



2.06 ~~TITLE I REASONABLE ACCOMMODATIONS WITH PEOPLE WITH DISABILITIES~~ REASONABLE EMPLOYMENT ACCOMMODATIONS

Purpose

The City of Portland ~~provides~~ is dedicated to providing an equitable employment environment for ~~people with disabilities~~ all job applicants, job candidates, employees, interns, and elected officials (collectively, "Workers"). ~~As part of this commitment, the City provides reasonable accommodations for people~~ qualifying individuals ~~people with disabilities, people who are pregnant or have related conditions, and people who have religious customs and/or beliefs (a "Protected Status")~~ to enhance workplace productivity and facilitate equal employment opportunities. The goal of this Rule is to ensure all employees and potential employees Workers can readily and efficiently request and receive reasonable accommodations necessary to help them perform their essential job functions.

This Rule facilitates the City's compliance with Title I of the Americans with Disabilities Act (ADA) of 1990 as amended and Title VII of the Civil Rights Act of 1964 as amended. The Rule also facilitates compliance with Oregon state law, ~~namely~~ namely ORS 659A.112 and ORS 659A.033, ~~ORS 659A.885~~, as well as Oregon state law.

It is the City's policy that reasonable accommodation requests are processed without regard to the requestor's race, color, ethnicity, religion, gender, marital status, familial status, national origin, age, disability status, sexual orientation, gender identity, source of income, ~~or~~ veteran status, or other protected status.

Definition of Disability

As defined by the ADA, "disability" means a physical or mental condition that substantially limits one or more major life activities, or there's a record of such a substantially limiting condition.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. and other physical, mental and social activities.

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

Definition of Religion

As defined by the Civil Rights Act, "religion" includes all aspects of religious observance and practice, as well as beliefs. The Equal Employment Opportunity Commission (EEOC) further defines "religious beliefs" to include theistic beliefs (i.e. those that include a belief in God) as well as non-theistic moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional

religious views. Social, political, and/or economic philosophies and personal preferences are not considered religious beliefs.

Definition of Pregnancy

As described by Oregon state law (~~ORS 659A.885~~), and for the purposes of this Rule, “pregnancy” means pregnancy, childbirth, or a related medical condition, including —but not limited to— lactation.

Important Note: For nursing City employees who have a need to express milk for a child 18 months of age or younger, Oregon state law (~~ORS 653.077~~) provides ~~two types of employment accommodations are mandatory under Oregon State law (ORS 653.077) and are therefore not subject to an interactive process or determination as described in this Rule. The first mandatory accommodation is that the City must allow such employees a reasonable rest period to express milk each time the employee has a need to express milk and requires . The second mandatory accommodation is that the City must~~o make reasonable efforts to provide a private location for nursing other than a public restroom or toilet stall. For more information, ~~please read HRAR X.XX or~~ speak with a Human Resources Business Partner.

Who is Covered

All job applicants, job candidates, elected officials, and employees who have physical or mental conditions that substantially limit one or more major life activities or have a record of such a substantially limiting condition.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and other physical, mental and social activities.

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Definition of Reasonable Accommodation

A reasonable accommodation is ~~any~~ change in the workplace-work environment or in the way job duties are ~~customarily typically~~ performed that provides an equal employment opportunity ~~to a person with a disability~~. It is provided when:

- ~~A qualifying~~ ~~An~~ applicant or candidate with a Protected qualifying Sstatus (i.e. has a disability, has a religious custom, and/or is pregnant) ~~with a disability~~ needs an accommodation to have an equal opportunity to apply for a job with the City of Portland.
 - A qualifying City of Portland elected official or employee with ~~a a Protected qualifying Sstatus (i.e. has a disability, has a religious custom, and/or is pregnant)~~ disability needs an accommodation to perform the essential functions of their job or to gain access to the workplace.
 - ~~A qualifying~~ ~~An~~ elected official or employee at the City of Portland ~~who who has a Protected qualifying Sstatus (i.e. has a disability, has a religious custom, and/or is pregnant)~~ has a disability needs an accommodation to enjoy equal access to benefits and other privileges of employment (e.g., ~~trainings~~).
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~~This process does not cover requests~~The City is not required to provide accommodations that would pose an undue hardship (e.g.e.g.,i.e. too costly or disruptive to City operations), that fundamentally change the essential functions of a job, ~~that that violates an applicable collective bargaining or other agreement, that infringe on the civil rights of other employee~~or that or that might threaten the health and safety of the employee who made the request or the health and safety of other employees. ~~Even-However,~~ in these cases, the City of Portland ~~will~~may discuss whether some other form of workplace modification may be effective.

