

## **A. Purpose**

To ensure that eligible employees have access to reasonable accommodations under the Americans with Disabilities Act (ADA) regarding the application process, employment benefits and privileges, and support for performing essential job duties.

## **B. Background**

Frederick County Public Schools (FCPS) promotes an inclusive and supportive work environment by addressing the diverse needs of our workforce, including those with disabilities, medical conditions, and other circumstances requiring accommodations. By providing necessary adjustments and support, we strive to foster equal employment opportunities, enhance employee well-being, and maintain a productive and equitable workplace.

## **C. Definitions**

1. “Disability” is defined to mean a physical or mental impairment that substantially limits one or more major life activities or as is otherwise defined by the Americans with Disabilities Act and the Rehabilitation Act of 1973.
2. “Medical Condition” is defined to mean a person’s state of health, mental or physical, including any illness, injury, disease, or disorder that can be diagnosed by a healthcare provider or medical professional.
3. “Reasonable Accommodations” is defined to mean any change or adjustment to a job or work environment that permits an applicant or employee with a disability to participate in the job application process, to perform essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

## **D. Procedures**

1. **Request for Accommodations**
  - a. In accordance with the ADA, employees or applicants may request reasonable accommodations at any time during their employment or application process with FCPS due to a disability or medical condition.
  - b. Requests for reasonable accommodations should be submitted using the [Workplace Accommodation Request Form](#) and emailed to: [ADA.Request@fcps.org](mailto:ADA.Request@fcps.org). This request form will share information, individualized to the employee as it relates to barriers encountered in the workplace as associated with a disability or medical condition.
  - c. If medical documentation is needed to substantiate a disability, the [ADA Medical Inquiry Form](#) must be completed by a healthcare provider. This form can be submitted by either the healthcare provider or by the employee to: [ADA.Request@fcps.org](mailto:ADA.Request@fcps.org). The

completion of this form will help determine whether the employee meets federal and state criteria for a disability.

**d. Employees Returning to Work**

i. **Employees.** An employee returning to work after an injury, surgery, medical treatment, or serious illness who requires an accommodation is expected to:

1. Complete and submit the [Return to Work Authorization Form](#) to the Benefits Personnel Officer for review at least forty-eight (48) hours prior to returning to work or as soon as practicable. Any restrictions noted in the certification must be sufficiently detailed to allow a determination as to whether the employee will be able to perform the essential functions of the job.
2. Contact their immediate supervisor prior to returning to work.
3. Submit relevant medical documentation if necessary.
4. Engage in the interactive process with the Benefits Personnel Officer and their immediate supervisor if necessary.

ii. **Employee's Immediate Supervisor**

1. Upon receipt of the employee's notice, the employee's immediate supervisor will verify with the Benefits Personnel Officer that the employee has submitted the [Return to Work Authorization Form](#).
2. If the employee is authorized to return to work with restrictions, the employee's immediate supervisor will work with the Benefits Personnel Officer as part of the interactive process to determine the appropriate accommodation.

iii. **Benefits Personnel Officer**

1. The Benefits Personnel Officer may request the employee to submit relevant supporting medical documentation if necessary.
2. The Benefits Personnel Officer will confirm with the employee's immediate supervisor whether the [Return to Work Authorization Form](#) has been received.
3. If the [Return to Work Authorization Form](#) indicates the employee is authorized to return to work with restrictions, the Benefits Personnel Officer will coordinate the interactive process to determine the appropriate accommodation with the employee's immediate supervisor.

**2. Interactive Process**

- a. Upon receiving an accommodation request, the Benefits Office will engage in an interactive process with the employee to assess:
  - i. The nature of the employee's disability or condition.
  - ii. The essential functions of the employee's position.
  - iii. Possible accommodations that would allow the employee to perform those essential functions.
- b. The interactive process will be conducted in a timely manner and involve ongoing communication between the employee, the employee's supervisor, and the Benefits Office.
- c. While not required, employees who are members of the Frederick County Teachers Association (FCTA) unit, the Frederick Association of School Support Employees (FASSE) unit, and the Frederick County Administrative and Supervisory Association (FCASA) unit can request that the UniServ Representative for their unit be included in the interactive process.

**3. Assessment of Accommodation**

- a. The Benefits Office and the employee's supervisor will evaluate whether the requested accommodation is reasonable and does not create an undue hardship.
- b. The Benefits Office or the employee's supervisor may propose alternative accommodations that are equally effective in enabling the employee to perform the essential functions of their job.

**4. Implementation of Accommodation**

- a. Once an accommodation is approved, the Benefits Office will notify the employee and the employee's supervisor.
- b. For employees returning to work from injury, surgery, medical treatment, or serious illness, the date the employee may return to work, including any reasonable accommodations arranged for the employee's return to work will be communicated to the employee and the employee's supervisor by the Benefits Office.
- c. If a requested accommodation cannot be granted as reasonable, the employee will be informed in writing, and an explanation will be provided. The interactive process can continue as related to exploring alternative accommodations.

**5. Confidentiality**

- a. Information regarding an employee's disability or medical condition will remain confidential. Any details shared with individuals who have a need to know will focus solely on the necessary accommodations, not the disability or medical condition.
- b. Medical documentation will be stored separately from the employee's personnel file.

**6. Retaliation Prohibited**

- a. FCPS prohibits retaliation against any employee who requests an accommodation or participates in the interactive process.
- b. Employees who believe they have experienced retaliation should report the incident using the [Discrimination & Harassment – Employees/Applicants/Community Members Form](#).

- 7. Employees who remain absent from work due to injury or illness are required to follow Board policy and FCPS regulations for personal disability, worker's compensation, and/or family medical leave.

**E. Related Information**

**1. Board Policy**

- a. [Policy 300](#), *Personnel*

**2. FCPS Regulations**

- a. [Regulation 200-11](#), *Injury Reporting of Employees*
- b. [Regulation 300-42](#), *Family and Medical Leave (FMLA)/Non-Military*

**3. FCPS Resources**

- a. [ADA Medical Inquiry Form](#)

- b. [FCPS Notice of Non-Discrimination Webpage](#)
- c. [FCPS ADA Accommodations Webpage](#)
- d. [Discrimination & Harassment – Employees/Applicants/Community Members Form](#)
- e. [Return to Work Authorization Form](#)
- f. [Workplace Accommodation Request Form](#)

4. **Federal Law**

- a. Americans with Disabilities Act
- b. Americans with Disabilities Amendments Act of 2008
- c. Section 504 of the Rehabilitation Act of 1973

**F. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	Office of Human Resources
Adoption Dates	05/1/84
Review Dates	
Revision Dates	11/15/23; 11/21/24