for any open position, which is an equivalent or lesser pay grade he/she shall be offered that position. If there is a vacancy that the employee qualifies for that would be considered a promotion, the employee must apply and compete through the normal City application process.

2. If the disability stemmed from an on-the-job injury or job-related illness and no open City position is available when the employee reached either MMI (maximum medical improvement) or the 180-day threshold as provided in Policy and Procedure 808.50, the employee shall be terminated.
3. If the disability is not job-related and no open City position is available under the conditions stated in #1 for which the employee is qualified, the employee shall be terminated upon the completion of all eligible leaves, or the 180 day threshold as provided in Policy and Procedure 808.15 and/or 808.25.
4. Any employee terminated pursuant to this Policy & Procedure shall be eligible for rehire.
5. An employee who becomes disabled for any reason has an affirmative obligation to perform and/or aid his/her own job search.

E. Public Meetings, Events, and Programs

Every effort will be made to schedule meetings and other events open to the public at locations accessible to persons with disabilities.

Public meeting notices should contain the following notation:

"Persons who need an accommodation to attend or participate in this (program, meeting, or event) should contact (person or office) at (phone number) by (date) in order to request such assistance."

The deadline set for notification should not exceed 24 hours unless a greater period of time is necessary to accomplish a specific accommodation.

When an accommodation is requested in order to allow a person with a disability to attend or participate in a meeting or program, every effort will be made to meet this request unless the requested accommodation would fundamentally alter the nature of the program or would involve undue financial or administrative burden.

Accommodations that should be provided whenever possible include: moving the meeting or event to an accessible location; providing assisted listening devices or other auxiliary aids; providing materials/information in alternative formats; providing a qualified sign-language interpreter.

Any questions about the required provision of accommodations should be directed to the City's ADA Official or the Office of Legal Affairs.

F. Provision of General Services (Permits, information, etc.)

Services provided by the City must be made accessible to persons with disabilities whenever feasible. Such services, whenever feasible, must be either: 1) provided in an accessible location; or 2) provided to persons with mobility impairments in a location accessible to them.

On-line services or programs must be accessible in accordance with current industry standards or offered in an alternative accessible manner.

Accommodations must be made in order to provide effective communication with persons who are hearing impaired. The type of accommodation required will depend on the importance and complexity of the particular process. For most permitting and informational services, an exchange of written communications will often be sufficient. If written communications are not effective, efforts should be made to obtain the assistance of a sign language interpreter. A list of City employees who have this skill is available in Human Resources .

At formal hearings and board meetings affecting the rights of an individual with a hearing impairment, appropriate communication assistance must be provided. If necessary, the services of a qualified sign language interpreter will be provided at

City expense. The City's ADA Official should be contacted as far in advance as possible to arrange this service.

G. Fire or Medical Emergency Service

In fire or medical emergency situations, every effort should be made to accommodate the special needs of persons with disabilities, to the extent that time and safety permits. Persons with disabilities should be treated with dignity and respect, but safety concerns must be given primary consideration. Communications with persons who are hearing impaired should be made in the quickest effective means possible.

If the services of a sign language interpreter are needed, and when time permits, Fire Communications should be contacted to obtain the names of City employees who possess this skill.

H. Complaint Procedures

1. Any City employee who believes that he or she has been subjected to discrimination on the basis of a disability and is not able to resolve the matter through the appropriate grievance system should report the conduct to the ADA Official.
2. The City considers discrimination against the disabled to be a serious offense. Depending on the circumstances of the incident, discipline up to and including termination may be imposed on any employee who, in the course of that charge, intentionally discriminates against an individual because of his/her disability.
3. This procedure is in no way intended to prevent an aggrieved employee from pursuing his or her claim of discrimination through other local, state or federal agencies.
4. The City's ADA Official will also accept and respond to complaints from disabled citizens alleging violations of the ADA by the City or its employees.

:5 FORMS:  
None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Titles I, II and III of the ADA. Procedure adopted by City Council January 27, 1992, Item 5/GG; amended August 31, 1992, Item 4J; amended March 22, 1999, Item.7-AA; amended July 28, 2003, Item A4; amended May 13, 2019, Item A5.

:8 EFFECTIVE DATE:

This procedure effective May 13, 2019.