

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XVI OF THE SANTA BARBARA COUNTY CODE, RELATING TO THE COUNTY'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR QUALIFIED INDIVIDUALS WITH DISABILITIES

The Board of Supervisors of the County of Santa Barbara ordains as follows:

Section 1

Chapter 2, Article XVI of the Santa Barbara County Code is hereby amended to read as follows:

ARTICLE XVI

Section 2-102

The purpose of this Article is to support the County's commitment to equal employment opportunity for qualified individuals with disabilities, and to ensure the County's compliance with local, state, and federal laws, by enacting and implementing a process for early identification, effective management, and proper resolution of disability-related employment issues.

Section 2-103

A County Disability Management Council shall be formed, consisting of representatives from the County Executive Office (including Human Resources, Risk Management, and the Equal Employment Opportunity Office) and the Office of County Counsel.

- (a) The Council shall, among other functions:
 - (1) Ensure that the County's policies and procedures comply with all federal, state, and local laws pertaining to the rights of qualified individuals with disabilities who hold or seek County employment;
 - (2) Oversee and provide direction on all departmental decisions that may adversely affect the employment status of an applicant or employee because of his or her disability or medical condition;
 - (3) Oversee and direct the County's Disability Management Program, and the implementation of the County's Disability Management Policy;
 - (4) Perform any other related function requested or approved by the County Executive Officer.
- (b) In performing those functions, the Council may:

- (1) Form subcommittees;
- (2) Request technical assistance from County departments;
- (3) Hire and consult with independent experts;
- (4) Set deadlines for departments to comply with action items;
- (5) Recommend that the County Executive Officer direct a department to make a reasonable accommodation.

Section 2-104

County departments, and their elected and appointed officials, shall:

- (a) Work with the Council to ensure compliance with local, state, and federal laws when determining whether a reasonable accommodation can be made for any qualified individual with a disability who holds or seeks County employment;
- (b) Assist the Council by providing any information, documents or advice the Council considers necessary or helpful to the performance of the Council's duties;
- (c) Consult with the Council, through the County Disability Manager, before making any decision based on the medical condition of a person who holds or applies for County employment, if that decision may have an adverse impact upon the person's employment status, excluding decisions to request a physician's certificate to confirm the medical need for an absence, decisions to request a medical examination to determine fitness for duty, and decisions to request a physician's statement releasing an employee to return to work following a medically-related absence;
- (d) Abide by the directives of the County Executive Officer and the Council with respect to any decision made under the authority of this Article.

Section 2-105

The County Executive Officer shall have the power and authority to:

- (a) Oversee and direct the Council, and act upon the Council's recommendations;
- (b) Direct County departments to make reasonable accommodations for qualified individuals with a disability, whether or not the individual currently holds a position in that department;

- (c) Confer with and seek direction from the Board of Supervisors, as the County Executive Officer deems appropriate.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

ACCEPTED AND AGREED:
COUNTY OF SANTA BARBARA

By: _____
Deputy

By: _____
STEVE LAVAGNINO
Chair, Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy