

Summary of Revisions

Added accommodation process for customers/clients. Updated indicated by *red, bold, and italicized* text.

Purpose

To provide the procedure for submitting a request for a reasonable accommodation under the Americans with Disabilities Act (ADA), as amended and to ensure equal employment opportunity in the employment process for qualified individuals with a disability.

Policy

I. POLICY STATEMENT

The Ohio Department of Public Safety (DPS) recognizes the value of experience and qualifications of individuals in the effective fulfillment of responsibilities in the work place. It is the DPS policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Department.

II. DEFINITIONS

- A. Disability - A physical or mental impairment that substantially limits one or more major life activities.
- B. Individual with a disability - For purposes of this policy, an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities or has a record of such an impairment.
- C. Reasonable Accommodation - Modification or adjustment to a job, employment practice, job application process, or the work environment that makes it possible for the individual with a disability to enjoy an equal employment opportunity but which does not cause an undue hardship. Examples of reasonable accommodations may include: making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, modified work schedules, acquisition or modification of equipment or devices, examinations, training materials, policies, and similar activities. If no other accommodation is available, reassignment to a vacant position may be considered upon request.
- D. Undue Hardship - Any accommodation that would be unduly burdensome, such as one that would be significantly difficult, expensive, extensive, substantial, or disruptive or that would fundamentally alter the nature of the position or operation of DPS.

III. CONTACTS

ADA Coordinator

Phone: (614) 387-3169

Email: tdchambliss@dps.ohio.gov

Assistant ADA Coordinator

Phone: (614) 728-0146

Email: bmbrown@dps.ohio.gov

IV. ACCOMMODATION REQUEST PROCEDURE

- A. Current Employees
 1. Any employee with a disability may inform the ADA Coordinator or Assistant ADA

Coordinator in Human Resources/EEO Unit or the employee's supervisor(s) of the need for an accommodation. Ordinarily, the responsibility for starting the reasonable accommodation process rests with the employee.

2. A Request for a Reasonable Accommodation Form (DPS 0122) must be completed. An online version of the forms referred to in this policy can be found in the DPS Central Repository System (CRS). The employee may complete and forward the form to the ADA Coordinator or Assistant ADA Coordinator, or the ADA Coordinator or Assistant ADA Coordinator may complete the form based on information from the employee who is requesting an accommodation. If the ADA Coordinator or Assistant ADA Coordinator completes the form, the employee should sign the completed form; or if the employee refuses to sign, the ADA Coordinator or Assistant ADA Coordinator will note that refusal on the complete form.

B. Job Applicants

Any job applicant with a disability may inform the ADA Coordinator or Assistant ADA Coordinator or any DPS Human Resources professional of the request for an accommodation. The Human Resources professional will contact the ADA Coordinator or Assistant ADA Coordinator. To the extent feasible, the request and review policy for applicants will follow the request and review policy for current employees.

C. Customers and Clients

A customer or client with a disability may ask for a reasonable accommodation in order to participate in any department programs, aid, benefits, activities, or services by contacting the ADA Coordinator or Assistant ADA Coordinator. DPS employees receiving a disability accommodation request from a customer or client shall immediately forward the request to their supervisor or manager, or to the ADA Coordinator or Assistant ADA Coordinator.

D. Supervisor and Management Reporting

1. When a supervisory or management employee receives a request for disability accommodation from an employee, job applicant, ***customer, or client***, or otherwise becomes aware of what the supervisory or management employee believes may be a request for disability accommodation, that supervisor or manager must report the request or potential request to the ***ADA Coordinator or Assistant ADA Coordinator***. This duty to report includes requests made on behalf of the ***person*** by a third party, for example, a medical professional, spouse or significant other, family member, or friend. Reporting under this requirement is mandatory, not discretionary; and full disclosure of all information that is pertinent to the request is required.
2. Even if an employee does not request an accommodation, a supervisor may initiate a discussion with the ***ADA Coordinator or Assistant ADA Coordinator*** if the disability is observable or otherwise known to the supervisor, and it has an impact on the employee's ability to perform the essential functions of the position.

