



MEMORANDUM

Administrative Services

Date: November 28, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors
Elected Officials
Appointing Authorities

From: Tom Burke 
Deputy County Administrator

Re: **Use of Small Appliances in County Offices**

Although the use of small electrical appliances is restricted, there is continued use of such devices throughout the County. There have been several situations in which an electrical breaker has tripped because of an overload caused by the use of personnel small appliances in County offices. In one situation, the overload of the electrical outlet flared and almost caused a fire. For almost a decade, Pima County has prohibited the use of all small appliances in an office unless they have been approved as an accommodation for an American with Disabilities Act (ADA) condition.

Attached is an excerpt from Administrative Procedures Number 23-29, subsection IV.C, Assessment of Medical Need for Small Electrical Appliances. Also attached is a copy of the December 27, 2017 memorandum from Facilities Management Director Lisa Josker regarding building safety and reducing electrical energy usage. Because the use of personnel electrical appliances continues to be a problem, I am instructing Facilities Management to take the following action to remove unauthorized small electrical appliances. Beginning January 1, 2019, I am directing Facilities Management to remove any small, personal electrical appliance found in locations other than designated breakrooms. If an employee in your department is using an electric appliance as an accommodation under an ADA request, please have that employee reach out to Lisa Creager at 724-2782 in the Human Resources Department to verify that the Human Resources Department has that appliance identified as a ADA accommodation. In past years, Human Resources did not maintain a master list of approved devices, so it may be necessary for staff or management to reestablish the need for the electrical appliance. Human Resources will maintain a list of electrical appliances and their locations for authorized ADA accommodations. The safety of all employees is affected by the risk associated with overloading the electrical system. Please have your staff either take their personal appliances home or coordinate with Human Resources for appropriate approval of the use of the appliance in County facilities.

TB/sp

Attachments

will review the determination and provide recommendations to the County Administrator. In addition, the determination will require legal review by the Pima County Attorney's Office and approval or concurrence of the County Administrator.

If an employee has been laid off for any of these reasons, the employee would not be eligible for reinstatement to the department and the classification from which laid off without first providing sufficient medical verification to the ADA Coordinator that the employee can perform the essential functions of the position from which laid off.

If an employee has been laid off for any of these reasons, the employee would not be eligible for reemployment to any classification without first providing sufficient medical verification to the ADA Coordinator that the employee can perform the essential functions of the position for which he or she has applied.



C. Assessment of Medical Need for Small Electrical Appliances

1. When an employee needs a small personal electrical appliance for medical reasons, a written request shall be submitted by the employee or by the employee's Appointing Authority or designee to the ADA Coordinator.
2. The written request shall be made using the "Request for Use of Small Personal Electrical Appliance" form which is available from the ADA Coordinator. The information required on the form includes:
 - a. The employee's name, department, title, email address, and work phone number(s);
 - b. A description of the symptoms of the medical condition that led to the request. The description shall identify only the effects of the medical condition and shall not include any diagnostic information relating to the medical condition, which is confidential.
3. The employee shall submit documentation of his or her medical condition, to include diagnostic information and a description of the symptoms for which the electrical appliance is required, to the ADA Coordinator. The medical documentation shall not be submitted to the department. The documentation must be signed by the employee's qualified medical provider. The Medical Inquiry Form (Attachment 5) may be used for this purpose, although it is not required.
4. The ADA Coordinator shall assess the medical need for the requested item(s) and notify the employee and the department, in writing, when requests are approved, delayed or denied. Employees who submit medical documentation signed by a medical provider outlining the specific small personal electrical appliance and the medical condition for which the appliance is needed shall receive immediate ADA Coordinator approval. Any other requests may be delayed until sufficient medical documentation is received by the ADA Coordinator.
5. When the ADA Coordinator approves the use of a small personal electrical appliance, the ADA Coordinator shall generate a memorandum to the employee

approving the use of the item and provide a copy of the memorandum to the Appointing Authority or designee.

6. In most cases, the employee shall provide the approved small personal electrical appliance; however, each situation will be assessed on a case-by-case basis.

V. CONFIDENTIALITY

All medical information pertaining to reasonable accommodation requests shall be maintained in secured files by Human Resources, separate from the employee's personnel file, archived per State regulations, and be treated as confidential, except that:

- A. Supervisors and managers may be informed regarding necessary work restrictions or accommodations on a need-to-know basis; and
- B. First aid and safety personnel may be informed, when appropriate, if the disability has the potential of requiring emergency treatment.

At the time of ADA file closure, all medical information within the file shall be retained in accordance with Pima County Administrative Procedure No. 23-28 - ADA Medical Records Disposition.

VI. DIRECT THREAT

As an employer, Pima County may refuse to hire an applicant or retain an employee who poses a significant risk of substantial harm to the health or safety of the individual, or others, that cannot be eliminated or reduced by reasonable accommodation.

If an individual is believed to pose a direct threat, the Appointing Authority or designee will notify the ADA Coordinator that the employee is likely to pose a direct threat and include all facts that support the conclusion that the employee poses a direct threat. The ADA Coordinator will provide a recommendation to the Appointing Authority or designee regarding the direct threat within ten (10) business days of receipt of the direct threat information. An employee may be temporarily placed on administrative leave with pay until the ADA Coordinator makes a recommendation to the Appointing Authority.

The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.

VII. GRIEVANCE PROCEDURES

An employee who disagrees with a decision by his or her Department may grieve the decision pursuant to the ADA Grievance Procedure. Any applicant who believes he/she has been discriminated against as an applicant for employment may also file a grievance pursuant to the ADA Grievance Procedure. Human Resources-Employment Rights will provide the forms.



MEMORANDUM

FACILITIES MANAGEMENT

Date: December 27, 2017

To: C.H. Huckelberry
County Administrator

From: Lisa Josker, Director 
Facilities Management

Via: Tom Burke 
Deputy County Administrator - Administration

Re: Building Safety and Reducing Electrical Energy Usage

In response to Pima County's sustainability goals and reducing utility costs, Facilities Management continues to study and monitor a number of ways we can lower our total electrical consumption. One of the first and easiest ways to lower consumption other than simply turning off lights is to eliminate all unnecessary electrical appliances.

Space heaters are huge draws on electrical power. Not only does the appliance itself draw electricity, but the use of individual space heaters creates an imbalance in the overall floor and building air temperatures, which results in unbalanced heating and cooling loads and inefficient heating and cooling system performance in adjacent spaces. Staff has also recently discovered significant electrical overloads in our older buildings because of the use of individual space heaters and found space heaters left on in empty offices. These are serious potential fire hazards. See the attached photo, which shows an electrical outlet with burn marks which just happened this week in the Legal Services Building.

We are therefore continuing to require that all individual heaters be prohibited from the workplace with the exception of where there are documented medical exemptions, which must be approved through the ADA process with Human Resources on a yearly basis.

Additionally, all private refrigerators, coffee pots, fans and microwaves in private offices and cubicles remain prohibited. Communal refrigerators, coffee pots, and microwaves or items such as refrigerators for prescribed medicines may remain in use. Facilities Management is available to assess individual departments, floors, portions of floors and give recommendations if you currently do not have a communal coffee, refrigerator and microwave area. Elimination of these individual items will contribute greatly to the County's electrical usage reduction goal and imbalance in heating and cooling loads.

In order to monitor the various workplaces, Risk Management and Facilities Management will conduct unscheduled inspections on a continual basis and report any violations of this requirement. Facilities Management requests your authorization to begin enforcement of this requirement.

Approved: _____

C. H. Huckelberry

Date: _____

12/27/17