

<p style="text-align: center;">COUNTY OF WASHINGTON</p> <p style="text-align: center;">Pennsylvania</p>	<p style="text-align: center;">AMERICANS WITH DISABILITIES ACT POLICY</p>	<p style="text-align: center;">PAGE: 1 of 6</p>
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POLICY

It is the policy of Washington County (the "County") to be in compliance with the Americans with Disabilities Act (ADA) and the Pennsylvania Human Relations Act. In regard to non-employment matters it is the policy of the County to ensure that County work sites are appropriately accessible to job applicants, employees and other visitors. In regard to job applicants and employees, it is the policy of the County to ensure that a disabled person (as defined in the ADA), is qualified to perform the essential functions of a relevant position, with or without reasonable accommodations, and receives fair treatment regarding that position. It is the general policy of the County not to assume that an applicant or employee has an ADA disability, or needs a reasonable accommodation. However, the County does not require the use of any particular "magic" words by an applicant or employee to initiate the process of discussing a reasonable accommodation. When considering what might constitute a reasonable accommodation for a disabled applicant or employee otherwise qualified to perform the essential functions of a position, the County will actively discuss that accommodation issue with the applicant or employee.

SCOPE

This policy applies to all applicants, employees and other visitors of the County.

COMPLIANCE

In order to assure ADA compliance, the County will take, or has taken, the following steps:

- A. The County has posted and maintained at various work site locations a notice of its ADA duty to provide, to applicants and employees, reasonable accommodation.
- B. The County strives to maintain its physical facilities in a way that provides reasonable access to its facilities by persons with disabilities, including job applicants and employees.
- C. Concerns about ADA compliance issues should be addressed, immediately upon perception of those concerns, to the Human Resources Department.
- D. The County strives to create and maintain job descriptions for each position, to emphasize and focus on the essential functions of a job.

- E. The County's job application form, hiring process, performance evaluation program, and internal job notice programs have been reviewed to ensure that they do not create inappropriate employment barriers for disabled persons. Pennsylvania Job Centers will be provided notices of job openings and information to download applications from the County's website to ensure that the community at large has access to notices of job opportunities at the County.
- F. The County will, unless it creates an undue hardship, reasonably accommodate a successful applicant or employee with an ADA disability who is otherwise qualified to perform the essential functions of the relevant position. In making employment decisions, it is the policy of the County that the existence of a disability in an applicant or employee who is otherwise qualified to perform the essential functions of a position, where that individual can perform those essential functions with or without reasonable accommodation, will not be a factor in an employment decision.
- G. The County has a continuing commitment, and will continue to provide ADA training for its supervisory and Human Resources staff.

II. DETERMINING THE EXISTENCE OF AN ADA DISABILITY AND RELATED MATTERS

- A. The County recognizes that this crucial determination is a difficult and complex one. When an applicant or employee signals a belief that he or she has an ADA disability, the County will discuss and analyze that issue with the applicant or employee.
- B. It is the policy of the County to follow the contents of the ADA, its regulations, and interpretive court decisions as to what constitutes a disability. For example, the County is directed by these sources that the following do not constitute disabilities: an effectively medicated or otherwise controlled/corrected condition; temporary conditions; individuals who are currently in the illegal use of drugs; homosexuality, bisexuality, transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current illegal use of drugs. It is also the policy of the County not to employ, or to continue to employ, an individual whose employment would constitute a direct threat to the health or safety of others that cannot be eliminated by reasonable accommodation.
- C. An accommodation which would not allow an otherwise qualified individual to perform all of the essential functions of a job is not a reasonable accommodation. Ultimately, as between various possible reasonable accommodations, the County will make the determination as to which will be utilized. In reaching this determination, the County will thoroughly discuss the issues with the applicant or employee. An

accommodation which would impose upon the County an undue hardship is not a reasonable accommodation. An undue hardship is an action that would cause the County significant difficulty or significant expense in light of specific factors set forth in the ADA itself and in its implementing regulations.