Responsibilities

It is the responsibility of the ~~job applicant, job candidate, elected official, intern, or employee~~Worker to request a Title I reasonable accommodation. Read the “Initiating a Reasonable Accommodation” section for more information on requesting an ~~Title I~~ accommodation.

Recruiters, hiring managers, ~~and~~supervisors, ~~and other City staff~~ are responsible ~~for~~must notifying the Bureau’s assigned Human Resources Business Partner of any reasonable accommodation request they receive ~~from a Worker~~. Managers and supervisors ~~will~~ normally participate in the interactive process with both the Business Partner and the ~~applicant, candidate, or employee~~applicant or ~~employee~~Worker to fulfill an accommodations request.

The Bureau’s assigned Human Resources Business Partner is responsible for initiating the interactive process with the person who requests an accommodation and to involve ~~any person~~those who the Business Partner deems necessary to ensure an effective and timely accommodation is provided. The ~~Business Partner~~ must ensure the ~~applicant or employee~~Worker is informed of the outcome of the accommodations request. Business Partners are also responsible for tracking data related to their Bureaus’ accommodations requests.

~~The Bureau of Human Resources (BHR) is responsible for coordinating and monitoring the reasonable accommodations system at a Citywide level. This includes providing technical assistance and appropriate training to all Business Partners, managing the appeals process for reasonable accommodations, and Citywide recordkeeping on reasonable accommodations.~~

~~The Disability Resources and Employment Specialist at the Bureau of Human Resources is responsible for coordinating and monitoring the Title I accommodations system at a Citywide level. As part of this role, the Specialist provides systematic policy support for all Business Partners. The Specialist also manages the Title I appeals process and Citywide data collection on Title I accommodations.~~

Role of Business Partners

Each City of Portland Bureau ~~or Office~~ has a designated Human Resources Business Partner to oversee the reasonable accommodation process. All ~~Title I~~ reasonable accommodation requests are handled by or in conjunction with the Business Partner. When a determination ~~is that aof~~ reasonable accommodation is ~~warranted~~validmade, the Business Partner will work with managers and/or recruiters to ensure ~~that~~the accommodation provided is appropriate to ~~meet the applicant or employee’s~~Worker’s needs and enables the person ~~meet the individual’s disability-related needs and enables the individual~~ to perform the essential functions of their position. Business Partners may work with Operating

Bureau Personnel Administrators (OBPA)s or other administrative staff to facilitate ~~financial transactions implementation offer~~ reasonable accommodations as needed.

Confidentiality

The City will ensure the confidentiality of all medical information obtained regarding a request for reasonable accommodation as well as the confidentiality of all associated communications during the interactive process. Both Bureaus and Business Partners must keep all medical documentation they receive in a file separate from an individual's personnel file. Non-medical information obtained during this process is shared on an as-needed basis with those involved in providing a reasonable accommodation.

Initiating a Reasonable Accommodation Process

The reasonable accommodations process begins when the City of Portland becomes aware that ~~an applicant or employee~~ a Worker may need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to ~~a a Protected qualifying Sstatus (i.e. a disability, a religious custom, and/or a pregnancy) disability or chronic medical condition.~~ This may occur when:

- A ~~candidate or employee~~ Worker requests a reasonable accommodation;
- A ~~candidate or employee~~ Worker discloses a ~~disability qualifying Protected Sstatus;~~
- A recruiter, manager or Business Partner recognizes an obvious challenge of a ~~candidate or employee~~ Worker due to ~~a disability a Protected qualifying Sstatus;~~ or
- ~~A Worker #An employee~~ returns to work after a leave of absence with a ~~medically documented ongoing disability or health condition qualifying Protected Scondition status.~~

Important Note: At times, the City of Portland may provide work modifications regardless of whether a ~~disability does or does not exist qualifying Protected Sstatus exists when permitted under the law.~~ For example, the City of Portland has an ergonomic program available to all employees who may ~~require~~ seek special equipment to address or prevent various injuries and conditions. Under the ergonomic program, an employee with carpal tunnel syndrome may request an ergonomic chair, stand/sit desk, or wrist pad. Requests under the ergonomic program, or other employee wellness programs may not require medical documentation. For more information on the ergonomic program, please contact the City of Portland's Risk Management division by calling (503) 823 – 5101. Additional contact information is available at the Risk Management website.

Requesting a Reasonable Accommodation

A request is any communication in which ~~an applicant or employee~~ a Worker asks or states that they need ~~an a change accommodation~~ because of a ~~Protected qualifying physical or mental condition under the Americans with Disabilities Act Sstatus (i.e. a disability, a religious custom, and/or a pregnancy).~~

A request may be made directly to a Business Partner, manager, supervisor, or (if applicable) a recruiter. A request does not have to include any special words, such as “religious accommodation,” “pregnancy accommodation,” “reasonable accommodation,” “disability,” or “ADA.”

A recruiter, manager, or the Business Partner may ask ~~an individual~~ for clarification if they are unsure if the ~~individual applicant or employee~~ Worker is requesting a Title I reasonable accommodation.

~~Upon being notified of an accommodation request, the Business Partner will provide applicants and employees the Worker with the appropriate Accommodation Request intake form. Applicants, elected officials, and employees will be asked to complete an Accommodation Request form. Can we provide a hyperlink to the form here?~~

If an applicant, candidate, employee or elected official a Worker :

- ~~— Discloses a Protected qualifying sStatus, rreturns to work with a qualifying status Protected Status (usually an ongoing disability); or~~
- ~~Or,~~
- ~~— if a recruiter, manager, or Business Partner recognizes an obvious challenge of a candidate or employee Worker due to a Protected qualifying sStatus (disability, religious custom, or pregnancy),~~
- ~~• Discloses a disability;~~
- ~~• Returns to work with an ongoing disability; or~~
- ~~• If a recruiter, manager, or Business Partner recognizes an obvious challenge of a candidate or employee due to a disability,~~
- ~~•~~
- ~~• Then Returns to work with an ongoing disability; or~~
- ~~• If a recruiter, manager, or Business Partner recognizes an obvious challenge of a candidate or employee due to a disability,~~

~~Then~~ the recruiter, manager, or Business Partner may proactively inquire if a reasonable accommodation would be helpful. If the individual person Worker states they do not need an accommodation, ~~then~~ the offer will be documented in writing by the Business Partner and no further action will be taken. If the individual person Worker states that they do need an accommodation, the Business Partner will provide an Accommodation Request intake form. it will be regarded as an initial accommodation request.

Important Note for Employees Workers with Disabilities: While a Worker ~~an employee~~ does not have to disclose their disability until they feel they need an accommodation, it is recommended that employees Workers not wait until their performance appraisal meeting or during a disciplinary proceeding to disclose a disability and request an accommodation. The City of Portland does not have to rescind disciplinary actions administered prior to a request for an ADA accommodation. Any prospective discipline after disclosure will be administered as appropriate under the circumstances.

Initiation of the Interactive Process

The interactive process is a collaborative effort between the applicant or employee Worker, the manager, and the Business Partner to discuss the need for an accommodation as well as identify effective accommodation solutions. While the City will facilitate the purposes of this Rule to the best of its ability, individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this section are aspirational. ~~The City desires to facilitate the purposes of this Policy to the best of its ability, and individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this Rule are aspirational.~~

It is expected that in the case of accommodations for applicants, the timing of the interactive process would be a priority so ~~that the individual applicant~~ does not lose out on the opportunity to compete for a job.

