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I. Policy

- A.** It is the policy of the Department of Health (DOH) to afford individuals with disabilities the same access to programs, services, and employment as provided to all individuals.
- B.** Using the uniform method established in this policy, applicants, employees, clients, or members of the general public may request reasonable accommodation and equal access under the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973, as required by state and federal law.
- C.** The department and any contracted agency or individual that receives the department's funding must ensure all meetings, conferences, hearings, trainings, interviews, eligibility determinations, programs, services, and activities are held in facilities that are accessible.
- D.** All managers and supervisors must receive training on compliance activities related to the ADA.
- E.** The department and its providers will operate programs so that each program, when viewed in its entirety, is readily accessible to individuals with disabilities.
- F.** The department and its providers will administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals.
- G.** The department and its providers with 15 or more employees will provide appropriate auxiliary aids to qualified individuals with sensory, manual, or speaking impairments when such aids are necessary to afford those individuals an equal opportunity to benefit from any service offered by the department or its providers.
- H.** The department and its providers of services to infants in programs or activities will post an informational notice in conspicuous locations where nurses and other medical professionals provide health care and related services to infants. This notice will state that nourishment and medically beneficial treatment should not be withheld from infants with disabilities solely based on their present or anticipated mental or physical impairments.
- I.** The department and its healthcare providers will timely report to the state child protective service agency circumstances, which they determine constitute known or suspected instances of unlawful medical neglect of infants with disabilities.
- J.** The department will not administer or establish requirements or activities for a licensing or certification program in a manner that subjects qualified individuals with a disability to discrimination.

- K.** The department will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability, unless the modifications would fundamentally alter the nature of the service, program, or activity.
- L.** The department will not impose or apply eligibility criteria that screens out or tends to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity unless such criteria is necessary for the provision of the service, program, or activity offered.
- M.** The department will not discriminate based on disability against a qualified individual with regard to:
1. Recruitment, advertising, or job application procedures;
 2. Hiring, upgrading, promoting, awarding of tenure, demoting, transferring, laying off, terminating, his or her right to return from layoff, or rehiring;
 3. Rates of pay or any other forms of compensation or changes in compensation;
 4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, or seniority lists;
 5. Leaves of absence, sick leave, or any other leave;
 6. Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
 7. Selection and financial support for training, including apprenticeships, professional meetings, conferences and other related activities, or selection for leaves of absence to pursue training;
 8. Activities sponsored by a covered entity including social and recreational programs; and
 9. Any other term, condition, or privilege of employment.
- N.** Individuals must be given the opportunity to request the auxiliary aid or service that meets their communication needs. The individual's preference must be given primary consideration. If a different method of communication is provided, it must be effective.
- O.** Service providers shall inform their applicants and recipients of their procedures to obtain auxiliary aids, services, and any other accommodation needed to access services being delivered.

- P.** Each county health department (CHD), Children's Medical Services (CMS) office, A.G. Holley State Hospital, and any other entity directly serving clients must develop an "Auxiliary Aids and Limited English Proficiency Plan." The plan will be updated each year and submitted to the Equal Opportunity Section in the Bureau of Human Resource Management by March 31.
- Q.** All DOH entities will make reasonable accommodations for employment applicants and employees with disabilities.

II. Authority

- A.** Americans with Disabilities Act of 1990, as amended (42 U.S.C. §12101, *et seq.*)
- B.** Article I, Section 2, Florida Constitution
- C.** Florida Americans with Disabilities Accessibility Implementation Act of 1997 (Sections 553.501-553.513, *Florida Statutes [F.S.]*)
- D.** Florida Civil Rights Act of 1992 (Chapter 760, *F.S.*)
- E.** Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794)
- F.** Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794d)
- G.** Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d, *et seq.*)
- H.** Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e, *et seq.*)

III. Supportive Data

- A.** "Equal Employment Opportunity Policy"
- B.** "Methods of Administration, Equal Opportunity in Service Delivery Policy"
- C.** "Telecommuting Policy and Procedures"

IV. Signature Block with Effective Date

Signature on File

Kimberly A. Berfield
Deputy Secretary

5/13/2011

Date**V. Definitions**

- A. ADA Coordinator:** The manager of the Equal Opportunity Section in the Bureau of Human Resource Management. The ADA coordinator is charged with implementing the provisions of the Americans with Disabilities Act and Section

504 of the Rehabilitation Act of 1973, as amended, and the ADA Amendment Act of 2008.

