

## 201 - AMERICANS WITH DISABILITIES ACT

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### **Section 201.01 The Americans with Disabilities Act**

In accordance with the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA), as amended, Fort Bend County does not discriminate on the basis of disability in its employment practices or in its admission to or access to County services and programs. The ADA defines disability as a physical or mental impairment which substantially limits one or more major life activities.

Qualified applicants and employees with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment based on disability. The law also requires that Fort Bend County provide qualified applicants and employees with disabilities with reasonable accommodation provided it does not impose an undue hardship on Fort Bend County. The ADA defines a qualified applicant or employee as one who can perform the essential functions of the job with or without a reasonable accommodation.

### **Section 201.02 Reasonable Accommodation**

Qualified applicants or employees who require a reasonable accommodation in order to achieve or maintain employment with Fort Bend County should make their needs known to a Department Head, Elected Official, or the Director of Human Resources. Verification of the need for a reasonable accommodation may be required. Fort Bend County will make every effort to provide the requested accommodation, or other suitable accommodation, provided it does not pose an undue hardship on the County.

To maintain employment, employees must be able to perform the essential functions of the job, with or without a reasonable accommodation. Employees are cautioned to request a necessary accommodation before the disability has an adverse effect on their job performance. Supervisors are cautioned to make no assumptions regarding an applicant's or employee's disability, but should instead focus on an employee's performance and capabilities.

### **Section 201.03 Contagious and Infectious Disease**

Certain contagious or infectious diseases, including but not limited to hepatitis, tuberculosis, human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), may be considered disabilities. Fort Bend County does not discriminate against qualified applicants and employees who may have a contagious or infectious disease.

Fort Bend County will take reasonable steps to ensure the health and safety of all employees with regard to exposure to contagious or infectious disease by following the latest guidance available from the local public health authority.

### **Section 201.04 Confidentiality of Medical Information**

Federal and state regulations require that all medical information be maintained separately from employee personnel files. Unauthorized disclosure of an employee's medical condition or medical history is prohibited.

Any medical information that may be obtained by Fort Bend County for

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purposes of pre-employment screening, administering benefits, authorizing leave, or providing reasonable accommodation will remain confidential except where otherwise permitted or required by law.

### **Section 201.05 ADA Complaints**

Complaints of unauthorized disclosure of information or discrimination or harassment based on disability should be reported as soon as possible. Please see Section 203 of this manual for detailed information on the complaint procedure.

The Human Resources Department or other appropriate County official shall conduct a thorough investigation into any complaints. If the complaint is substantiated Fort Bend County will take prompt corrective action to end the discrimination or harassment based on disability, rectify the situation, and discipline the perpetrator as appropriate.

Fort Bend County will not tolerate retaliation of any kind toward employees who in good faith bring forth complaints of wrongdoing. Please see Section 204 of this manual for information on retaliation and whistleblower protections.

### **Section 201.06 Accessibility Concerns**

Concerns and requests regarding access to any part of County facilities should be addressed to the Fort Bend County Director of Facilities Management and Planning.

Policy Approved and Adopted By  
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