- D. Job applicants will not be required to undergo pre-employment offer medical or psychological testing. Job applicants who are offered positions with the County are required, subsequent to the job offer, to participate in a medical examination. This medical examination may involve either or both physical or psychological analyses. The County will not withdraw the tentative job offer, based upon this examination, without engaging in a discussion with the applicant for the purpose of determining whether there is a reasonable accommodation that would allow the applicant to perform all of the essential functions of the job.
- E. An employee's medical condition or history will be maintained in a file separate from the basic personnel file maintained on that employee. This separate medical file will be maintained as a confidential medical record. The only persons who will have access to this separate medical record will be those with a "legitimate need-to-know". This may include informing managers and supervisors regarding necessary accommodations. It may also include informing, where appropriate, first aid and safety personnel regarding any medical condition that may require emergency treatment.
- F. It is the policy of the County not to create permanent, "modified" positions. When possible, work-related restrictions will be accommodated. The creating of such a position is not precedent for creating permanent, modified duty positions, or for eliminating legitimate essential functions of a particular job.
- G. Under the law, and this policy, "a test to determine the illegal use of drugs shall not be considered a medical examination".
- H. An applicant or an employee who is disabled, as that word is used in the ADA, where the applicant or employee has "a physical or mental impairment that substantially limits one or more of the major life activities of such individual..." Working is considered a major life activity. However, this policy recognizes and accepts the position of the Equal Employment Opportunity Commission that one is disabled in regard to working, where one has a disability that substantially limits one's ability to perform a wide variety of jobs reasonably relevant to the particular individual.

Complaint Procedure

Because the ADA is driven by a highly technical set of definitions, the County has determined that ADA questions and complaints are best addressed to one individual or his or her designee. This will ensure that informed decisions and responses are made in regard to such inquiries/complaints. It will also ensure consistent application of this policy. Therefore, any individual, whether applicant or employee, is requested to address their concerns to the Human Resources Department.

Any complaints of harassment or discrimination against a disabled individual, an individual who has asserted a disability, or an individual who is or who has sought to aid or support a disabled applicant or employee will be promptly and thoroughly investigated. In the event that it is determined the accusation(s) has merit, this finding will result in remediation. The remedial activity could include counseling, training, discipline and other remedial activities. Similarly, allegations of retaliation for having raised an ADA reasonable accommodation issue, or for having encouraged or supported the raising of such an issue, will be promptly and thoroughly investigated and remediated, if appropriate.

Any such investigation, or response to an ADA inquiry, will be directed by the Human Resources Department, who is fully empowered to conduct such investigations and to recommend, directly to the County's Board of Commissioners, appropriate remedial action.

Medical Examinations

Medical examinations of current employees:

1. When an employee asserts the existence of an ADA disability, the County may, at its own cost, have that assertion analyzed by medical authorities of its choice. The scope of the examination would be limited to the issues at hand: i.e., is there medical evidence of an ADA disability given the essential functions of the relevant job?
2. When an employee seeks to return to work from a lengthy medical leave of absence, the County may, in the exercise of reasonable discretion, and at its own cost, have the employee medically examined. Again, the scope of the examination shall be limited to the issues which created the need for a medical leave in the first place, as those medical issues might relate to the employee's ability to perform the essential functions of the relevant job.
3. In the event that an examination, conducted pursuant to either paragraphs 1 or 2 immediately above, produces the conclusion that the employee does have an ADA disability impacting the examined individual's ability to perform all of the essential functions of the relevant job, then the Human Resources Department representative and the employee shall engage in a thorough discussion of the possibilities of reasonable accommodation.

Reasonable Accommodation for Disabilities

A qualified employee with disabilities may be afforded reasonable accommodations in order to allow the employee to perform the essential functions of the employee's job. Requests for reasonable accommodation should be made to the Human Resources Department. The Human Resources Department may request such medical/psychological documentation as may be necessary to assess and make a determination as to the request. Any medical/psychological documentation obtained through this process shall be maintained as a confidential medical record.

Interpretation and Administration

The Human Resources Department is responsible for the overall implementation and administration of this policy under the guidance of the County Solicitor.

The Board of Commissioners is responsible for the ultimate authorization and control of this policy.

ADOPTED this 7th day of June, 2007, per minute 816.

COUNTY OF WASHINGTON

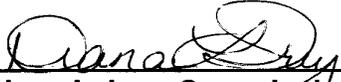


Larry Maggi, Commissioner



Bracken Burns, Commissioner

Co-Chairmen

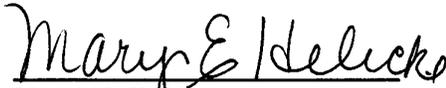


Diana L. Irely, Commissioner

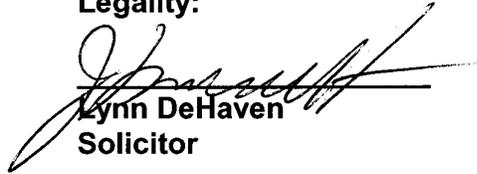
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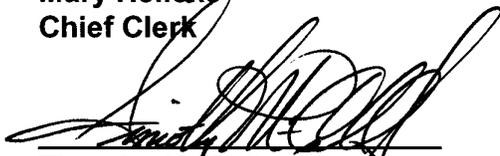


Mary Helidke
Chief Clerk



Lynn DeHaven
Solicitor

per minute # 816
dated 6-7-07



Timothy McCullough
Director of Human Resources