

The Local Government LIABILITY BEAT



PRESENTED BY LOCAL GOVERNMENT RISK MANAGEMENT SERVICES INC - A SERVICE ORGANIZATION OF
THE ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA AND THE GEORGIA MUNICIPAL ASSOCIATION RISK MANAGEMENT PROGRAMS

TO WHAT ENDS MUST EMPLOYERS GO TO ACCOMMODATE DISABLED EMPLOYEES?

By Tracy Glanton, Attorney, Elarbee Thompson Law Firm

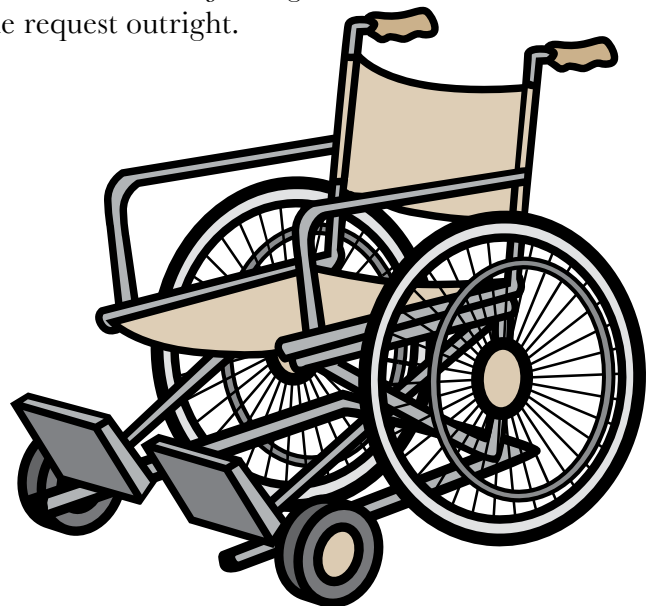
Most employers are aware of their obligation under the Americans with Disabilities Act (“ADA”) to accommodate a disabled employee in a way that would assist the employee in performing the essential functions of his or her job. The Fifth Circuit Court of Appeals recently issued an opinion, however, recognizing that an employer’s obligation to accommodate a disabled employee also extends beyond that which is necessary to assist the employee in performing the job.

In *Feist v. State of Louisiana*, the plaintiff alleged that her employer violated the ADA because it failed to reasonably accommodate her disability – osteoarthritis of the knee – by refusing to grant her a free, on-site parking space. The District Court had rejected the plaintiff’s claim, holding that she had failed to explain how the denial of the on-site parking space limited her ability to perform the essential functions of her job. The Fifth Circuit, however, reversed the District Court’s opinion and held that the ADA does not require only those accommodations that assist the employee with his or her job performance.

In addition to assisting disabled employees with their job performance, the ADA obligates employers generally to provide accommodations that would enable disabled employees to “enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees

without disabilities”; in *Feist’s* case, a free, on-site parking space. Although the Fifth Circuit reserved opinion about whether the free, on-site parking space was “reasonable,” the case serves as a reminder that employers cannot refuse an accommodation simply because it would not directly assist the employee in the performance of the job. The ends to which employers must go to provide an accommodation remain a fact-specific analysis that must be determined on a case-by-case basis.

In light of *Feist*, employers faced with a unique or unusual accommodation request that is unrelated to job performance should consult with legal counsel before rejecting the request outright.



LGRMS ONLINE TRAINING

New courses are now available including courses for Life/Health members! LGRMS offers web-based training courses online to ACCG and GMA Risk Management Fund Members and their employees. Courses offered are written specifically for public entities. The course lists have been updated and we have also added health and wellness courses for our Life/Health members.

Courses are offered to your entity based on the type of coverage you are enrolled in – Workers' Comp, Liability, Life/Health or any combination of the three coverage types.

To see specific course lists go to www.lgrms.com and click on the LGRMS Online Learning link at the bottom left side of the page (one for Local Gov U, and One for Public Agency Training Council P.A.T.C).

LGRMS offers this training opportunity at no cost to the ACCG & GMA Risk Management Fund Members.

Set up your account today! Once a member account has been set up and verified by LGRMS, member employees can select a training session from the available course list and use this online training opportunity on a 24/7 basis from any computer with internet access. Courses typically take about 30 minutes to complete and a certificate of completion is available to print after the quiz at the end of the course has been passed. All results are automatically stored for you in the learning management system.

Questions and Support Local Gov U

Contact our partner, LocalGovU, direct for help in setting up a member account or any other online training questions. Call toll free at (866) 845-8887 between 9 a.m. and 6 p.m.

