



**COOK COUNTY BUREAU OF HUMAN RESOURCES**

**POLICY TITLE: REASONABLE ACCOMMODATION POLICY FOR EMPLOYEES AND APPLICANTS WITH DISABILITIES**

**Effective: July 1, 2021**

**Supersede: December 14, 2021**

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**I. OVERVIEW**

The Americans with Disabilities Act (“ADA”), as amended, 42 U.S.C. § 12101, et seq., requires employers with 15 or more employees to provide reasonable accommodations to the known disability of job applicants and employees who are qualified for a job, with or without a reasonable accommodation, to perform the essential job duties of the position. The ADA also prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

**II. PURPOSE**

This policy establishes written procedures to use in the reasonable accommodation process for both employees and applicants with disabilities.

**III. INTENT**

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all earlier policies and/or memoranda that may have been issued from time-to-time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing programs or provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a provision(s) in the County’s Personnel Rules, the provision(s) in this policy shall take precedence.

**IV. SEVERABILITY**

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

**V. JURISDICTION**

The Bureau of Human Resources (“BHR”) is authorized to develop and issue policies for the effective management of Cook County employees and applicants for employment, pursuant to section 44-45 of the Cook County Code of Ordinances.



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**VI. AREAS AFFECTED**

This policy applies to County employees and applicants in Departments in the Offices under the President and/or covered by the Cook County Employment Plan

**VII. NONDISCRIMINATION**

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status, or any other protected category established by law, statute, or ordinance.

**VIII. TERMS AND DEFINITIONS**

“Disability” means a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded (perceived) as having such an impairment.

“Major Life Activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. They also include all major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Essential Job Functions” are the fundamental duties of a position: the actions a person holding the job absolutely must be able to do. Job duties are what must be accomplished, not how they are accomplished. A job function may be considered essential for any of several reasons, including but not limited to the following:

- The employer’s assessment of which functions are essential;
- Whether the position exists to perform that function;
- The experience of employees who actually hold that position;
- The time spent performing the function; and/or
- The degree of expertise or skill required to perform the function.



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“Interactive Process” is an ongoing informal dialogue by which the individual requesting an accommodation and the Equal Employment Opportunity (“EEO”) Office communicate with each other about the request for accommodation, the process for determining whether an accommodation will be provided, and potential accommodations.

“Job Restructuring” is a form of reasonable accommodation. Job restructuring includes modifications such as reallocating non-essential job functions that an employee is unable to perform because of a disability. “Non-Essential Job Functions” are job duties that are not classified as essential or fundamental to the position and their removal and/or reassignment would not fundamentally alter the work, operations or organizational structure.

“Offices under the President” (“OUP”) are the six bureaus and other dependent agencies under the jurisdiction of the President of the Cook County Board.

“Qualified person with a disability” is an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position for which an individual requests an accommodation and can perform the essential functions of such position, with or without reasonable accommodation.

“Reasonable Accommodation” is any change or adjustment to a job, an application process, work environment, or procedure that enables a qualified applicant/employee with a disability to participate in the job application process, to perform the essential job functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.

“Reassignment” means reassignment to a related vacant position title for which the employee is qualified and is a form of reasonable accommodation when an employee (not applicant) can no longer perform the essential functions of their current position with or without a reasonable accommodation.

“Substantial Limitation” means the degree to which an impairment prevents an individual from performing a major life activity that the average person in the general population can perform; or restricts the condition, manner or duration under which the average person in the general population can perform the same major life activity, (e.g., a person who is paraplegic is substantially limited in the major life activity of “walking” or a person who is blind is substantially limited in the major life activity of “seeing”). The term is to be construed broadly and requires an individualized assessment.



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“Undue Burden” means an action that requires significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer’s operation. The Employer is not required to make an accommodation if it can be demonstrated that providing the accommodation would pose an undue burden.

**IX. POLICY**

Cook County is committed to providing equal access to employment opportunities for individuals with disabilities. Cook County recognizes that individuals with disabilities may need reasonable accommodations to participate in or benefit from employment opportunities. It is the policy of Cook County to provide reasonable accommodations to qualified applicants and employees with disabilities.

