

State Board of Pardons and Paroles

BOARD POLICY STATEMENT



POLICY: ADA Reasonable Accommodation
for Employment

NUMBER: 1.116

EFFECTIVE DATE: April 1, 1997

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LAST REVISION: August 2020

BY: Human Resources

REFERENCE/SOURCE MATERIALS: The
Americans With Disabilities Act

1.101. AUTHORITY: Under the Americans with Disabilities Act (ADA), Title I & II, the Board shall adopt and publish reasonable accommodation procedures.

1.102. PURPOSE: To provide a prompt and equitable process to address requests, by qualified applicants or employees with disabilities, for reasonable accommodation in compliance with applicable provisions of the Americans with Disabilities Act (ADA) of 1990.

1.103. APPLICABILITY: Any qualified applicants or employees with disabilities as defined in Title II of the Americans with Disabilities Act.

1.104. DEFINITIONS: As used in this document, the following definitions shall apply.

1.104.1. Person with a Disability: An individual who has a physical or mental impairment that substantially limits one or more major life activities; an individual who has a record or history of such an impairment; or an individual who is perceived or regarded as having such an impairment.

1.104.2. Qualified Individual: A person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position, and who can perform the essential functions of

the position with or without reasonable accommodation.

1.104.3. Reasonable Accommodation: Modifications or adjustments to a job application process, work environment, or the way in which a job is customarily performed, or benefits provided to enable a qualified individual with a disability to be considered for a position, perform the essential functions of the job, or enjoy the benefits of employment, in the same manner as other employees.

1.104.4. Undue Hardship or Burden: An accommodation which would require substantial difficulty or expense or fundamentally alter (or disrupt) the operations of the agency.

1.105. POLICY:

1.105.1. The Board prohibits illegal discrimination against any qualified employee or job applicant in all human resources and employment practices, including hiring, promotions, leave, benefits, job assignments, transfers and/or relocation, performance appraisals, recruitment or job announcements, disciplinary actions, compensation, selection for training or educational programs, agency-sponsored social and recreational activities, and any other terms, privileges, or conditions of employment, because of that person's physical or mental impairments.

1.105.2. The Board will provide qualified employees and job applicants with disabilities reasonable accommodations when necessary, provided however, that requesting individuals are otherwise qualified to perform the duties and assignments connected with the job in question, and provided that any accommodation made does not require undue burden or hardship.

1.105.3. In the event that a qualified person with a disability is unable to perform a job task on a regular basis because of the disability, the Board will determine whether a "reasonable accommodation" can be made without imposing undue hardship on the agency or posing a direct threat to the individual or to others in the workplace.

1.106. PROCEDURES:

1.106.1 The person with a disability must initiate the request for reasonable accommodation. A request for

reasonable accommodation filed under the provisions of this policy should be in written form and submitted to the immediate supervisor and should be supported by documentation from the health care provider. The immediate supervisor shall forward the request to the Division Director, the Director of Legal Services, and the ADA Coordinator.

1.106.2. The Appointing Authority or his/her designee will expeditiously address all requests for reasonable accommodation and seek appropriate resolution. The Director of Human Resources and/or the ADA Coordinator and Director of Legal Services should be consulted on the appropriate course of action.

1.106.3. No applicant or employee will be subjected to coercion, intimidation reprisals, or unlawful interference for requesting accommodation or for his/her participation in an investigation of any alleged violation of this policy.

1.106.4. Refer to section 1.106.9: ADA Grievances, Board Policy 1.133, to address applicant/employee complaints regarding Reasonable Accommodation. (08/20)

Last Revision: August 2020

Terry E. Barnard, Chair

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