What if there is no reasonable accommodation that will enable me to perform my current job?

After exhausting all other accommodation options, you may be considered for the 90-day job reassignment process. The ADA coordinator will work with you to identify an appropriate position into which you can be reassigned. The position cannot have a higher pay range minimum than your current position. You must meet the minimum qualifications for the new position and be able to perform the essential functions of the position, with or without reasonable accommodation. You do not need to be the best qualified individual for the position as reassignment is not a competitive process. If an assessment is required for a position, you must successfully pass the assessment prior to placement. The reassignment period, which is the time period that you will work with the ADA Coordinator to identify a new position, is 90 days.

Can I apply for a promotion?

Yes. However, you will have to go through the competitive hiring process. Under the ADA, you can only be reassigned to a lateral position or you can accept a voluntary demotion.

What if I don’t find a job within 90 days?

The interactive process (IAP) will be concluded. Your management team will contact you to determine next steps, which may be a medical disqualification from employment.

When is the IAP concluded?

When one of the following occurs:
- You voluntarily end the process.
- You fail to actively participate in the process.
- The medical documentation is not received.
- You do not have a disability.
- You are provided a reasonable accommodation in your current position.
- You are placed in a vacant position through the job reassignment process.
- The 90-day reassignment period ends without placement.
- You resign or are terminated.

Can I just return to work after my continuous ADA leave?

No. A return to work release from your health care provider (HCP) is required to return to work.

What if I cannot return to work at full-duty?

Returning to work at less than full-duty would be considered a request for accommodation. Working with restrictions must be approved by your management team.

Contact Information

OHR Leave Team:
Email: cityFMLAandADA@denvergov.org
Phone: 720.913.5604
Fax: 720.913.5639
Payroll: 720.913.5186
or payrolldivision@denvergov.org
Benefits: 720.913.5697
or benefits@denvergov.org
Short-Term Disability: The Standard Insurance Company 800.368.2859
Americans with Disabilities Act as Amended (ADAAA)

What is the ADA?
The Americans with Disabilities Act (ADA) of 1990 is a federal civil rights law that prohibits discrimination against individuals with disabilities. Title I of the ADA prohibits covered employers from discriminating against people with disabilities in employment and requires employers to provide a reasonable accommodation to qualified individuals with disabilities unless the accommodation would be an undue hardship or direct threat. The ADA was amended effective 1/1/2009 (ADAAA) to revise the definition of disability. At the City and County of Denver, Career Service Rule 12 addresses ADA leave.

What is a disability under the ADAAA?
Under the ADAAA, a disability is:
- a physical or mental impairment that substantially limits one or more major life activities; or
- a history or record of such an impairment; or
- a perceived impairment that is not transitory and minor.

A major life activity may include, but is not limited to, caring for oneself, performing manual tasks, working, or the operation of major bodily functions.

Who determines if an employee has a disability under ADAAA?
The city’s ADA Coordinator based on the medical information received from your health care provider (HCP). The ADA Coordinator is part of the Leave Team within the Office of Human Resources.

If I have a disability, will I be permanently labeled or categorized as “disabled?”
No, the term “disability” is very broadly defined under ADAAA. A disability can be temporary or permanent.

What is the city’s responsibility to employees with disabilities?
The city is required to provide reasonable accommodation to qualified individuals with disabilities unless doing so would cause an undue hardship or the employee poses a direct threat that cannot be eliminated with a reasonable accommodation. A reasonable accommodation might include providing or modifying equipment or devices, part-time or modified work schedules, job restructuring, or job-protected time off work. Reasonable accommodations enable employees with disabilities to perform the essential functions of their job.

What are some examples of reasonable accommodation requests?
- I have not been employed for 12 months so I am not eligible for Family and Medical Leave Act (FMLA) benefits and I need a leave of absence for the delivery of my baby.
- I was diagnosed with cancer and need accommodations due to surgery and chemotherapy.
- I have diabetes and need to take an additional four breaks during the day to check my blood sugar.
- I need to be able to stand for short periods throughout the day due to a slipped disc. Can I have a sit/stand workstation?
- My job requires me to lift 25 pounds, but now that I am pregnant my doctor says I can only lift ten pounds. May I be temporarily excused from lifting anything heavier than ten pounds?

Who should I contact if I need an accommodation?
Notify your supervisor and the ADA Coordinator. You do not need to disclose your medical condition or why you need an accommodation to your supervisor.

What happens after I request an accommodation?
- A request for reasonable accommodation kicks off the interactive process (IAP). The interactive process is a collaborative process between the ADA Coordinator who manages the process, your supervisor/management, and you to determine what, if any, accommodation can be provided so you can perform the essential functions of your job.
- You will be asked to have your HCP complete a Reasonable Accommodation Questionnaire (RAQ) and you will be required to sign a medical authorization release. The ADA Coordinator will obtain pertinent medical information needed from your HCP.
- The ADA Coordinator will review your medical documentation and determine whether you have a disability that qualifies under the ADAAA.
- You will be contacted to discuss your HCP’s recommendation for the type of accommodation needed. You must respond promptly to the ADA Coordinator throughout the IAP.
- The ADA Coordinator will not share your medical condition with your supervisor/management team; only the specific accommodation request.

Who approves my reasonable accommodation request?
Your management team approves your accommodation in partnership with the ADA Coordinator.

Is ADA leave as an accommodation a paid leave of absence?
No. ADA is unpaid leave. You must use your accrued time and/or short-term disability benefit (if you qualify) for pay. Employees on approved ADA leave are also eligible to received donated leave.