Questions and Support Public Agency Training Council

Contact our partner, P.A.T.C., direct for help in setting up a member account or any other online training questions.

This site offers an additional source of online training that is specifically for law enforcement. LGRMS has taken another innovative step in offering our ACCG and GMA Property/Liability Fund Members only an additional training tool for their law enforcement agencies. This service is available on a 24/7 basis from any computer with internet access.

The Public Agency Training Council (PATC) who provides law enforcement liability articles for the LGRMS Liability Beat and regional law enforcement training courses for LGRMS on an annual basis has made this service available at no cost to our ACCG (IRMA) & GMA (GIRMA) fund members.

The services available include access to online training modules, webinars (both current ones as well as access to those already held), and a series of 12 roll call training topics. This law enforcement online training is in addition to that already offered through LocalGovU. To get started, you need to call 336-831-3655 or email onlinesupport@americaleads.org.

The screenshot displays the LGRMS website interface. At the top left is the LGRMS logo with the text "Providing Loss Prevention, Loss Control & Health Promotion Services for Local Governments" and "Property & Liability Risk Employee Safety Health & Wellness". Below the logo is a banner image of a fire truck and a person in a hard hat. The main navigation area includes "Local Government Risk Management Services - A Service Organization of the Association County Commissioners of Georgia and the Georgia Municipal Association", "Home", and "Staff Contacts". The content area is divided into three columns: "Loss Control" with a "Safety Manual" icon and a "Click Here To Enter Loss Control" link; "Training Calendar" with a calendar icon and a "Click Here To View Training Calendar" link; and "Health Promotion Services" with an image of people running and a "Click Here To Enter Health Promotion Services" link. At the bottom, there are three boxes: "LGRMS Online Training Enter Here" with an Apple logo, "Login to LGRMS Members Area" with "Sign in with your LGRMS Account" and "Sign in" links, and "LGRMS Important Info" with text about cholesterol levels and a "NEW! Sample Law Enforcement Policy" link.

LGRMS PROGRAMS AND GEORGIA LAW ENFORCEMENT POST CREDIT

by Dennis Watts, LGRMS

LGRMS offers many training opportunities throughout the year that could be used for POST training credit. As we give these programs periodically, we do not normally seek approval for POST credit for any specific program. The exception is the annual Law Enforcement or Jail Liability programs which we have hosted with the Public Agency Training Council; for these courses, we do request and receive approval for eight hours of POST Credit.

On-Site Programs

Many of our programs have a POST-equivalent course code that your agency can use. This includes Defensive Driving, Harassment, and General Safety, as well as other courses. Once your officers complete the class, they will need a certificate stating the topic of instruction and the date and number of hours attended. Your agency can then fill out a POST Training Submission Cover Sheet. Have it signed by a POST-certified instructor or by your agency head (even if the agency head is not a certified instructor). They then mail or fax the request to POST, and POST will add the training hours to their transcript.

Online Training

LGRMS has also incorporated online training through Local Government U. and the Public Agency Training Council. These courses are usually thirty to sixty minutes long and can be accessed through the LGRMS website at www.lgrms.com.

Many of these programs are law enforcement specific. There is no charge for ACCG, GMA IRMA/GIRMA, or Workers Compensation pool members to access or take the courses.

To receive POST credit for online (or video) training, your training must comply with the guidelines as specified on the Georgia POST website (www.gapost.org).

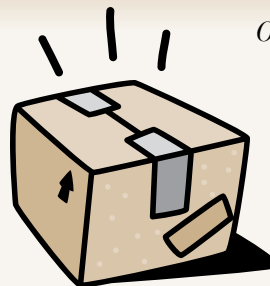
Does POST Recognize “Online” Training?

If a Georgia law enforcement agency uses online training or wishes to purchase one of these programs, POST will recognize the training as long as it is administered by a POST-certified



instructor. There are many quality training programs on the market and we do not want to discourage agencies from using them. POST only requires that the program be administered by a POST-certified instructor (The same applies for video training).

We Have Moved!



*Our phone number stays the same,
but our address has changed!*

Local Government
Risk Management Services
3500 Parkway Lane, Suite 110
Norcross, Georgia 30092
800-650-3120



Providing Loss Prevention,
Loss Control & Health
Promotion Services for
Local Governments

*Property & Liability Risks
Employee Safety
Health & Wellness*

Local Government Risk Management Services

3500 Parkway Lane • Suite 110
Norcross, Georgia 30092

A Service Organization of the Association County Commissioners of Georgia and the Georgia Municipal Association

This Month:

ADA ACCOMODATIONS • ONLINE TRAINING