- B. Americans with Disabilities Act (ADA):** Americans with Disabilities Act of 1990, as amended. This act provides protection for individuals who are disabled or regarded as being disabled.
- C. Auxiliary Aids and Services:** Services or devices for ensuring effective communication between the department and individuals with disabilities.
- D. Auxiliary Aids and Limited English Proficiency Plan:** A plan developed to ensure effective communication between the department and individuals with disabilities, and between the department and individuals with limited English proficiency. Although the ADA and the Rehabilitation Act do not require interpreter services for individuals with limited English proficiency, the services are required by Title VI of the Civil Rights Act of 1964, as amended. To ensure effective communication, the department has elected to combine the auxiliary aids and limited English proficiency into one plan rather than two separate plans.
- E. Delegated Authority:** The staff at the local level with authority to recommend approval or denial of an Americans with Disabilities Act reasonable accommodation request.
- F. Department of Health and Human Services:** The federal agency designated to investigate complaints filed under Title II (public services) of the ADA alleging discriminatory practices in programs and services.
- G. Direct Threat:** In Title I (employment) of the ADA, a direct threat is a significant risk of substantial harm posed by an employee to the health or safety of the individual or others, which cannot be reduced or eliminated through reasonable accommodation. In Title II (public services) of the ADA, a direct threat is a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.
- H. Disparate Treatment:** Treating an individual unfavorably based on his or her disability or perceived disability.
- I. Essential Functions:** The fundamental duties of a job. To determine the essential functions, first consider whether the employees in the position actually are required to perform the function. Then consider if removing that function would fundamentally alter the job product and/or increase other staff members' duties unreasonably, or otherwise cause an "undue hardship."
- J. Florida Americans with Disabilities Accessibility Implementation Act of 1997:** Incorporated the accessibility requirements of the Americans with Disabilities Act of 1990 into Florida law and the Florida Building Code.

- K. Florida Relay Service:** A telecommunication service offered to all individuals in the state, which enables a hearing individual to communicate with an individual who is hearing or speech impaired.
- L. Individual with a Disability:** A three-part definition under the ADA includes any individual who:
1. Has a physical or mental impairment that substantially limits one or more major life activities;
 2. Has a record of such an impairment; or
 3. Is regarded as having such an impairment.
- M. Is Regarded as Having an Impairment:**
1. Has a physical or mental impairment that does not substantially limit major life activities, but is treated by an employer or others as constituting such a limitation.
 2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of an employer or others towards such impairment.
 3. Does not have a physical or mental impairment as defined, but is treated by an employer or others as having such impairment.
 4. Does not include impairments that are transitory and minor.
- N. Major Bodily Functions:** Includes the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- O. Major Life Activities:** Basic functions that the average individual in the general population can perform with little or no difficulty, such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, sitting, and reaching. Major Life Activities includes the operation of a major bodily function.
- P. Mental Impairment:** Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and/or learning disabilities.
- Q. Mitigating Measures:** Mitigating measures include, but are not limited to:
1. Medication, medical supplies and equipment, low vision, and hearing devices, etc.

