



POLICIES & PROCEDURES

Initial Board Approval: 2/6/2012 P&P Review Dates: Last Board Approval:	Policy No. 2.11	Volume No. IV
Major Area: Human Resources		
Subject: Employment		
Title: Accommodating Disabilities		

Americans with Disabilities Act (ADA)
Americans with Disabilities Act Amendments Act (ADAAA)

POLICY

It is the policy of Empower to comply with all Federal and state laws concerning the employment of persons with disabilities. Empower will reasonably accommodate qualified persons with a temporary or long-term disability so that they can perform the essential functions of a job. A person who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

DEFINITIONS

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy:

- “Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of a person. A person who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a “disabled person.”
- “Direct threat to safety” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- A “qualified person” means a person who, with or without reasonable accommodation, can perform the essential functions of the employment position that the person holds or has applied for.
- “Reasonable accommodation” means making existing facilities readily accessible to and usable by persons with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
- “Undue hardship” means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include:
 - The nature and cost of the accommodation;
 - The overall financial resources of the facility at which the reasonable accommodation is to be made;



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- The number of persons employed at that facility;
- The effect on expenses and resources or other impact upon that facility;
- The overall financial resources of the Agency;
- The overall number of employees and facilities;
- The operations of the particular facility as well as the entire Agency.

PROCEDURE

1. The Human Resources Department will be notified as soon as possible following disclosure by an employee or applicant that there may be a need for accommodation.
2. The Human Resources Department will gather all relevant information: e.g. medical documentation, the job description, etc. If more information is needed the Human Resources Department may conduct a phone or in-person interview with the person.
3. The Human Resources Department will discuss the matter with the division Director and in Residential the Program Coordinator or IRA manager responsible for the site to which the person is to be or has been assigned. This discussion will focus on the following elements:
 - a. Is this a qualified person;
 - b. Is the impairment identified a “disability” as defined by the ADA;A;
 - c. Is the requested accommodation reasonable;
 - d. Can the accommodation be accomplished without undue hardship to the facility or the Agency;
 - e. If no, is there an alternative accommodation that will, in the opinion of the division Director, allow the person to continue to perform the essential functions of the job.
4. The outcome of this discussion will be communicated to the person by the site manager.
5. If the person is a current employee and disagrees with the outcome, he or she will be given information regarding the appropriate dispute resolution mechanism; i.e. Employee Handbook Section II. C. or the Union contract.



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SAFETY

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other employees or the individuals served in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health and safety of other employees or the individuals served will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

RESPONSIBILITY

- All Managers and Supervisors are responsible for prompt communication with HR when an issue of "disability" or request for "reasonable accommodation" comes to their attention.
- The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.
- The Chief Operating Officer is responsible for the overall administration of this policy.