County of Monterey
Board Policy Manual

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Policy Category Personnel		

I. Purpose

1. To assist applicants for employment, current employees, and individuals desiring to participate in County programs or activities request accommodations, and to assist department supervisors and managers to process accommodations requests.
2. To comply with Federal and State civil rights laws, including California's Fair Employment and Housing Act (FEHA), the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act (ADAAA), the Age Discrimination in Employment Act of 1975 (ADEA), and the Rehabilitation Act of 1973.
3. To support an organizational culture that values diversity, equity, inclusion, and belonging.

II. Definitions

The following definitions are provided to assist in interpreting and applying this Policy, and are also outlined in the ADA, FEHA, California Government Code § 12926, related Federal and State laws and regulations, and cases interpreting those laws and regulations.

Individual with a Disability – An individual with a disability is a person who has a physical or mental impairment that limits the performance of one or more major life activities, has a record of impairment, or is perceived as having such impairment, as defined by applicable law.

Reasonable Accommodation – A reasonable accommodation means modifying or adjusting practices, procedures, policies, job duties, or the work or application environment that enables a qualified individual with a disability to be considered for a position, to perform the essential functions of a position, or enjoy equal employment opportunity.

Qualified Individual with a Disability - A qualified individual with a disability is a person with a disability, who satisfies the requisite skill, experience, education, and other job-related requirements of the position and who with or without reasonable accommodation can perform the essential functions of the position with or without reasonable accommodation.

Mental Impairment – Mental impairment includes, but is not limited to, having any mental or psychological disorder or condition, such as an intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.

Physical Impairment – Physical impairment includes, but is not limited to, having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, speech organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, which limits a major life activity.

Major Life Activities – Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Primary attention is given to those life activities that affect employability or otherwise present a barrier to employment or advancement.

Interactive Process – The interactive process is good-faith, ongoing dialogue between the employee and the County about possible options for reasonably accommodating the individual's disability. Both the County and the individual are expected to participate in the interactive process in good faith.

Good Faith – Good faith means the employee and the County must honestly, promptly, and fairly engage with each other. This involves a genuine effort to communicate – the employee communicates their needs, and the County genuinely considers them. The County and the employee work together to identify and make a reasonable accommodation that would provide the employee with an equally effective opportunity, without causing undue hardship to the County's operations.

Essential Functions – Essential functions are the fundamental job duties or requirements of a position. Essential functions are such that they cannot be eliminated or substantially modified without changing the nature of the position. Factors to consider in determining if a job function is essential include, but are not limited to:

- Whether the reason the position exists is to perform that function
- The number of other employees available to perform the function or among whom the performance of the function can be distributed;
- The degree of expertise or skill required to perform the function, whether the function is specialized, and the individual is hired based on their ability to perform the function

Benefits and Privileges of Employment – Benefits and privileges of employment include, but are not limited to, County-sponsored: (1) training, (2) services (e.g., employee assistance programs, cafeterias, lounges, etc.and (3) parties, County-sanctioned, or other, social functions (e.g., parties to celebrate retirements and birthdays).

Undue Hardship – Undue hardship means an excessively costly, extensive, substantial, or disruptive modification or one that would fundamentally alter the nature or operation of the County. The comprehensive resources and options available to the County are legally relevant in determining whether the requested reasonable accommodation poses an undue hardship, not just the budget or resources of an individual segment, sub-component, or division within the County or department.

Direct Threat – A direct threat is a significant risk of substantial and imminent harm, which cannot be eliminated or reduced to an acceptable level by reasonable accommodation. A direct threat occurs when an individual who, because of a disability, poses a direct threat to the health or safety of the individual or others even with a reasonable accommodation. An individual who poses a direct threat is not a qualified individual with a disability. The assessment of whether a person poses a direct threat must be made on a case-by-case basis considering the following factors: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.

Departmental Reasonable Accommodation Coordinator (DRAC) – Each County department shall designate a DRAC. The DRAC is responsible for appropriately responding to requests from employees, recipients of County services, applicants for employment, and management regarding disability-related accommodation issues. The DRAC is accountable for managing and tracking reasonable accommodation requests and initiating the mandatory interactive process. Accommodations that are handled and granted by a supervisor or manager do not need to be submitted to the DRAC; however, the information should still be reported to the DRAC for tracking purposes. The Civil Rights Office (CRO) shall be notified of the designated DRAC.It is the department's responsibility to notify its employees of their DRAC.