2. Use of assistive technology
 3. Reasonable accommodations
 4. Learned behavioral or adaptive neurological modifications
- R. Ordinary Eyeglasses:** Lenses that are intended to fully correct visual acuity and eliminate refractive error.
- S. Physical Impairment:** Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting the neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, sensory, skin, or endocrine systems.
- T. Program Accessibility:** The programs, services, or activities of the department, when viewed in its entirety, must be readily accessible to, and usable by, individuals with disabilities.
- U. Qualified Individual with a Disability:** With respect to employment, an individual who fulfills the skills, experience, education, and other job-related requirements of a position and who can perform the essential functions of that position with or without reasonable accommodation. With respect to services provided by the department or its contracted providers, a qualified individual meets the essential eligibility requirements for receipt of services or the participation in programs or activities provided by the department or its contracted providers.
- V. Reasonable Accommodation:** Modification or adjustment to the job, the work environment, or the way things are usually done that enables a qualified individual with a disability to enjoy equal employment opportunity or to benefit from programs and services afforded by the department.
- W. Record of Impairment:** A history of an individual who has been classified correctly or incorrectly as having a mental or physical impairment that substantially limits one or more major life activities.
- X. Service Animal:** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the handler's disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals; however, the law allows a public entity to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- Y. Substantial Limitation:** Limited in performing a major life activity compared to most people in the general population. An impairment need not prevent or

significantly or severely restrict the individual in performing a major life activity. The determination of whether an impairment substantially limits a major life activity shall be made without regard to ameliorative effects of mitigating measures.

- Z. Telecommunication Device for the Deaf (TDD):** A device that allows individuals who are deaf, hard of hearing, or speech impaired to communicate over a telephone line.
- AA. Transitory Impairment:** An impairment with an actual or expected duration of six months or less.
- BB. Undue Burden (Program Accessibility):** Significant difficulty or expense to alter buildings or facilities in which programs, services, or activities are conducted to ensure equal benefit to individuals with disabilities.
- CC. Undue Hardship (Employment):** An accommodation that is excessively costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the business.
- DD. United States Department of Justice:** The federal enforcement agency for the Americans with Disabilities Act.
- EE. United States Equal Employment Opportunity Commission (EEOC):** The federal agency charged with the responsibility for enforcing compliance with Title I (employment) of the ADA.

VI. Protocol

- A. Outcome:** Qualified individuals with a disability will not be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program, activity, or benefit provided by the department because of the individual's disability or other qualifying factor under the ADA.
- B. Personnel:** This policy applies to all Department of Health employees.
- C. Competencies:** Knowledge of laws, rules, and policies listed in sections II and III of this policy.
- D. Areas of Responsibility**
 - 1. The Bureau of Human Resource Management is responsible for maintaining this policy.
 - 2. The manager of the Equal Opportunity Section in the Bureau of Human Resource Management will have a thorough knowledge of state and federal equal opportunity laws, rules, and regulations regarding individuals with disabilities. The manager will have a basic understanding

of employee recruitment and selection, employee/employer relations, and employee classification and pay. The manager will be responsible for the coordination of all equal opportunity compliance activities and will:

- a. Provide technical assistance, guidance, and necessary training to department personnel.
 - b. Disseminate civil rights compliance information to appropriate department personnel and interested parties.
 - c. Respond to complaints of discrimination filed with external agencies in accordance with procedures established by the DOH "Equal Employment Opportunity" and "Methods of Administration and Equal Opportunity in Service Delivery" policies.
 - d. Review compliance reports and investigations.
 - e. Assist county and central office staff, as appropriate, with reviews of, and correspondence to, other agencies to achieve civil rights compliance.
 - f. Inform department staff of pertinent civil rights issues and activities.
 - g. Serve as liaison between the Department of Health and the United States Department of Health and Human Services' Office for Civil Rights, the Office of the Assistant Secretary of Civil Rights, the United States Department of Agriculture, the United States Department of Justice Civil Rights Division, the United States Equal Employment Opportunity Commission, the Florida Commission on Human Relations, and other agencies or groups concerned with the nondiscriminatory delivery of services and equal employment opportunity.
 - h. Conduct periodic on-site validation reviews of program, county, and provider civil rights compliance activities to ensure uniform implementation of nondiscrimination requirements.
3. The department's Office of the Inspector General is responsible for the investigation of internally filed complaints of discrimination.
 4. Division and office directors shall have a basic understanding of equal opportunity laws and department procedures, and will be responsible for the implementation of and compliance with equal opportunity procedures within their divisions or offices. Division and office directors will appoint employees to be responsible within their respective divisions or offices for, or otherwise arrange for:
 - a. Coordinating the preparation of required equal opportunity reports;

