Accommodation Requests Related to COVID-19 Vaccination

1. What does the US Equal Employment Opportunity Commission (EEOC) say about employers and COVID-19 vaccination/testing policies?

The EEOC has detailed Frequently Asked Questions [at this link](#). The County’s actions are in line with published EEOC guidance. The County is not required to allow a direct threat to the health and safety of employees or constituents.

2. What is the County’s process to get an exemption from the County’s COVID-19 vaccination policies? *(UPDATED 10/07/2021)*

Accommodations related to the County’s COVID-19 vaccination policies may be requested related to (1) a documented medical condition or (2) sincerely-held religious belief.

An accommodation based on a disablilng medical condition may be requested pursuant to [Administrative Procedure 23-29, Reasonable Accommodation of Applicants and Employees with Disabilities](#). Accommodations related to the Americans with Disabilities Act (ADA) are handled by the Pima County ADA Coordinator in conjunction with the HR Nurse Liaison. To initiate this process, submit the ADA Self-Referral Form (and any subsequently requested ADA paperwork) directly to Pima County Human Resources via secure method such as fax (to 520-770-4057), direct delivery or postal mail to Human Resources at 150 West Congress Street, Fourth Floor, Tucson 85701, to the attention of the ADA Coordinator or the HR Nurse Liaison. Submission of ADA paperwork does not guarantee you will receive the accommodation you have requested. Each request will be evaluated individually and on a case-by-case basis as required by applicable laws/regulations.

You may request an accommodation based on a sincerely-held religious belief via the form located [here](#), and an accommodation can be approved/denied/modified only by Pima County Human Resources. The Request for Religious Accommodation form should be submitted directly to Human Resources’ Employment Rights Division at [Employment_Rights_Intake@pima.gov](mailto:Employment_Rights_Intake@pima.gov). Submission of this form does
not guarantee you will receive the accommodation you have requested. Each request will be evaluated individually and on a case-by-case basis as required by applicable laws/regulations.

3. I submitted my form on Monday. It’s now Wednesday. Where’s my accommodation?

As noted above, each accommodation request is individually evaluated. This takes time. When Human Resources Employment Rights receives your accommodation request, you will receive an acknowledgment email. If additional information is requested from you, please respond as soon as possible. Should you fail to respond timely, it will only delay the processing of your request.

4. What happens during the accommodation review process?

For accommodations related to a medical condition, refer to Administrative Procedure 23-29, Reasonable Accommodation of Applicants and Employees with Disabilities.

For accommodations related to a sincerely-held religious belief, Employment Rights will engage in a dialogue with you and with your Department related to your request. This is called the “interactive process.”

Each accommodation request is handled on an individualized, case-by-case basis. This means that sometimes the interactive process may be short in duration, other times it may be long. The more complex the request, the longer the interactive process would usually take.

5. Am I entitled to exactly what I am requesting?

Not necessarily. Sometimes an employee’s exact request is able to be accommodated, and sometimes it is not. Depending on what you are requesting, we may determine that there is an undue hardship or a direct threat to workplace health and safety, which would prompt a modified offer or a denial of your request.

6. I received an email from Employment Rights requesting additional information. Why?
It is likely that your request was overly broad. Employment Rights is not positioned to interpret the specifics of what you are requesting—it is your request, and you will need to be specific.

If you do not provide the requested information, Human Resources Employment Rights will likely be unable to further process your request. You are expected to promptly provide the requested information directly to Human Resources Employment Rights to facilitate this process.

Again, should you not respond to a request for additional information, it may ultimately be considered a termination of the interactive process by you.

7. What is a nonspecific request?

An example of a nonspecific request is: “To be exempted from County vaccine mandates.” This is a nonspecific request because as of this writing, there is no vaccine mandate for current County employees remaining in their current positions.

8. What is a specific request?

An example of a specific request is: “To be exempted from the County’s medical insurance premium surcharge for unvaccinated employees.”

Another example of a specific request is: “I was offered a promotion to (name of position) in (name of Department offering you the position) on (date you were given the job offer).”

9. I received notice from Employment Rights that my request for a religious accommodation was denied. Why would this occur? (UPDATED 10/11/2021)

The reason for any denial is provided to you on the Request for Religious Accommodation form when the denial is sent to you. If you would like to request another accommodation in the future, please feel free to contact Human Resources.

10. What are the possible outcomes of the interactive process?
Generally, there may be one of three outcomes from the interactive process. Your request may be accepted, denied, or a modified accommodation may be offered to you in lieu of what you originally requested.

**Accepted:** This means that Human Resources, in conjunction with your Department, accepted your accommodation request as written, with no additional modifications. This ends the interactive process with an agreement.

**Denied:** This means that Human Resources, in conjunction with your Department, denied your accommodation request as written and did not propose any additional modifications. You will be informed of the reason(s) for the denial at the time you are notified of this outcome. This ends the interactive process without an agreement, and, if you are otherwise unable to perform the essential functions of your job with or without accommodation, you may be offered a job search/reappointment to an available position of equal or lesser pay (1) that can accommodate your request and (2) for which you are qualified.

**Modified:** This means that Human Resources, in conjunction with your Department, determined there is an alternate accommodation being proposed to meet both the Department’s needs and your needs. You must indicate whether or not you accept this modified accommodation, reject this modified accommodation, or if you would like to propose something different in reply to your Department’s proposed accommodation offer. Rejection of a modified accommodation, without a new, alternate proposal from you back to the Department, will end the interactive process without an agreement. Also note also that failure to respond in a timely manner to the Department’s modified accommodation proposal may be considered a rejection and end the interactive process.

11. What happens if I don’t agree with the modified accommodation I have been offered?

As above, you may respond with an alternate proposal that was
different from your original request. If you do not have an alternate proposal, you may accept or reject the modified accommodation offer.

12. What do I need to do if I want to accept the accommodation offered to me?

On the document you are provided, there is an area toward the bottom that you should complete: print your name, sign, and write the date of your signature.

13. What if I need to request another accommodation?

You may request a workplace accommodation based on a medical condition or a sincerely-held religious belief/practice at any time.