Generally, an interactive process will be initiated as soon as feasible but no later than three (3) business days of the original accommodation request being made.

If an accommodation request is made to a recruiter, manager, ~~or~~ supervisor, or other City staff person representative, the Business Partner must be notified within one (1) business day.

Upon notification of an accommodation request, the Business Partner has two (2) business days to initiate the interactive process with the ~~applicant or employee~~ Worker. ~~Depending on the nature of the accommodation request, the Business Partner may request that the recruiter, manager, or supervisor initiate and/or lead the interactive process.~~

An interactive process includes, but is not limited to:

- Understanding the ~~job~~ job-related challenge that is generating the request;
- Confirming Learning more about the Worker's that a disability, religious custom, and/or pregnancy Protected Status is prompting the need for an accommodation, including the Worker's ability to perform essential functions of the job and what options are available to accommodate the Worker; and
- ~~Confirming that a disability is prompting the need for an accommodation; and~~
- Determining the reasonable accommodation solution(s) that may be effective in meeting the person a Worker individual's needs.

Depending on the type of accommodation requested, an interactive process may require input from City Attorneys, the Disability Resources and Employment Specialist, other Human Resources staff members, or other relevant Bureaus. A third-party ~~vendor or community partner~~ vendor may also be consulted depending on the type of request sought.

An ~~applicant's or employee's~~ Worker's failure to cooperate with or participate in the interactive process could result in delayed consideration of a request or in its denial. If this occurs, ~~applicants and employees~~ the Worker may initiate a new accommodation request and interactive process at any time.

Important Note: ~~If a Title I accommodation request is made to another City representative, including but not limited to a Human Resources staff member, an Equity Manager, facilities personnel, or information technology staff, it is required that they communicate the request to the Business Partner within one (1) business day of the initial request being made.~~

Responding to an Accommodation Request

~~Once the Business Partner receives notice of a request for an accommodation, they will provide the employee or applicant with an Accommodation Request form as soon as feasible but no longer than two (2) business days. The employee or applicant must complete and return the Accommodation Request form as indicated.~~

~~In limited circumstances, simple accommodations that are easily provided and that do not involve a financial transaction may be proactively provided by the manager or supervisor at their discretion. Medical documentation might not be required for a simple accommodation. **However**, even in these cases written documentation of the initial accommodation request is still required, and managers must aim to provide this information to the Business Partner within one (1) business day of the initial request being made, along with plans for fulfilling the request if it is a simple accommodation.~~

~~If the manager is considering a denial for a simple accommodation request, the manager should communicate the applicant's or employee's initial accommodation request to their Bureau's assigned Business Partner within one (1) business day of the request being made. Managers may not deny simple accommodations without a documented discussion and review with the Business Partner.~~

~~If managers are unsure whether an accommodation request is simple, managers should seek clarification by forwarding the request to the Business Partner within one (1) business day of the request being made.~~

Medical Documentation for Workers with Disabilities

If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (e.g. ~~—, sometimes—~~ but not always—a Family Medical Leave file or a Workers Compensation record may suffice), medical documentation may not be required. ~~However, employees, applicants, and elected officials must still complete an Accommodation Request form.~~

When the disability or need for accommodation is not obvious, or further information is required as part of the interactive process, ~~an applicant or employee~~ Worker may be asked to sign a release form authorizing the Business Partner to secure additional job-relevant information from the ~~employee's~~ Worker's health care provider as to the nature of the ~~employee's~~ Worker's medical condition and/or whether the requested accommodation is necessary. The Business Partner may also give the ~~individual requestor~~ Worker a list of questions to give to the health care provider or other appropriate professional to answer.

~~The requestor's~~ Employees' Worker's cooperation in this process is necessary. A failure to cooperate with this process could result in delayed consideration of a request or in its denial.