- b. Ensuring that the department's equal opportunity policy statement, federal EEO posters, and other related materials are displayed in appropriate areas for employees and the public; and
 - c. Developing and implementing the office, division, or unit "Auxiliary Aids and Limited English Proficiency Plan."
 5. County health department (CHD) directors and administrators, Children's Medical Services (CMS) and other unit directors or administrators, and the A.G. Holley State Hospital superintendent shall have a basic understanding of equal opportunity laws and department procedures, and will be responsible for the implementation of and compliance with those laws and procedures. In addition, directors and administrators will appoint employees to be responsible for, or otherwise arrange for:
 - a. Coordinating the preparation of required equal opportunity reports;
 - b. Ensuring that the department's equal opportunity policy statement, federal EEO posters, and other related materials are displayed in appropriate areas for employees and the public; and
 - c. Preparing responses to the public or clients who encounter barriers when visiting or conducting business at the local site.
 - d. Developing and implementing the local "Auxiliary Aids and Limited English Proficiency Plan."
 6. The agency web master is responsible for ensuring that web pages comply with the requirements of Section 508 of the Rehabilitation Act of 1973, as amended.

VII. Procedures

A. Program Accessibility and Public Accommodation

1. Any member of the public who is disabled and encounters barriers, either physical or otherwise, when visiting or conducting business at any DOH facility may contact the CHD administrative official, other health department entity administrative official, or the department's Equal Opportunity Section in the Bureau of Human Resource Management.
 - a. The individual may submit his or her comments in writing or verbally. If the comments are received verbally, the employee receiving the comments shall provide written documentation of the comments to the designated individual for the local facility.
 - b. The designated individual for the local facility must research the circumstances described and, after consultation with the appropriate legal counsel, provide a written response from the

delegated authority to the member of the public within 30 days from the date the barrier was reported.

- c. A copy of the written response shall be submitted to the department's Equal Opportunity Manager in the Bureau of Human Resource Management.

B. Reasonable Accommodation Requests from Applicants

1. All job announcements must include a statement indicating whom to contact if an accommodation is needed to participate in the application process.
2. Any applicant for employment may request a reasonable accommodation at any time during the job application process.
3. The request for accommodation must state the type of accommodation requested. The servicing human resource office or hiring authority must contact the Equal Opportunity Section in the Bureau of Human Resource Management for technical assistance if they are not sure if the requestor is covered by the ADA.
4. No pre-employment medical examination or inquiry will be made of an applicant about whether the applicant is an individual with a disability or about the nature or severity of such disability.
5. Pre-employment inquiries may be made into an applicant's ability to perform job-related functions and into how, with or without a reasonable accommodation, the applicant will be able to perform job-related functions.

C. Reasonable Accommodation Requests from Employees

1. An employee may request a reasonable accommodation in writing or any other means of communication used by him or her. The request may be submitted to the immediate supervisor, the servicing human resource office, or directly to the Equal Opportunity Section in the Bureau of Human Resource Management. If the request is not written, the employee will be asked to provide a written request so that it will be clearly documented. However, if the employee cannot communicate in writing, the communication may be through any means used by the employee. The request for accommodation must specify the type of accommodation desired. The employee may use the "Request for Americans with Disabilities Act Reasonable Accommodation" form to submit his or her request.
2. The supervisor or servicing human resource staff shall discuss the requested accommodation with the employee.

