

COUNCIL POLICY MANUAL

Policy 7.2.20 Reasonable Accommodation for Council and Board/Commission Members

POLICY PURPOSE:

The purpose of this policy is to outline the process for city councilmembers or board/commission members to make requests for reasonable accommodation pursuant to the Americans with Disabilities Act (ADA).

POLICY STATEMENT:

The City of Sunnyvale provides reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the federal Americans with Disabilities Act. The city will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair, and efficient manner.

1. PROCESS FOR REQUESTING REASONABLE ACCOMMODATION

A city councilmember or board/commission member who has a disability and requires a reasonable accommodation to perform one or more essential functions of the role of councilmember or board/commission member should make that request by contacting the City's Department of Human Resources.

The Department of Human Resources shall process such requests for reasonable accommodation in accordance with City [Administrative Policy Manual Chapter 3 \(Personnel\) Article 43 \(Reasonable Accommodation\)](#).

The director of human resources is authorized to make final decisions to grant or deny reasonable accommodation requests consistent with applicable authority related to reasonable accommodation requests by members of public bodies that are subject to the Brown Act.

The director of human resources may determine, based on an individualized, case-by-case factual analysis, that a city councilmember or board/commission member's remote attendance at public meetings is a reasonable accommodation if the member is unable to attend in person because of a qualified disability under the ADA ([see Cal. Attorney General Opinion No. 23-1002, July 24, 2024](#)). The numerical limits on number of remote appearances in the Brown Act ([Gov't. Code § 54953](#) et seq.) do not apply, however, other requirements of the Brown Act still apply, including, but not limited to, having 2-way audio/video, keeping the camera on, and announcing if other adults over 18 are present with the member who is participating remotely. The member is not required to publicly disclose any diagnosis or medical information.

2. CONFIDENTIALITY

Disability-related medical information provided to human resources by a city councilmember or board/commission member shall be treated as confidential to the same

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extent as confidential personnel information and is not a public record ([Gov't. Code Section 7927.700](#)). The director of human resources shall advise the city manager, or staff liaison for the board or commission, of any actions that are needed to provide the accommodations.

((Adopted: RTC # (date))

Lead Department: Office of Human Resources

For reference, see also:

City of Sunnyvale Administrative Policy Manual Chapter 3 (Personnel) Article 43 (Reasonable Accommodation)

THIS SIGNATURE BOX IS ONLY NEEDED AFTER THE COUNCIL POLICY HAS BEEN APPROVED. DIRECTOR NEEDS TO SIGN OFF AND ORIGINAL GOES TO OCM/IGR.

I verify that the content presented in this policy represents the direction given or action taken by Council.

Signature Date _____

Director, HUMAN RESOURCES