Reasonable Accommodation Review Committee (RARC) – The RARC is comprised of a representative of the department or the DRAC, or the employee handling the interactive process on behalf of the County, a representative from Risk Management, an attorney from the County Counsel's Office, a representative from Employee Relations, a representative from Benefits from the Human Resources Department and a representative from the Civil Rights Office. Members of the RARC may assist the department and the DRAC with requests for accommodations. ***Before denying a request for an accommodation, the matter shall be referred to the RARC for review.***

III. Background

This policy revision responds to changes in FEHA, ADA, and other related statutory and case law.

IV. Policy

The County of Monterey (the County) is committed to providing equal access and opportunity to qualified individuals with disabilities in its employment practices, the provision of public services, and access to its facilities. The County will adhere to the ADA, FEHA, and all other applicable Federal and State laws, regulations, and guidelines, providing reasonable accommodations, as necessary, to afford equal employment opportunity and equal access to programs, services, and benefits for qualified individuals with disabilities.

Following a timely and good-faith interactive process with the individual to determine effective reasonable accommodations, the County shall make reasonable accommodation for an individual's known physical or mental disability except in specific circumstances when legally exempt from doing so.

Requesting an accommodation is a protected activity. This Policy, the Nondiscrimination Policy, and the Civil Rights Complaint Procedures prohibit retaliation against an individual for requesting an accommodation.

Information in this process will be confidential, to the extent allowed by law, and limited to those with a need to know.

V. Procedure

A reasonable accommodation request is a statement that an individual needs an adjustment or change at work, in the application process, in receiving County services, or in a benefit or privilege of employment for a reason related to a physical or mental impairment. Accommodation requests may be made either orally or in writing.

- Current Employees: Generally, to comply with privacy laws, the County is subject to strict limitations regarding inquiries about the physical, mental, or medical condition of an employee. Employees are, therefore, responsible for requesting accommodations when needed. An employee may request a reasonable accommodation orally or in writing from their supervisor, a manager in their immediate chain of command, the DRAC, or the Ergonomics Manager. A Reasonable Accommodation Request form will be provided to the employee for completion. The written form is used for the first request, although appropriate notice must be given each time an accommodation is needed.

- Applicants: Employment opportunities will not be denied to anyone because of the need to make reasonable accommodation for a person's disability. The County will include a statement on all applications and recruitment packages indicating the availability of reasonable accommodations in the application process, along with instructions to applicants on how to request a reasonable accommodation. Applicants who have received employment interview offers may also request an accommodation.

  When an applicant requests an accommodation, Human Resources Department (HRD) staff will confer with the applicant on the type of accommodation they need. When the applicant's disability is not obvious or known or additional medical clarification is needed, the County will request from the applicant appropriate documentation of the disability, limitations, and needed accommodation. Given the time sensitivity of the recruitment process, Human Resources staff will move as quickly as possible to decide and provide an accommodation if appropriate. When a reasonable accommodation request is received, Human Resources staff shall complete the County's Request for Reasonable Accommodation Form. The County will ensure that any request for medical information is limited to what is necessary to determine the existence of a disability and the need for accommodation, in compliance with privacy laws.

- Representatives: A family member, health care professional, or other representative may request an accommodation on behalf of a County employee or applicant. The request should be directed to one of the same individuals to whom the employee or applicant would typically make the request.

  When a third party makes an accommodation request, the DRAC should, if possible, confirm with the employee or applicant with a disability that they desire a reasonable accommodation before proceeding. It may not be possible to verify the request if the employee has, for example, been hospitalized in an acute condition. In his situation, the County will process the third party's request and consult directly with the individual who needs it as soon as it is practical.

- Public: A member of the public who has a disability may request a reasonable accommodation to access County facilities, programs, or services. No person will be denied access or services because of a disability, and no one will be charged a fee for a reasonable accommodation. The County will respond to requests for reasonable accommodations promptly to avoid unreasonable delays or unreasonable denial of services.

It is the individual's responsibility to seek available assistance, make their needs known to County staff, and provide the County with adequate time to accommodate them. County employees shall assist and advise individuals who request reasonable accommodations.

Employees are encouraged to utilize the County's Request for Reasonable Accommodation form. The processing of a request will be determined as the date an oral or written request was made, not the date the Reasonable Accommodation Request form was submitted.

All requests for reasonable accommodation must provide the following information:

- The type of accommodation requested,
- An explanation of the limitation for which the accommodation is needed, and
- A description of how the accommodation will allow the individual to perform the essential functions of their job.

To enable the County to maintain accurate records regarding accommodation requests, the DRAC must follow up on oral requests for accommodations by completing the Reasonable Accommodation Request form.

Requests should be forwarded to the DRAC as soon as possible, but no later than five business days. The DRAC will process requests for reasonable accommodations through the interactive process.