Important Note: Medical information will be disclosed only on a need-to-know basis. Accommodations may be provided without informing the ~~employee's~~ Worker's manager of the ~~employee's~~ Worker's diagnosis or disability type.

Determination

When all necessary information is received from the ~~Worker applicant or employee~~ (including medical documentation, if needed) and the manager or supervisor, the Business Partner will assess the accommodation request and determine whether to approve or deny the request.

The Business Partner may consult with key advisors on a need-to-know basis (e.g. City Attorneys, the Bureau of Technology Services, Facilities staff, the Disability Resources and Employment Specialist) ~~about whether the workplace modification or accommodation sought will be granted~~ for input on the proposed

~~accommodation, or whether an including whether an alternative modification or accommodation may be is available appropriate.~~

~~When a decision has been made, the Business Partner will first inform the employee's manager or, as appropriate, the Bureau's director. The Business Partner will and manager will then communicate the decision to the employee Worker and discuss the employee's Worker's questions or concerns, if any, about that decision. The decision will also be communicated to the employee's Worker's manager or supervisor, as well as any relevant stakeholders.~~

~~When the City of Portland grants an accommodation, the Business Partner will provide an Approval of Accommodation letter to the applicant or employee Worker. The letter will include next steps for implementation, as well as any training that may be needed.~~

~~A decision to provide an accommodation other than the one specifically requested will still be regarded as a decision to grant an accommodation. If an alternative accommodation is offered but declined by the employee Worker, the Business Partner will note the employee's Worker's rejection of the alternative accommodation on the Approval letter. If a decision is made that an accommodation should be provided, then the next steps for implementation of the accommodation will also be discussed, including any training that may be necessary.~~

~~If the City of Portland denies a request for accommodation, the Business Partner will provide a Denial of Accommodation letter to the requestor Worker and discuss the reason for the denial. The letter will explain both the reasons for the denial of the accommodation request and the process for appealing this decision. If appropriate, the applicant or employee Worker will be informed of alternatives that could be explored.~~

When there are multiple accommodation options available to allow the performance of essential job functions, the City retains its right to select which one to implement.

~~When the City of Portland grants an accommodation, the Business Partner and manager will provide an Approval of Accommodation form to the requestor and discuss implementation of the accommodation. A decision to provide an accommodation other than the one specifically requested will still be considered a decision to grant an accommodation. If the manager or Business Partner offers an accommodation other than the one requested, but the alternative accommodation is not accepted by the employee, the Business Partner will record the individual's rejection of the alternative accommodation on the Approval form.~~

Important Note: ~~An applicant's or employee's Worker's receipt or denial of an accommodation does not preclude the individual prevent them from making another request if they believe that an additional or different accommodation is needed due to changing workplaces or job expectations (e.g. an employee is assigned new duties or works in a new building location). if circumstances change and they believe that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g. the disability becomes more severe or an employee is assigned new duties that require an additional or different reasonable accommodation). It is important to note that City of Portland managers~~

and Business Partners cannot refuse to process a request for a reasonable accommodation, and ~~that~~ a reasonable accommodation request may not be denied based on a belief that the accommodation should have been requested earlier (e.g. during the application process or before the employee/Worker returned from a leave of absence).

Time Frame for Processing Requests

The City of Portland will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. While the City will facilitate the purposes of this Rule providing reasonable accommodations to the best of its ability, individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this section/Rule are aspirational. The City desires to facilitate the purposes of this Policy to the best of its ability, and individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this rule are aspirational.