The Cook County Reasonable Accommodation Policy for Employees and Applicants with Disabilities (“Policy”) ensures that Cook County complies with the provisions and requirements of the Americans with Disabilities Act, as amended, and is consistent with Section 504 of the Rehabilitation Act of 1973, as amended.

Nothing in the policy or procedures outlined below is intended to nor shall be construed to provide a private right of action against Cook County or any of its employees or to create contractual or other rights or expectations.

**X. REASONABLE ACCOMMODATION PROCESS AND PROCEDURES**

**A. Making the Request**

**1. Applicants**

Applicant requests for reasonable accommodation during the hiring process should be made to the Bureau of Human Resources (“BHR”). Departments receiving a request for reasonable accommodation should refer the request to BHR.

**2. Employees**

Qualified employees with disabilities who need a reasonable accommodation are responsible for making their needs known to the EEO Office.



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Requests for accommodation may be submitted by a family member, friend, health professional, or other representative on behalf of an employee or applicant with a disability. Where a request for accommodation is made by a third party, the EEO Office shall confirm with the employee or applicant with a disability, that s/he, in fact, wants a reasonable accommodation before proceeding.

To request an accommodation, an employee or applicant should complete the Cook County Request for Reasonable Accommodation form and where necessary, have their medical provider complete the Medical Questionnaire for Reasonable Accommodation Request form.

Any supervisor who receives a verbal or written request for accommodation shall direct the employee to the EEO Office.

Any supervisor who suspects that an employee is having performance issues because of a known or suspected disability, but the employee has not requested an accommodation, is encouraged to contact the EEO Office to discuss the matter.

**B. The Interactive Process**

Once the EEO Office receives the completed **Request for Accommodation** form and the **Medical Questionnaire** form, the EEO Office shall engage in the interactive process with the employee to clarify the employee’s needs and to gather information related to the employee’s condition in order to make a determination to grant or deny the accommodation request.

During the interactive process, the EEO Office shall determine:

- Whether the employee has a qualified disability;
- Whether medical documentation is needed to substantiate the disability or the link between the disability and the accommodation requested;
- The job-related functional limitations(s) created by the individual’s disability;
- The essential job functions of the particular job involved;
- If needed, whether the proposed accommodation would be effective; and
- If effective, whether providing the accommodation would create an undue financial burden.



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**C. The Determination**

Once a determination is made, the EEO Office shall immediately notify the employee in writing of the decision on the **Cook County Determination Notice**. Copies of the **Determination Notice** shall be distributed to the employee making the request and the employee’s immediate supervisor.

If the request is **granted**, the accommodation shall be provided as soon as reasonably possible. Although the County will consider each individual’s requested accommodation preference, if the County determines that there are other equally effective alternative accommodations, the County has the right to select an alternative accommodation. The EEO Office shall follow up with the requesting employee to determine the effectiveness of the selected accommodation.

If the request is **denied**, the EEO Office shall include the specific reasons for the denial on the **Determination Notice**.

If the request is **granted in part and denied in part**, the EEO Office shall explain both the reasons for the partial denial and for the partial granting of the request.

Where the EEO Office has **denied a specific requested accommodation**, but offered to make a different one in its place which was not agreed to during the interactive process, the **Determination Notice** shall explain both the reason(s) for the denial of the requested accommodation and the reasons that the EEO Office believes that the chosen accommodation will be effective.

**XI. REASSIGNMENT**

Reassignment to an equivalent or lesser vacant position title may be a form of reasonable accommodation when an employee (not applicant) can no longer perform the essential functions of their current position with or without a reasonable accommodation. Reassignment may be made only to an available vacant position, if the qualified individual with a disability satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the new position, with or without a reasonable accommodation. In cases where a position is covered by a collective bargaining agreement, placement into such a position will be based on the terms of the collective bargaining agreement. Reassignment shall be considered on a case-by-case basis.



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**A. Initiation of the Reassignment Process**

If the EEO Office determines that an employee can no longer perform the essential functions of their current position with or without a reasonable accommodation, the EEO Office may deem the employee eligible for reassignment.