Interactive Process

When someone requests an accommodation, the County and the person requesting the accommodation must engage in a good-faith interactive process to determine what, if any, accommodation may be provided. For the County, this includes not generalizing employees or their limitations, exploring options within the employee's limitations, and being as transparent as possible with the employee to ensure they are aware of the process and potential roadblocks for accommodation. For the individual, this includes flexibility, ensuring they are submitting the necessary information and are open to suggestions from the County representative. The individual and the County must communicate regarding the request, the process for determining whether an accommodation will be provided, and the potential accommodations.

Communication is a priority throughout the entire process. The County representative and the employee are obligated to communicate directly and exchange essential information in a timely manner to work towards the shared goal of identifying effective, reasonable accommodations.

Upon receiving a request for an accommodation, the County representative must ensure it includes adequate information. If the request does not include this, the County representative must request it from the employee, and it is the responsibility of the employee to provide the information. During this initial interaction, the County representative shall ensure the employee has a copy of this Policy or knows how to obtain it.

Once an accommodation request is submitted, the County representative shall reach out to the employee to schedule the first interactive process meeting within 14 days of receipt, unless there are extenuating circumstances.

All accommodation requests must be worked to be resolved as soon as possible, and the employee shall be informed of the status throughout the process.

Applicants, employees, managers, and supervisors are encouraged to contact the DRAC, the Ergonomics Manager, or the CRO at any time during this process to request assistance or advice. Individuals seeking reasonable accommodation may be assisted in the process by a person of their choice.

The County is not required to provide the accommodation preferred by the employee or applicant, or their healthcare professional. The County, working with the employee, has the discretion to select among the available accommodations, provided that the chosen accommodation is reasonable and effective.

If a qualified employee with a disability is unable to perform the essential functions of their current position, with or without accommodation, but may be qualified to perform the essential functions of a different position, the County shall explore reassignment to a vacant position. Reassignment to another position is made only to vacant and funded positions. This is done as part of the interactive process; the employee does not need to make a reassignment request for it to be explored. The County will make efforts to find a vacant position within the employee's current department. If a suitable position does not exist within the employee's current department, the responsible DRAC will conduct an internal County-wide job search. Promotions, the creation of new positions, or the displacement of other employees are not required parts of the accommodation process.

Reassignment will be considered only if no accommodations are available to enable the individual to perform the essential functions of their current job, or if the only suitable accommodation would cause an undue hardship.

Performance and Conduct Standards

The ADA and FEHA do not require the employer to ignore a violation of a uniformly applied rule that is job-related and consistent with business necessity. Additionally, because reasonable accommodations are prospective, an employer is not required to ignore past misconduct even if the misconduct is the result of the disability. Therefore, departments are not prohibited from applying appropriate disciplinary action or exercising appropriate management responsibility.

If during the disciplinary process, an employee makes a connection between a physical or mental impairment and their performance or misconduct, the County will initiate the interactive process, which may include requesting appropriate documentation and verification of the disability. Whether or not an effective accommodation is provided, the employee remains responsible for performing the essential job functions in a timely

and satisfactory manner and complying with County policies and guidelines. If the employee fails to do so, disciplinary action may be initiated.

Requests for Medical Information

When an individual's disability is not readily apparent, the disability has not been previously documented, or the reasonableness of the accommodation request is not apparent, the County will engage in an interactive process with the individual to determine the appropriate accommodation. The County may request that the individual provide verification from a health care professional that they have the claimed disability and that it has the effect of needing an accommodation. The County will only accept medical documentation related to establishing the existence of a disability and the necessity of accommodation.

The request for verification may require the opinion of a healthcare professional regarding whether the individual can perform the essential functions of the job or whether the requested accommodation is appropriate for the disability. The County has a right to have medical information reviewed by its own medical experts at the County's expense.The County will ensure that any request for medical information is limited to what is necessary to determine the existence of a disability and the need for accommodation, in compliance with privacy laws. The County will engage in an interactive process with the individual to determine the appropriate accommodation.

The County has a right to request relevant supplemental medical certification if the information submitted does not explain the impact of the existence of a disability, or the need for the reasonable accommodation, or otherwise clarify how the requested accommodation will assist the employee in performing the essential functions of the job or in enjoying the benefits and privileges of the workplace, or assist an applicant with the application process. If this does not result in sufficient information, the County may require the individual to be evaluated by a healthcare professional of the County's choice at the County's expense. During the period necessary to obtain information establishing the existence of a disability and the necessity of accommodation, the employee's eligibility for any form of paid leave shall be determined by the County's Personnel Policies and Practices Resolution (PPPR) or applicable MOU or collective bargaining agreement. The County will ensure that any request for medical information is limited to what is necessary to determine the existence of a disability and the need for accommodation, in compliance with privacy laws.

