

Town of Windham

Requests for Reasonable Accommodation

I. Policy

It is the policy of the Town of Windham to provide reasonable accommodation to qualified individuals (employees or applicants) with disabilities, in accordance with applicable laws.

II. Governance

In accordance with the provisions of the Maine Human Rights Act¹, the Rehabilitation Act of 1973, as amended², and the Americans with Disabilities Act of 1990³, the Town shall provide reasonable accommodation:

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; or
- when an employee with a disability needs an accommodation to enjoy equal access to the benefits and privileges of employment.

III. Definitions

Physical or Mental Disability is defined as a physical or mental impairment that:

- Substantially limits one or more of a person's major life activities;
- Significantly impairs physical or mental health; or
- Requires special education, vocational rehabilitation or related services.⁴

Significantly impairs physical or mental health is defined as having an actual or expected duration of more than six (6) months and impairing health to a significant extent as compared to what is ordinarily experienced in the general population.⁵

Qualified individual with a disability is defined as “an individual with a physical or mental disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.”⁶

¹ 5 M.R.S.A. Chapter 337

² Section 503

³ Titles 1 and V

⁴ 5 M.R.S.A. §4553-A

⁵ 5 M.R.S.A. §4553-A

⁶ 5 M.R.S.A. §4553 (8-D)

Reasonable accommodation is any change in the workplace, or the way things are customarily done that provides an equal employment opportunity to an individual with a disability.

IV. Procedure

In order to provide consistency in the consideration and determination of requests for reasonable accommodation, the following steps must be taken in the event that any applicant or employee requests reasonable accommodation:

1. All requests for accommodation should be in writing, if possible, and outline the need for accommodation and suggested resolution.
2. Employees requesting accommodation should direct the request to the Human Resources Director.
3. Applicants requesting accommodation should direct the request to the Human Resources Director.

V. Review

The Human Resources Director will engage in an interactive process with the individual to identify an appropriate accommodation as follows:

1. Analyze the particular job involved and determine its purpose and essential functions;
2. Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
4. Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer.
5. The review process will include the burden on the Town: whether it rises to the level of undue hardship; affects the health and safety of others; or any other relevant factors.

NOTE: The Town may require an employee to provide documentation that is sufficient⁷ to substantiate that s/he has a disability and needs the reasonable accommodation requested.

⁷ Documentation will be considered sufficient if it describes the nature, severity and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and substantiates why the requested reasonable accommodation is needed. [EEOC's Enforcement Guidance on Disability-Related Inquiries and Medical Examinations]

VI. Determination

The Human Resources Director will make a determination regarding the request for reasonable accommodation as soon as reasonably possible.

A record of final disposition will be provided to the Town Manager.

APPROVED: 

Barry A. Tibbetts

Town Manager

Date: 6/30/2020

February 26, 2015

February 22, 2016 (Reviewed)

February 17, 2017 (Reviewed)

February 23, 2018 (Reviewed)

February 22, 2019 (Reviewed)

June 29, 2020 (Reviewed/Revised)