

CITY OF BRANSON, MISSOURI  
ADMINISTRATIVE RULES

RULE NUMBER 13 REFERENCING ARTICLE 22 OF THE HUMAN RESOURCES MANUAL  
AMENDED 7-10-2012

A RULE PERTAINING TO **ACCOMMODATING THE DISABLED**

**Section 1. General Policy**

The City prohibits discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to applications, hiring, promotion, dismissal, compensation, benefits, training, and all other aspects of employment. The Human Resources Director shall be responsible for implementing this policy. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". Under amendments to the ADA in 2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability. A "qualified person with a disability" means an individual who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.

**Section 2. Policy**

The City seeks to reasonably accommodate qualified individuals with a disability. Such reasonable accommodation may take the form of making existing facilities readily accessible to or usable by individuals with a disability, restructuring jobs, modifying schedules, acquiring or modifying equipment, adjusting training materials, adjusting employment policies, and the like. Generally, such reasonable accommodations will be made unless they create an undue hardship for the City. The factors to be considered with respect to an undue hardship are: 1) the nature and cost of the accommodation; 2) the overall financial resources and impact on the City and the affected department; 3) the number of persons employed at that facility; and 4) the operations of the department. These are not all of the factors, but merely examples.

**Section 3. Essential Job Functions**

For each position, a classification specification will identify the essential functions of a position.

#### **Section 4. Safety**

All employees are expected to be able to comply with safety rules at all times. Any applicant for a position who poses a threat to the safety or health of himself or others in that position, when that threat may not be eliminated by reasonable accommodations, will not be employed in that position. Similarly, current employees who become individuals with disabilities and thereby pose a direct threat to themselves, the public or fellow employees, which threat cannot be eliminated by reasonable accommodations, will be placed on an appropriate leave until a final determination can be made. An attempt will be made to place applicants and employees in positions for which they are qualified and in which they do not pose a direct threat.

#### **Section 5. Drugs and Alcohol**

All employees are expected to comply at all times with the City's policy regarding the use of drugs and alcohol. For example, all employees are expected to cooperate with drug testing, in accordance with that policy.

#### **Section 6. Reporting and Investigation Requirements**

Any applicant or employee who believes there has been a violation of this policy, or any applicable law relating to accommodating individuals with disabilities, shall immediately contact his supervisor or the Human Resources Director. If the supervisor or the Human Resources Director is unable to resolve the issue, the matter will be referred to the City Administrator. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained in the course of the investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

#### **Section 7. Coordination with Other Policies**

This policy regarding qualified individuals with a disability will be coordinated with all other City policies, such as safety and drug testing.