If the EEO Office determines that an employee is eligible for reassignment, the EEO Office shall prepare the **Notice of Need for Reassignment** form and send copies to the employee, the employee’s department head and the Deputy Bureau Chief of Human Resources (DBCHR). The DBCHR is required to offer a reassignment to an eligible employee for an appropriate vacant position for which the employee satisfies the requisite skill, experience, education, and other job-related requirements of the position and can perform the essential functions of the new position, with or without a reasonable accommodation.

**B. Reassignment Process**

Within five business days of receiving the **Notice of Need for Reassignment** form, the DBCHR will attempt to contact the employee to determine the employee’s requisite skills, experience, education, qualifications, and needs.

The DBCHR will conduct a search within OUP for an appropriate vacant position for a period of 30 calendar days. The reassignment period shall commence on the date that the DBCHR attempts initial contact with the employee and shall end 30 consecutive calendar days thereafter. During the 30-calendar day period, if the DBCHR becomes aware that an appropriate vacant position will become available within the next 30 consecutive calendar days, the DBCHR shall offer the employee the position when it becomes vacant in accordance with XI. B. 1. If an appropriate vacant position does not become available within the 30-calendar day period and the DBCHR is unaware within the period that a position will become available within the next 30 consecutive calendar days, the provisions of section XI. B. 2. shall apply.

1. If the DBCHR is able to secure an appropriate position for the employee in need of reassignment within the period required by this Policy, the DBCHR shall offer the employee the position and the employee shall have five calendar days to accept or to reject the position. If the employee rejects the position, the DBCHR shall send a **Notification of Denial of Reassignment** to the employee, the employee’s department head, and to the EEO Office. The EEO Office shall thereafter provide the employee with the following options:



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- Give the employee the opportunity to request a leave of absence, allowing the employee to utilize any paid leave time available, including vacation time or sick time, until such paid leave is exhausted, subject to approval by the employee’s department head.
- Give the employee the opportunity to take an unpaid leave of absence, subject to approval by the employee’s department head.
- Give the employee the opportunity to go on disability, if eligible.
- Give the employee the opportunity to retire, if eligible.
- Give the employee the opportunity to resign.

If the employee rejects the position and does not select one of the available options, the Department Head may move to terminate the employee as the employee is no longer able to perform the essential functions of the job with or without a reasonable accommodation.

2. If the DBCHR is unable to secure an appropriate position for the employee in the need of reassignment within the period required by this Policy, the DBCHR shall notify the employee, the employee’s department head, and the EEO Office in writing of the DBCHR’s inability to secure an appropriate position. The EEO Office shall thereafter provide the employee with the following options:

- Give the employee the opportunity to request a leave of absence, allowing the employee to utilize any paid leave time available, including vacation time or sick time, until such paid leave is exhausted, subject to approval by the employee’s department head.
- Give the employee the opportunity to take an unpaid leave of absence, subject to approval by the employee’s department head.
- Give the employee the opportunity to go on disability, if eligible.
- Give the employee the opportunity to retire, if eligible.
- Give the employee the opportunity to resign.

If the employee does not select one of the available options, the Department Head may move to terminate the employee as the employee is no longer able to perform the essential functions of the job with or without a reasonable accommodation.



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### **C. CONFIDENTIALITY**

Confidentiality applies to all aspects of the reasonable accommodation process and all documentation obtained shall be kept confidential. Medical information obtained by the EEO Office shall be kept in files separate from the individual's personnel file or application file. Any Cook County employee who obtains or receives such information is strictly bound by these confidentiality requirements.

### **D. CONTACTING THE EEO OFFICE**

Employees may contact the EEO Office in person, by email, or by phone, using the contact information below. Office hours are 8:30 a.m. to 4:30 p.m.

Cook County EEO Office  
118 N. Clark Street, Room 840  
Chicago, Illinois 60602  
(312) 603 - 6577 (phone)  
(312) 803 - 9654 (fax)  
[EEO@cookcountyil.gov](mailto:EEO@cookcountyil.gov)