3. The supervisor will consult with and forward the request to the servicing human resource office. The supervisor will bring any identified concerns to the servicing human resource office and will notify that office if the supervisor believes the accommodation will change the nature of the position.
4. If the employee requests reasonable accommodation to perform an essential function of the job, the supervisor may request, after consulting with the servicing human resource office, supporting documentation about the employee's disability and functional limitations. The documentation must be from an appropriate health professional who is providing current health care to the employee.
5. If the employee provides insufficient information to substantiate a disability covered by the ADA, the county or central office may require an employee to go to an appropriate healthcare professional of the employer's choice. The examination must be job-related and the county or central office must pay all costs associated with any examination required due to a conflict with the medical documentation provided by the employee.
6. Since no formula exists for determining undue hardship, a combination of factors will be considered for each decision. Undue hardship will be justified based on reasonableness, prudence, and consistency. Such factors to be verified on a case-by-case basis are:
 - a. Financial resources
 - (1) Number of employees
 - (2) Number of facilities
 - (3) Type of facilities
 - (4) Overall budget
 - (5) Effect on expenses and resources
 - b. Specific type of operation
 - (1) Composition (nature of business or service)
 - (2) Organizational structure
 - (3) Geographic distance
 - (4) Administrative or fiscal relationship of the facility or facilities

c. Nature and cost of the accommodation

7. The delegated authority will submit the “Americans with Disabilities Act Reasonable Accommodation Recommendation” form along with the “Request for Americans with Disabilities Act Reasonable Accommodation” form or other written documentation to the Equal Opportunity Section in the Bureau of Human Resource Management.
8. The chief of the Bureau of Human Resource Management will send the employee and the supervisor or servicing human resource office the “Americans with Disabilities Act Reasonable Accommodation Request Decision” form.
9. If approved by the chief of the Bureau of Human Resource Management, the supervisor or servicing human resource office shall initiate the necessary steps to procure the accommodation and assure that proper purchasing procedures governing the purchase and provision of the accommodation are followed.
10. The supervisor or servicing human resource office will notify the Equal Opportunity Section in the Bureau of Human Resource Management within ten days after completion of the reasonable accommodation indicating the cost of the accommodation. Documentation pertaining to a request for accommodation is confidential and shall be maintained in the county or central office in a secured file.
11. If the employee is not satisfied with the decision, he or she may request a reconsideration of the decision. Additional information may be submitted to support this request for reconsideration.
12. The employee may file a complaint of discrimination internally with the Office of the Inspector General or may file a complaint of discrimination externally with the Florida Commission on Human Relations, United States Equal Employment Opportunity Commission, or other fair employment practice agency.

D. Complaint Process

1. Applicants, clients, and employees who wish to file complaints of discrimination may file with the Office of the Inspector General, the Equal Opportunity Section in the Bureau of Human Resource Management, the servicing human resource office, or with external agencies.
2. Complaints filed internally with the Office of the Inspector General or the Equal Opportunity Section in the Bureau of Human Resource Management will be investigated by the Office of the Inspector General.
3. Complaints filed with an external agency will be investigated by the Equal Opportunity Section in the Bureau of Human Resource Management.
4. Applicants for employment or employees who file within the DOH must file their complaint within 365 days of the alleged violation with one of the following:
 - a. Office of the Inspector General
Department of Health
4052 Bald Cypress Way, Bin A03
Tallahassee, Florida 32399-1704
850-245-4141
850-413-8985 Fax
 - b. Equal Opportunity Section
Bureau of Human Resource Management
Department of Health
4052 Bald Cypress Way, Bin B03
Tallahassee, Florida 32399-1731
850-245-4002
850-410-1451 TDD
850-487-2168 Fax
5. Applicants for services or clients who file within the DOH must file their complaint within 180 days of the alleged violation with one of the following:
 - a. Office of the Inspector General
Department of Health
4052 Bald Cypress Way, Bin A03
Tallahassee, Florida 32399-1704
850-245-4141
850-413-8985 Fax
 - b. Equal Opportunity Section
Bureau of Human Resource Management
Department of Health
4052 Bald Cypress Way, Bin B03

