GENERAL ADMINISTRATION
NON-DISCRIMINATION

050 NON-DISCRIMINATION

050.3 ADA Reasonable Accommodation Policy

050.3.1 Purpose

To provide reasonable accommodation to a qualified Human Services Department (HSD) employee with a known disability under described conditions.

050.3.2 Definitions

A. "Life activities" means fundamental behavior such as walking, standing, seeing, hearing, speaking, breathing, or learning.

B. "Qualified" means an HSD employee or applicant with a disability who meets at least one of the following criteria:

1. Has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. Has a record of such an impairment;
3. Is regarded as having such an impairment.

C. "Reasonable Accommodation" means any change in the work environment or in the way things are usually done that reasonably accommodates the known physical or mental limitations of a qualified employee with a disability, unless it can be shown that the accommodation would cause an undue hardship on the operation of the business.

D. "Undue Hardship" means any actions that would require significant difficulty or expense or that would fundamentally alter the nature of the employment.

050.3.3 Policy

HSD will provide reasonable accommodation to a qualified employee with a known disability upon the employee's request unless the accommodation would be an undue hardship to HSD.

050.3.4 Request for Accommodation

A request for a reasonable accommodation should be initiated by the employee and shall be made to the employee's immediate supervisor.

050.3.5 Appeal

If an employee's immediate supervisor denies or does not respond to the request for accommodation, the requesting employee may appeal in writing to HSD's ADA Coordinator. If the request is denied at this level, the requestor may make a final written appeal to the HSD Office of Human Resources Manager. Responses to request for accommodation and appeals shall be made within a reasonable time. A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, any need for medical information, examinations or opinions, cooperation of the employee in obtaining information, and so forth.

050.3.6 References

Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
28-7-7 NMSA (1978) Policy of state on employment of persons with a disability
28-10-11 NMSA (1978) State Policy

APPROVED:

PAMELA S. HYDE, J.D., Secretary

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