The time frame for processing a request for job applicants and candidates (including providing accommodation, if approved) is as soon as possible but generally ~~usually~~ no later than 15 business days from the date ~~that~~ the Business Partner received the initial accommodations request. This 15-day period includes the 2-day period in which the Business Partner must contact ~~an~~ employee/the applicant or candidate after being notified of a request for a reasonable accommodation. ~~that the initial accommodations request was made.~~

The time frame for processing a request for employees, interns, and elected officials (including providing accommodation, if approved) is as soon as possible but generally no later than 30 business days from the date that the Business Partner received the initial accommodations request. This 30-day period includes the ~~30-~~ day ~~time frame/period~~ in which the Business Partner must contact an employee, intern, or elected official after being notified of a ~~the~~ request for a reasonable accommodation. ~~has been received by the Business Partner.~~

For disability-related accommodation requests, if the Business Partner must request medical documentation from the Worker's a requestor's health care provider, the time frame will stop on the day that the Business Partner makes a request to the requestor/Worker to obtain medical information or sends out a request for documentation; and will resume on the day the Business Partner receives that all needed documentation is received by the Business Partner. It is therefore recommended that the requestor/Worker work closely with their health care provider to expedite their response to the City of Portland's inquiry, ideally within 1-2 weeks.

An extension of the time frame for providing an accommodation will be considered/allowed/considered when circumstances come up that could not have been anticipated or avoided in advance of the request for accommodation; or that are beyond the City of Portland's ability to control. This may include times when the purchase, testing, and installation of software or hardware technologies for approved accommodations requires additional time. When these circumstances are present, the time for processing a request for reasonable accommodation will be extended as reasonably needed by the Business Partner, in consultation with appropriate stakeholders. In these cases, the requestor/Worker, manager, and other need-to-know individuals will be notified as to the revised timeline, the reason for the additional time, and when the solution is expected to be ready.

~~If the Business Partner must request medical documentation from a requestor's health care provider, the time frame will stop on the day that the Business Partner makes a request to the individual to obtain medical information or sends out a request for documentation and will resume on the day that all needed documentation is received by the Business Partner. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the City of Portland's inquiry, ideally within 1-2 weeks.~~

~~**Important Note:** For approved accommodations that require the purchase, testing, and installation of software or hardware technologies, additional time may be required. The Business Partner and the Bureau of Technology Services (BTS) Technology Business Consultant will decide on a case-by-case basis if more time is needed to fulfill an accommodations request, and if so, how much additional time will be necessary. In such circumstances the requestor, manager and other need-to-know individuals will be informed as to the revised timeline and the reason for the additional time.~~

Expedited Processing

In certain circumstances, a request for reasonable accommodation may require an expedited review and decision. This includes times when a reasonable accommodation is needed:

- To enable an applicant to apply for a job.
- To enable an applicant to participate in an interview or selection process.
- To enable an employee to attend a last-minute meeting or training.
- To address a safety-related concern in the workplace.

If the modification is approved, all reasonable efforts will be made to provide the modification in as short a timeframe as possible.

Extension of the Time Frame

~~An extension of the time frame for providing an accommodation will be considered in circumstances that may not have been anticipated or avoided in advance of the request for accommodation, or that are beyond the City of Portland's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. In such circumstances the requestor, manager and other need-to-know individuals will be informed as to the reason for the delay and anticipated delivery of a solution. The City desires to facilitate the purposes of this Policy to the best of its ability, and individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this rule are aspirational.~~

Temporary or Trial Accommodations

Many accommodations are implemented long-term, while some accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the person's—Worker's limitations, restrictions, specific accommodation needs, and the impact accommodation will have on job performance and City operations.

Implementing a temporary change offers an opportunity to evaluate an accommodation for effectiveness before making the decision to implement the

change long-term. Situations that can warrant provision of a temporary or trial accommodation may include, but are not limited to:

- When time is needed to research a permanent accommodation solution, to acquire equipment, or to arrange a service, or as an accommodation action of last resort — potentially identify a different job in the City for the Worker an employee to do; identify an alternative vacancy;
- When it is necessary to test an accommodation to determine if it is effective and/or compatible with existing City technology;
- When the medical condition is temporary but sufficiently severe enough to entitle the employee-Worker to accommodation;
- When it is necessary to avoid temporary adverse conditions in the work environment; or
- When an accommodation can currently be provided but may eventually pose an undue hardship if provided long-term.

If a trial accommodation is found to be ineffective, then the Business Partner will contact the employee-Worker to restart the interactive process.

