

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PERSONNEL POLICY	10/13/2020	10/13/2020	345-2
SUBJECT			AMENDS	
Policy Series 300: Employee Relations 345 - Americans with Disabilities Act (ADA)				
REFERENCE		RESCINDS		
Americans with Disabilities Act of 1990, 42 U.S.C. §12101 <i>et seq.</i> Americans with Disabilities Act - Amendments Act of 2008 Missouri Human Rights Act, Mo. Rev. Stat. §§213.010 <i>et seq.</i> PPBM entitled Discrimination and/or Harassment		PPBM: 345-1		

I. INTRODUCTION

- A. The Americans with Disabilities Act (ADA), as amended by the Amendments Act of 2008 (ADAAA) and the Missouri Human Rights Act (MHRA), prohibit discrimination in employment on the basis of disability.
- B. The purpose of this written directive is to:
 1. Set forth the department's commitment to provide qualified individuals with disabilities equal access to employment opportunities.
 2. Set forth the department's policy of providing reasonable accommodation to qualified individuals with disabilities.
 3. Outline the procedures for members requesting an accommodation to allow for the performance of the essential functions of a position under the provisions of the ADAAA.

II. TERMINOLOGY

- A. **Direct Threat** – A significant risk to the health and safety of others that cannot be eliminated by reasonable accommodation or will result from a requested accommodation.
- B. **Disability**
 1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual, and/or
 2. A record of such impairment, and/or
 3. Being regarded as having such impairment.
- C. **Essential Functions of the Position** – The fundamental job duties of an employment position.

- D. **Qualified Individual** – An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position and who, with or without reasonable accommodation, can perform the essential functions of the position held or the position desired.
- E. **Reasonable Accommodation** – A modification or adjustment to the application process or work environment, and/or to the manner or circumstances under which duties of the employment position are customarily performed that will enable a qualified individual with a disability to be considered for a position and/or to perform the essential functions of the position held or desired.
- F. **Undue Hardship** – An action requiring significant difficulty or expense by the employer.

III. POLICY

- A. The department acknowledges that qualified individuals with disabilities may need reasonable accommodations to perform the essential functions of their jobs, or to enjoy equal employment opportunity.
- *B. The department is committed to providing reasonable accommodation to such individuals unless such accommodation would impose an undue hardship or unless a direct threat exists that cannot be eliminated by reasonable accommodation.
- C. The department will ensure that all qualified individuals with disabilities, who, with or without reasonable accommodation, can perform the essential functions of any job classification, will be considered equally with other candidates who are not disabled.
- D. The department is committed to ensuring that all of its facilities, public services, programs, and activities are accessible to the disabled within the standards established by federal and state law.
- E. The department prohibits discrimination or harassment of, or retaliation against, disabled persons, or those who are related to or associate with disabled persons, or who belong to an organization advocating for the rights of the disabled. Members may refer to the current written directive entitled, "Discrimination and/or Harassment," for information.

IV. PROCEDURES

- A. Member's Responsibilities

To request a reasonable accommodation, a member will:

1. Complete the Request for Reasonable Accommodation, Form 5010 P.D., and submit it to the Benefits Section Supervisor.

- *2. Upon receiving the Health Care Provider Documentation of Disability Form, Form 5011 P.D., from the Benefits Section Supervisor, complete Sections I and II of the form and submit this form to their health care provider for completion.
3. Ensure that the health care provider to whom the Health Care Provider Documentation of Disability Form was provided completes the form and timely returns the completed form to the Benefits Section Supervisor.
4. Participate in good faith throughout the interactive process as required by law.
5. Respond promptly to requests from the Benefits Section Supervisor concerning the accommodation request.

B. Supervisor's Responsibilities

1. Upon becoming aware of a member's desire or need for accommodation, the supervisor will direct the member to complete the Request for Reasonable Accommodation form, Form 5010 P.D., and return it directly to the Benefits Section Supervisor.
2. The supervisor will advise the Benefits Section Supervisor in writing, email, Interdepartment Communication Form 191 P.D., (191) or memorandum, as soon as practicable, when they have directed a member to complete a Request for Reasonable Accommodation form.
3. Ensure that the information received from the member regarding the request for accommodation is kept confidential and is not placed in the member's unit file.
4. Respond promptly to requests from the Benefits Section Supervisor concerning the accommodation request.
5. Assist and/or cooperate in the implementation of the accommodation if approved.

C. Benefits Section Supervisor's Responsibilities

If contacted directly by a member requesting a reasonable accommodation or upon receiving notice of a member's request for reasonable accommodation:

1. Direct the member to complete the Request for Reasonable Accommodation, Form 5010 P.D, if the member has not yet, and instruct the member to return the completed form to the Benefits Section Supervisor.
2. Provide the member with the Health Care Provider Documentation of Disability, Form 5011 P.D., direct the member to complete Sections I and II of the form and to forward the form to their health care provider for completion.
3. Instruct the member to ensure the health care provider to whom the Health Care Provider Documentation of Disability Form was provided completes the form and in a timely manner returns the completed form to the Benefits Section Supervisor.
4. Notify the member in writing of the final determination regarding the member's request for accommodation.
5. If a member's request for accommodation is approved, ensure the accommodation is implemented in a timely manner.
6. Ensure the current poster or notification regarding the ADA is displayed in all department-operated facilities as required by federal law.

D. Denial of Accommodation Request

1. A member may seek reconsideration of the final determination by submitting additional information to the Benefits Section Supervisor in support of the request and/or requesting an alternative accommodation.
- *2. A member may appeal the final determination by asking the Human Resources Division to review the request. The member seeking an appeal must submit in writing via email, Form 191, or memorandum their request to the Human Resources Division.

- *3. After reviewing the member's written appeal and the underlying documentation in support of the member's request for accommodation, the Human Resources Commander or designee will notify the member in writing of the final determination.



Richard C. Smith
Chief of Police

Adopted by the Board of Police Commissioners this 29th day of September, 2020.



W. Don Wagner
Board President

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