V. **REVIEW OF AN EMPLOYEE ACCOMMODATION REQUEST**

- A. Accommodation requests are considered on a case-by-case basis.
- B. The employee may be asked to sign an Authorization to Release Medical Information Form (DPS 0123) in order to fully address the employee's request. If additional information is required, DPS will ask the employee to submit the Health Care Provider Information for ADA Accommodation Form (DPS 0124) which is to be completed by the employee's medical care provider. The employee will also be provided with a copy of his or her Position Description

(PD) to give to his or her medical care provider so that the provider can make an informed recommendation. DPS is free to request additional medical information from the employee's medical care provider if the submitted information is incomplete and/or vague. An employee who refuses to comply with the request for medical information or to sign such release will be considered unwilling to engage in the interactive process to reach a reasonable accommodation. At that point, DPS may take no further action to process the request for a reasonable accommodation.

- C. If the information from the employee or the employee's health care provider is insufficient, or DPS otherwise needs additional information to assess a request for accommodation; DPS may require the employee to undergo a separate medical examination by a health care professional of its choosing and at DPS' expense. The employee will be paid to attend such examination(s) and will be reimbursed for any associated costs. An employee who fails to attend any such examination will be considered unwilling to engage in the interactive process to reach a reasonable accommodation. At that point, DPS may take no further action to process the request for a reasonable accommodation.
- D. Once all the required forms are completed, the employee should forward all forms to the ADA Coordinator or Assistant ADA Coordinator. The ADA Coordinator or Assistant ADA Coordinator will consult with the employee, as often as the ADA Coordinator or Assistant ADA Coordinator deems necessary, to: discuss the essential job functions; discuss the nature or extent of the impairment; determine the precise job-related limitation; and identify potential accommodations.
- E. The ADA Coordinator or Assistant ADA Coordinator will inform the employee of the decision regarding the accommodation request; and if a reasonable accommodation is granted, the ADA Coordinator or Assistant ADA Coordinator will take the necessary steps to ensure that the accommodation is provided. While an employee's preference will be considered, DPS is free to choose among available reasonable accommodations. The employee is not required to accept the accommodation offered, however; if the employee refuses a reasonable accommodation, DPS may take no further action to process the request for a reasonable accommodation. The Department is not required to provide an accommodation that does not enable the individual to perform the essential functions of the position.
- F. Approved accommodations may require modification or re-evaluation. If an employee requests a modification to an existing accommodation, the request must be submitted to the ADA Coordinator or Assistant ADA Coordinator, preferably in writing. Modification requests must be supported by medical documentation and may be considered under the same procedures as an original request. DPS reserves the right to re-evaluate approved accommodations to assess undue hardship or continued reasonableness.
- G. If an accommodation involves equipment (e.g. special keyboard, telephone amplifier, etc.), the equipment is DPS property and must be used only for Department business. If an employee leaves DPS employment, any accommodation equipment will remain property of DPS.
- H. An employee's accommodation request and any medical and/or psychological information used to determine the accommodation will be kept in separate, confidential files and only be released in accordance with applicable law. DPS accepts no responsibility for the release of information if the employee chooses to divulge such information to any third party or to grant a release to DPS to provide such information to any third party.

VI. REVIEW OF AN APPLICANT, CUSTOMER, OR CLIENT ACCOMMODATION REQUEST

A. Accommodation requests are considered on a case-by-case basis.

B. The ADA Coordinator or Assistant ADA Coordinator will review the request to consider:

- Whether the requested accommodation will be effective in allowing the requestor to participate in the activity or program in which the requestor are seeking participation; and***
- Whether the requested accommodation is reasonable, or an equally effective alternative to the requested accommodation is available.***

C. The ADA Coordinator or Assistant ADA Coordinator may consult with the requestor to obtain additional information in order to determine what accommodations can be made.

VII. POLICY AVAILABILITY

DPS will inform all employees that this policy can be made available in other accessible formats.

VIII. COMPLAINT PROCESS

Any employee or applicant who believes they have been discriminated against, harassed, or retaliated against based on disability should refer to Policy DPS-501.29, Equal Employment Opportunity, for options and more information on how to file a complaint.

Any customer or client who believes they have been discriminated against, harassed, or retaliated against based on disability should refer to Policy DPS-501.39, Civil Rights Complaints Against DPS and DPS Grant Recipients, for options and more information on how to file a complaint.