Reassignment

If a qualified employee with a disability a Worker with a Protected Status cannot be accommodated in the employee's-Worker's current class or assignment in the current Bureau, the Bureau will refer the employee to the Business Partner and the Bureau of Human Resources for consideration of a permanent or temporary reassignment as appropriate and if possible.

Monitoring an Accommodation

It is the obligation responsibility of the job applicant or employee Worker to monitor the effectiveness of the accommodation. If an accommodation is no longer effective (e.g. the employee's needs change), then the applicant or employee Worker should notify the Business Partner or manager and the interactive process should be revisited.

Appeals

To appeal an ADA accommodation determination: An applicant or employee Worker who disagrees with the outcome of an ADA accommodation request may send an appeal request to the Bureau of Human Resources by email to ADATitleI@portlandoregon.gov where it will be reviewed by the Disability Resources & Employment Specialist. The appeal must be requested by email within 10 business days of receiving the from the date of the Denial of Accommodation form. This deadline is not aspirational, and strictly enforced.

To appeal a rReligious or pPregnancy accommodation determination: An applicant or employee Worker who disagrees with the outcome of an ADA religious or pregnancy accommodation request may send an appeal request to the Bureau of Human Resources by email to [to be determined], where it will be reviewed by the Employee Relations Manager. The appeal must be requested by email within 10 business days of receiving the from the date of the Denial of Accommodation form. This deadline is not aspirational, and strictly enforced.

Accommodation Request Denial

If the City of Portland denies a request for accommodation, the manager and Business Partner will give the Denial form to the requestor and discuss the reason for the denial. The form will explain both the reasons for the denial of the

~~individual's specific requested accommodation and the process for appealing this decision. If appropriate, the applicant, candidate, or employee will be informed of alternatives that could be explored.~~

Complaints Appeals

~~A job applicant or employee Worker with a disability Protected Status who believes ~~that~~ they have been discriminated against in an employment action or reasonable accommodation request (including any form of retaliation) may file a complaint with the Bureau of Human Resources. For more guidance on the complaint process, read HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination and Retaliation.~~

~~An employee dissatisfied with the resolution of a reasonable accommodation request may submit a reconsideration request (an appeal) to the Disability Resources and Employment Specialist at the Bureau of Human Resources via email at ADATitleI@portlandoregon.gov to reconsider that decision. An employee must request reconsideration within 10 business days of receiving the Denial form. This deadline is not aspirational, and strictly enforced.~~

**Tracking and Record
Keeping for Audit
Purposes
Complaints**

~~To allow the City of Portland to ensure compliance with this Rule, as well as relevant U.S. federal and Oregon state laws, the Human Resources Business Partners are responsible for tracking and recording all accommodation requests that occur within their assigned Bureau(s).~~

~~A job applicant, candidate, or employee with a disability who believes that they have been discriminated against in an employment action or reasonable accommodation request (including any form of retaliation) may file a complaint with both the Employee Relations Manager and the Workforce Recruitment and Training Manager in the Bureau of Human Resources. An applicant or employee may also file a complaint with the State of Oregon Equal Opportunity Officer or the Federal Equal Employment Opportunity Commission.~~

**Inquiries Tracking and
Record keeping for Audit
Purposes**

~~Any employee wanting further information concerning these procedures may contact their Human Resources Business Partner.~~

~~To allow the City of Portland to ensure compliance with this Rule, Title I of the ADA, and Oregon state law, the Business Partner is responsible for tracking all accommodations that occur within their assigned Bureau(s). Once a month, the Business Partner will send a Bureau report to the Disability Resources and Employment Specialist, who will collate all Bureau reports and produce a monthly Citywide data report on Title I accommodations.~~

**References
Inquiries**

~~Title I of the Americans with Disabilities Act (ADA) of 1990, as amended
Title VII of the Civil Rights Act of 1964, as amended
ORS 659A.112
ORS 659A.033~~ORS 659A.885~~~~

**Administrative Rule
History**

~~Adopted February 13, 2019
Revised January 1, 2020~~
