



Board Report

File #: BC 20-014, **Version:** 1

Support the request to:

- a. Amend the FY 2019-20 Human Resources Department Adopted Budget (001-1060-8404-HRD001) to add one (1) 1.0 FTE Senior Personnel Analyst as the American with Disabilities Act (ADA) Manager for the County, as indicated in Attachment A; and
- b. Authorize the Auditor-Controller and the County Administration Office to incorporate these changes in the FY 2019-20 Adopted Budget.

RECOMMENDATION:

It is recommended that the Budget Committee of the Board of Supervisors support the request to:

- a. Amend the FY 2019-20 Human Resources Department Adopted Budget (001-1060-8404-HRD001) to add one (1) 1.0 FTE Senior Personnel Analyst as the American with Disabilities Act (ADA) Manager for the County, as indicated in Attachment A; and
- b. Authorize the Auditor-Controller and the County Administration Office to incorporate these changes in the FY 2019-20 Adopted Budget.

SUMMARY/DISCUSSION:

The Human Resources Department is requesting support to add one (1) 1.0 FTE Senior Personnel Analyst as the American with Disabilities Act (ADA) Manager the County of Monterey.

The County is responsible for adhering to the Americans with Disabilities Act of 1990, as amended, the Fair Employment and Housing Act, and all other applicable federal and state laws, regulations, and guidelines with respect to providing Reasonable Accommodation

The County Civil Rights Office created the County Reasonable Accommodation Policy. The purpose of this policy is to assist applicants for employment, current employees, individuals desiring to participate in County programs or activities, and department supervisors and managers, in requesting accommodation or processing reasonable accommodation requests from employees and job applicants.

Processing reasonable accommodation requests requires the County to initiate the interactive process with a person with a qualifying disability who may need accommodation. The interactive process is an ongoing dialogue between the employee and the County about possible options for reasonably accommodating the individual's disability. The Reasonable Accommodation Policy requires that each County department designate a Departmental Reasonable Accommodation Coordinator (DRAC). The policy envisioned the DRAC would be responsible for responding to requests from employees, members of the public seeking services, applicants, and/or management regarding disability related accommodation issues, including the management and monitoring of reasonable accommodation requests as well as timely conducting the mandatory interactive process.

Presently, there is no County position designated to manage, oversee, and provide support, assistance and guidance to Departments. The HR Department is requesting to add a Senior Personnel Analyst to act as the primary County staff member to manage the program and reduce discrimination claims or litigation based on claims of failure to comply with established laws and meet the County's obligation to act in good faith.

The number of requests for accommodation has been growing and navigating the legal requirements around the employers' obligations are becoming more and more complex. Many of the assigned DRAC's do not have sufficient experience or availability to perform the required work; thus, increased assistance and guidance from County Counsel or the HR Program Manager overseeing Employee Relations is required.

The Interactive Process is complex and must be handled timely to avoid potential claims of discrimination or litigation. A few of the County's larger departments such as the Department of Social Services, Health Department, and NMC have dedicated HR staff who have acquired more experience in conducting the interactive process, but even these Departments regularly require guidance and assistance on more complex cases. The Deputy County Counsel assigned to Employment and the HR Program Manager of Employee Relations spend extensive time training, guiding and assisting all DRACs. Additionally, the HR Program Manager is frequently placed in conflict with her primary role in Employee Relations.

It is common practice among other Counties to assign at least one primary staff person to address and process reasonable accommodation requests. In this way, these matters are more likely to be processed appropriately, effectively, timely and consistently throughout the County. It is anticipated that the ADA Manager would provide training, guidance and consistent recommendations for all County departments and the DRACs. In addition, the ADA Manager would track and compile statistics for program evaluation and improvements efforts (e.g. numbers of reasonable accommodation matters addressed by department, monthly and annually; numbers of Interactive Processes addressed by department; monthly and annually; numbers of industrial (workers' compensation) versus non-industrial matters addressed; numbers of accommodations by category - leaves of absence, ergonomic, work schedule modifications, etc.

Because many of the ADA interactive process and reasonable accommodation matters involve workers compensation claims, Risk Management (County Counsel's Office) and the HR Department will jointly fund this position, based on annual actuarial analyses regarding claims (industrial v. non-industrial).

It is therefore recommended the Budget Committee support the above recommended actions to add one (1) 1.0 FTE Senior Personnel Analyst as ADA Manager.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office and the County Administrative Office concur with the recommendation.

FINANCING:

The annualized cost of a Senior Personnel Analyst position in FY 2019-20 is \$154,605. The Senior Personnel Analyst will work on matters associated with industrial disability accommodations; hence, eligible for reimbursement from the Workers' Compensation Internal Service Fund. The Workers' Compensation ISF will reimburse the Human Resources Department for this position on a quarterly basis. Funding required from March to June 2020 is \$51,535, which will be financed by the Human Resources Department budget and reimbursements from the Workers' Compensation Internal Service Fund. Future financing for this position will be funded by the Workers' Compensation Internal Service Fund and the Human Resources Department budgets.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiative(s):

☐ Economic Development - Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☒ Administration - Promote an organization that practices efficient and effective resource management

and is recognized for responsiveness, strong customer orientation, accountability and transparency.

- _____ Health & Human Services - Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for health choices and healthy environments in collaboration with communities.
- _____ Infrastructure - Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.
- _____ Public Safety - Create a safe environment for people to achieve their potential, leading business and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared and approved by: Irma Ramirez-Bough, Director of Human Resources

Attachment:
Attachment A