

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0856 (HR)
Effective Date: 10-14-14
Person Responsible: Human Resources Coordinator

Subject: ADA and Reasonable Accommodation
Last Revision: 01-05-18

Approvals/Date: Bart Egan 1-4-18
Superintendent, WCBDD Date Department Director Date

The following definitions will apply:

Disability - in determining eligibility for a reasonable accommodation, a person with a disability:

- has a physical or mental impairment that substantially limits one or more major life activities and or bodily functions
- has a record of such impairment
- is regarded as having such impairment

Major Life Activities - include, but are not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; communicating; sitting; reaching; interacting with others and working.

Major Bodily Functions - include, but are not limited to: functions of the immune system; normal cell growth; digestive; bowel; bladder; neurological; brain; circulatory; respiratory; endocrine; hemic; lymphatic; musculoskeletal; special sense organs and skin; genitourinary; cardiovascular system; and reproductive system.

Essential Job Functions - tasks fundamental to the job. A job function may be considered essential for any of the following reasons:

- the position exists to perform the function
- limited number of employees to whom the performance of the function can be distributed
- the function is highly specialized and the incumbent in the position was hired for his/her expertise in performing the function

Qualified Individual - an individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation can perform the essential functions of such position.

Reasonable Accommodation - an adjustment made to a job and/or the work environment that enables a qualified individual with a disability to perform the duties of that position. Accommodations may take the form of providing access to the job, job restructuring, acquisition or modification of equipment or devices, or a combination of any of these. ADA requires reasonable accommodation in the following aspects of employment:

- To ensure equal opportunity in the application process
- To enable a qualified individual with a disability to perform the essential functions of a job
- To enable an individual with a disability to enjoy equal benefits and privileges of employment

Undue Hardship - an undue financial or programmatic hardship on the agency is determined on a case by case basis (e.g. unduly costly; alters the fundamental nature of the position; has an adverse impact on another individual; or contradicts an established non-discriminatory policy or collective bargaining agreement).

1. The purpose of this procedure is to provide guidelines for providing a clear process for staff with disabilities to seek and obtain reasonable accommodations to successfully perform the essential functions of his/her job. The ADA is a civil rights law intended to protect qualified persons with disabilities from discrimination. This procedure applies to all qualified job applicants and employees.

2. The WCBDD prohibits any and all types of discrimination against a qualified applicant or employee on the basis of: (1) a current disability, (2) record of a prior disability, (3) being perceived or regarded as disabled, or (4) a relationship or association with someone with a disability.

3. If the WCBDD is notified that a qualified individual with a disability requires a reasonable accommodation in order to participate in the application process, perform the essential functions of a job, or enjoy equal benefits and privileges of employment, WCBDD will work with that person to find a reasonable accommodation unless to do so would impose an undue hardship on the operation of the WCBDD.

4. Requests for accommodations can be either verbal or in writing (form 03-ALL-ALL-0082 and 03-ALL-ALL-0943). An applicant or employee in need of an accommodation, or a supervisor that is aware of an applicant's or Employee's need for an accommodation, should contact the ADA Program Representative.

5. The ADA Program Representative and the individual with a disability will engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation. The employer may ask the individual relevant questions that will enable it to make an informed decision about the request. This includes asking the individual's functional limitations, workplace barrier, and what type of reasonable accommodation is needed in order to identify an effective accommodation.

6. When the disability or need for accommodation is not obvious, an employer may require that the employee provide medical documentation to establish that the employee has an ADA disability, to show that the employee needs the requested accommodation, and to help determine effective accommodation options.

7. After the ADA Program Representative identifies the employee's limitations and abilities and determines how they impact job performance, the employer will consider if the individual is considered "qualified" and if a "reasonable accommodation" exists and/or creates an undue hardship.

8. All individuals requesting accommodations will be notified of the findings as soon as possible.

9. The WCBDD will not tolerate any form of retaliation against an applicant or Employee on the basis of a disability, a request for a disability accommodation, or participation in a complaint or investigation of disability discrimination.

References: Title I of the American with Disabilities Act Amendments Act of 2008
42 USC 12201 et seq. (ADA-AA)
ORC 4112.02

Policies: 01-ALL-ALL-0085
01-ALL-ALL-0073

Procedures: 02-ALL-ALL-0493 (HR)

Forms: 03-ALL-ALL-0082
03-ALL-ALL-0943

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