

OTAY WATER DISTRICT  
**BOARD OF DIRECTORS POLICY**

Subject	Policy Number	Date Adopted	Date Revised
ADA/FEHA Disability Policy	48	05/03/06	01/04/12

PURPOSE

To provide policies to encourage a bias free environment for disabled employees or for disabled persons who seek employment with the Otay Water District (District).

STATEMENT OF POLICY

It is the policy of the District not to discriminate on the basis of disability for employment or the provision of services. It is the intent of the District to provide disabled employees a bias free work environment, including prompt and equitable resolution of complaints alleging discrimination on the basis of a disability. The District will provide reasonable accommodation in compliance with the Americans with Disabilities Act ("ADA") and the Fair Employment and Housing Act ("FEHA").

POLICY

General Provisions

The District has a commitment to ensure equal opportunities for disabled District employees. Every reasonable effort will be made to provide an accessible work environment. The District will not discriminate against disabled employees or applicants in its employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination).

Interactive Process

The District will engage in the interactive process, as defined by the ADA and the FEHA, to determine whether an applicant or employee is able to perform his/her essential functions. As part of the interactive process, the District may invite the employee or applicant and, if necessary, the employee or applicant's health care provider, to meet. The employee may choose to have a third party present for support as an observer. However, this person may not act as a representative or attempt to negotiate on behalf of the employee. During the interactive process the District will examine possible reasonable accommodations that would allow the employee or applicant to continue to perform the essential functions in his/her position or, if appropriate, be otherwise employed by the District.

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Complaints

Any District employee who believes that he/she has been discriminated against because of a physical or mental disability may file a discrimination complaint pursuant to the District's Policy 47, entitled "Policy Against Discrimination and Harassment and Complaint Procedure".

Any applicant who believes that he/she has been discriminated against because of a physical or mental disability may file a discrimination complaint by writing a formal letter to the District's Human Resources Manager.