



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

**REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES  
POLICIES & PROCEDURES**

**Policy Statement**

The U. S. Bankruptcy Court, District of Nevada, recognizes the importance of fostering fair employment practices in the workplace. These guidelines have been developed to provide employees with procedural and resource information concerning disabilities and reasonable accommodation. The term “disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an employee, a record of such an impairment, or being regarded as having such an impairment. It is the policy of the federal judiciary to provide reasonable accommodations to all qualified applicants and employees with disabilities, to the extent that providing such an accommodation does not cause an undue hardship on the federal judiciary.

**Policy**

Discrimination against employees based on a disability is prohibited. It is the policy of the federal judiciary to provide reasonable accommodations to all qualified applicants and employees with disabilities, to the extent that providing such an accommodation does not cause an undue hardship on the federal judiciary. A reasonable accommodation is defined as any change in the work environment or in the way things are customarily done that enables a qualified individual with a disability to have equal employment opportunities. The individual must be able to perform the essential functions of the job with or without a reasonable accommodation to be qualified for the position the individual holds or desires. The essential functions of the job are those duties that are so fundamental to the position that the job cannot be performed adequately without them.

**A. Scope and Coverage**

These guidelines are applicable to all court unit, chambers staff and applicants. These guidelines were developed in support of the federal judiciary’s Model Equal Employment Opportunity Plan and Model Employment Dispute Resolution (EDR) Plan. These plans support the judiciary’s commitment to the principle of preventing discrimination against individuals in the workplace. Judicial employees and applicants with disabilities have certain rights and responsibilities with respect to requesting and obtaining reasonable accommodations when such accommodations are needed to apply for employment or to perform the essential job functions.

**B. Procedures/Guidelines**

All requests for reasonable accommodations will be assessed on a case-by-case basis. Below are the procedures/guidelines when an individual with a disability requests an accommodation(s):

1. **Individual Submits Request.** The process begins when an employee or applicant with a disability requests an accommodation. The request must identify the disability and the accommodation needed must be clearly identified. The request need to be in writing.
2. **Court Unit Confirms Request.** A written record that the request has been received confirms the employee is actually seeking an accommodation. The court unit will confirm the request in writing by providing the employee with a confidential memorandum indicating the following:
  - Date the request was received.
  - Name and position requesting accommodation.
  - Name and position of person who received the request.
  - Summary of the request, including identification of the claimed disability and any requested accommodation.
  - Indication of how the court unit intends to proceed with the request.
3. **Court Unit Determines Whether Individual Can Perform Essential Job Functions.** The individual must be able to perform the essential functions of the job with or without a reasonable accommodation to be qualified for the position the individual holds or desires. The essential functions of the job are those duties that are so fundamental to the position that the job cannot be performed adequately without them, if not, the process ends.
4. **Court Unit Determines Whether Disability Exists.** The Court Unit determines if the individual has a disability. A disability is a physical or mental impairment that substantially limits a major life activity; a record of such an impairment; or being regarded as having such an impairment. The decision to grant a reasonable accommodation will be made on a case-by-case basis. There are a variety of circumstances in which medical information about an employee's disability may be needed. It is the individual's responsibility to show that his or her impairment is a disability. If the individual cannot show the existence of a disability, he or she is not entitled to a reasonable accommodation.
5. **Court Unit and Individual Relate Disability to Workplace Barrier.** The Court Unit determines if there is a connection between the individual's functional limitation and a workplace barrier. If a workplace barrier exists that limits or will limit the individuals' ability to participate in a job interview or to do the job and a reasonable accommodation would overcome that barrier, then the Court Unit should accommodate the individual. If however, an individual with a disability requests an accommodation and does not show a connection between his or her functional limitation and a workplace barrier, the Court Unit does not need to provide the accommodation and the process ends.
6. **Court Unit and Individual Identify Potential Accommodations.** The Court Unit and the requesting individual usually work together in identifying potential reasonable accommodations. When selecting the reasonable accommodations, the Court Unit will consider the individual's preference, however, the Court Unit has the ultimate right and responsibility to choose the accommodation it deems most appropriate.
7. **Court Unit Selects Reasonable Accommodation(s).** After identifying/evaluating potential accommodations, the Court Unit chooses the reasonable accommodation(s).
8. **Court Unit Provides Reasonable Accommodation(s).** The Court Unit will provide the accommodation to the employee promptly. It is the responsibility of the Unit Executive or that person's designee to notify the employee as to whether or not a reasonable

accommodation will be provided, what the accommodation will be, and approximately when it will be available.

9. **Court Unit and Employee Monitor Reasonable Accommodation(s).** After a reasonable accommodation has been provided, it is the responsibility of the employee to monitor the effectiveness of the accommodation and to contact his or her Court Unit when changes are required. The Court Unit will also monitor the effectiveness of the accommodation to see that it continues to fulfill its original purpose.

### **C. Documentation**

Every employee will receive notice and access to a copy of these guidelines. Applicants and interviewees who request information on reasonable accommodations should also be provided with a copy of the guidelines. The Court Unit will maintain current documentation on each reasonable accommodation request and will keep all relevant information on each request in a confidential file, separate from the employee's personnel file.

### **D. Confidentiality**

The accommodation of disabilities can be a sensitive subject. To the extent possible, the Court Unit will strive to keep the existence of a reasonable accommodation confidential. The Court Unit will maintain all medical documentation received with respect to the individual in a confidential file separate from the employee's personnel file. The medical documentation can be released on a "need-to-know" basis to employee's immediate supervisor(s). Information on the medical condition or existence of the disability will not be shared with other individuals without the employee's consent except when necessary to notify supervisors and managers about necessary restrictions on the work or duties of the employee or when necessary to alert first aid and safety personnel about emergency treatment that may be necessary because of the disability.

### **E. Denial of Reasonable Accommodation Request**

When a request is denied by the Court Unit, the Court Unit will provide the affected individual with a memorandum containing the specific reasons why the request was denied.

If you have any questions regarding reasonable accommodation, please contact the Human Resources Department. If an applicant requires an accommodation for a job interview, the applicant should make the request to the Human Resources Department. If the applicant doesn't require an accommodation for the interview but will require one to perform the work, the applicant may identify that need, after receiving an offer of employment or during the interview.