



Cochise County Judicial System

Policy Title: Americans with Disabilities Act (ADA)

Policy Number: 1001

Effective: March 1, 2021

Last Reviewed/Updated: February 22, 2021

I. ADA Non-Discrimination

- A. The Cochise County Judicial System (CCJS) does not discriminate against qualified individuals with disabilities in recruitment, employment, job assignment, compensation, benefits, performance evaluation, promotion, demotion, training, leaves, layoffs, terminations and in other actions and practices affecting applicants and employees.
- B. The CCJS does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability.
- C. For the purposes of this policy, individuals with disabilities include:
 - 1. Persons with one or more physical or mental impairment that substantially limit one or more major life activities;
 - 2. Persons who have a record of such impairment; or
 - 3. Persons who are regarded as having such an impairment.

II. Reasonable Accommodation

- A. The Judicial Human Resources Director, or designee, will work with all qualified individuals with disabilities to determine what reasonable accommodations are appropriate to enable the employee to perform his or her essential job functions. Employees who believe that they are limited from performing any essential job function as a result of a physical or mental impairment are encouraged to make requests for reasonable accommodations.
- B. Potential reasonable accommodation(s) will be evaluated based on their effectiveness in facilitating safe and successful job performance as well as associated costs of the accommodation(s).

- C. The CCJS will not undertake accommodation(s) that would cause or result in an undue hardship to the CCJS, or that would pose a direct threat to CCJS employees and/or the public.
- D. It may be necessary for the department director and the employee to engage in an interactive process, in conjunction with the Judicial Human Resources Director, to determine what accommodations are reasonable and effective. In those situations, both the department director and the employee share responsibility to cooperate in the interactive process toward an ultimate goal of finding reasonable and effective accommodations.
- E. If an employee or prospective employee has a disability that is covered by the ADA, they may request a reasonable accommodation for four (4) purposes:
 - 1. To complete the pre-employment application process.
 - 2. To take an examination.
 - 3. To perform essential function(s) of the job.
 - 4. To have the same benefits and privileges of non-disabled employees.
- F. Requests for reasonable accommodation should be submitted to the Judicial Human Resources Director.
- G. When the Judicial Human Resources Director is not involved in the interviewing process and an applicant requests a reasonable accommodation for any reason, the Judicial Human Resources Director should be consulted prior to any accommodation being given.
- H. No reasonable accommodation should be granted by a department before it is discussed with the Judicial Human Resources Director.
- I. Some reasonable accommodation(s) may require the approval of the Presiding Judge or designee, prior to being granted.

III. Medical Qualifications for Officer Applicants

- A. Upon making a job offer, departments shall have each applicant for probation, surveillance, detention, and court security officer positions certify that he/she is able to perform the required training and job duties of an officer with or without reasonable accommodations.
- B. Departments may require applicants to provide additional medical information and submit to a physical examination.

IV. Reassignment of Current Employees

In the event a current employee has a disability that interferes with performance of his or her essential job functions, CCJS will work with the employee to determine if there are any reasonable accommodation(s) that will enable the employee to perform his or her essential job functions.

If a current employee becomes unable to perform their essential job functions due to a disability, and there is no reasonable accommodation available that will enable the employee to perform those job functions, the employee may be considered for other current job openings within the CCJS for which the employee is qualified and is able to perform, even if the position is not in the same job classification and grade. If job transfer is used as a reasonable accommodation, the employee does not have to be the most qualified for the position, and the employee shall not be required to apply for the position for which they are minimally qualified.

In the event that a position is offered but refused by the employee, the employee's employment may be terminated.

V. Responsibility

It shall be the responsibility of the Judicial Human Resources Director to assure that this policy is adhered to.

- A. If an employee or prospective employee believes that they have a legally protected disability and feel they have been discriminated against due to that disability, or feel they have been discriminated against due to their relationship or association with an individual with a known disability, they may contact the Judicial Human Resources Director.
- B. All complaints will be treated confidentially and thoroughly investigated. Each employee or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result.
- C. An employee or prospective employee will in no way be adversely impacted or retaliated against for reporting their concern to the Judicial Human Resources Director.