All medical information will be requested and reviewed by the DRAC and HRD staff, if necessary, to identify an effective accommodation, in consultation with the requesting individual or their representative. Failure to provide appropriate documentation or cooperate in the County's efforts to obtain such documentation may result in a denial of the accommodation. The DRAC and HRD staff will not contact medical providers or offices directly unless specifically advised by County Counsel's Office (e.g., in the case of undated, illegible or unsigned certifications).

Confidentiality

To the extent possible, all medical information – including information about functional limitations and reasonable accommodation needs – obtained in connection with a request for reasonable accommodation shall be treated as a confidential medical record and shall be maintained securely, apart from personnel files, and with access restricted to designated personnel on a need-to-know basis. ***These confidentiality requirements strictly bind employees who obtain or receive such information.*** The interactive process meetings must prioritize individuals' privacy, ensuring a private space for the meetings. "Medical information" includes any information concerning an individual's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question, or the fact that someone is receiving an accommodation or has a disability.

Timeliness

The County will process requests for reasonable accommodations ***in the shortest time frame possible***. However, the County recognizes that the time necessary to process a request will depend on the nature of the accommodations requested and whether supporting information is required.

The DRAC will decide on the request. If granted, the accommodation will be provided within a reasonable timeframe from the date the request was initially made, unless there are extenuating circumstances. If medical documentation is necessary, the decision will be made within 30 days of receipt, absent extenuating circumstances.

If there is a delay in providing an approved accommodation, the DRAC shall investigate whether the County can take temporary measures to assist the individual. These measures could include providing the requested accommodation temporarily or offering a less effective alternative in the meantime. Additionally, the DRAC may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the department or the County; and (2) the employee is clearly informed, in writing, that they are being provided an accommodation only temporarily.

Denial of an Accommodation

Before denying an accommodation as unreasonable, the matter shall be referred to the RARC for review.

After review by the RARC, the DRAC shall complete the Denial of Request form if it is determined that a request for an accommodation cannot be granted. The explanation should clearly state the specific reasons for the denial and may include recommended alternate reasonable accommodations, if applicable. The appointing authority shall review the Denial of Request form, sign, and date it, if appropriate. ***Denying an accommodation without referring the request to the RARC for review is a violation of this Policy*.**

The written notice of denial must inform the individual that they have the right to file a complaint with the Civil Rights Office (CRO), the Equal Employment Opportunity Commission (EEOC), or the California Civil Rights Department (CRD). Nothing contained in this Policy shall preclude an individual from filing a complaint with the CRO, EEOC, or the CRD before the issuance of the denial notice.

Individuals who were denied a reasonable accommodation may request reconsideration of a denial. The individual shall ask the DRAC to reconsider the decision. The individual may present additional information in support of their request. The DRAC shall respond to the request for reconsideration within 10 business days.

This Policy is in addition to statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims, including timeframes for filing such claims, are set by the EEOC and CRD. It is the employee's responsibility to be aware of these requirements.

Complaint Resolution

If an individual is not satisfied with the interactive process's outcome, they may file a complaint with the County of Monterey's CRO, the EEOC (www.eeoc.gov/), or the CRD (https://calcivilrights.ca.gov/).

CRO staff members who had significant involvement in processing a reasonable accommodation request or reviewing a denial of an accommodation may recuse themselves from reviewing or investigating a complaint of discrimination or retaliation related to a request.

Information Tracking and Reporting

To enable the County to maintain accurate records, the County representative involved in the accommodation process shall complete a Reasonable Accommodation Reporting form and forward a copy to the CRO. A form is not required when:

- The accommodation request was for an accommodation readily and routinely accommodated as a matter of doing business (e.g., specialized keyboards, screen magnifiers, quiet workspaces, etc.)
- While an employee is out on leave as an accommodation
- If the request did not require a formal medical professional's note
- The accommodation does not require more than one interactive process meeting

The DRAC can consult with the CRO if they have questions whether a form is required. Additionally, in lieu of a form, the DRAC may submit a final interactive process summary.

VI. Review Date

This Policy will be reviewed for continuance by May 11, 2031.

VII. Board Action

a. Legistar File Number 26-339.

County of Monterey
Board of Supervisors

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Board Order

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to:

Review, approve, and adopt the revisions to the County of Monterey Reasonable Accommodation Policy.

PASSED AND ADOPTED on this 12th day of May 2026, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Root Askew, and Daniels
NOES: None
ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting May 12, 2026.

Dated: May 12, 2026
File ID: 26-339
Agenda Item No.: 37

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Margarita Hernandez, Deputy