Tallahassee, Florida 32399-1731
850-245-4002
850-410-1451 TDD
850-487-2168 Fax

6. Applicants, clients, and employees may file an external complaint within 180 days of the alleged violation with one of the following agencies or any other federal agency providing funding to the department.
 - a. Office for Civil Rights, Region IV
United States Department of Health and Human Services
Atlanta Federal Building, Suite 3B70
61 Forsyth Street
Atlanta, Georgia 30303
404-562-7886
 - b. Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Disability Rights Section
Washington, District of Columbia 20530
800-214-0301
800-514-0383 TDD
 - c. Food and Nutrition Services
United States Department of Agriculture
61 Forsyth Street, SW, Suite 8T36
Atlanta, Georgia 30303
404-562-1801
7. Applicants for employment and employees may file an external complaint with one of the following agencies:
 - a. United States Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
Two South Biscayne Boulevard
Miami, Florida 33131
800-669-4000
800-669-6820 TTY
(Must file within 300 days of the alleged violation)
 - b. Florida Commission on Human Relations
209 Apalachee Parkway, Suite 200
Tallahassee, Florida 32301-4857
800-342-8170
850-488-7082
(Must file within 365 days of the alleged violation)

VIII. Distribution List

All Department of Health employees

IX. History Notes

This policy replaces and supersedes DOHP 220-1-00, effective July 1, 2000.

X. Appendices

Appendix A – Sample Request for ADA Reasonable Accommodation Form
(For actual form, see Division of Administration “Forms” intranet site)



**REQUEST FOR AMERICANS WITH DISABILITIES ACT
REASONABLE ACCOMMODATION**

Name: [REDACTED]	Position Title: [REDACTED]
Home Address: [REDACTED]	Work Address: [REDACTED]
Accommodation Requested: (Be as specific as possible, e.g., adaptive equipment, a reader, or an interpreter): [REDACTED]	
<div style="border: 2px solid blue; padding: 10px; width: fit-content; margin: 0 auto;">SAMPLE</div>	
Reason for Request: (Describe the nature of the physical or mental impairment and how it affects your ability to perform the essential job duties of your position): Please attach a copy of your position description. [REDACTED]	
Signature:	Date: [REDACTED]

Appendix B – Sample ADA Reasonable Accommodation Recommendation Form
(For actual form, see Division of Administration “Forms” intranet site)



**AMERICANS WITH DISABILITIES ACT
REASONABLE ACCOMMODATION
RECOMMENDATION**

Name of Individual Requesting Reasonable Accommodation: [Redacted]		Address: [Redacted]
Office of Requesting Individual: [Redacted]		SAMPLE
1.	Reasonable Accommodation Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Recommended alternative accommodation	
2.	Date reasonable accommodation requested: [Redacted]	
3.	Who received the request? (Name and Title): [Redacted]	
4.	Date reasonable accommodation request referred to decision maker: [Redacted]	
5.	Name and Title of decision maker: [Redacted]	
6.	Date reasonable accommodation recommended for approval or denial: [Redacted]	
7.	What is the position held or desired by individual requesting reasonable accommodation? [Redacted]	
8.	Reason for Request: <input type="checkbox"/> Application process <input type="checkbox"/> Performing position functions or accessing the work environment <input type="checkbox"/> Accessing a benefit or privilege of employment (e.g., attending a training program or social event)	
9.	Does the individual have a physical or mental impairment that significantly limits a major life activity? <input type="checkbox"/> Yes <input type="checkbox"/> No	
10.	What major life activity is significantly limited? Explain briefly: [Redacted]	
11.	Type(s) of reasonable accommodation requested (e.g., adaptive equipment, staff assistance, removal of architectural barrier, removal of a non-essential position function): [Redacted]	
12.	Type of reasonable accommodation recommended (if different from what was requested): [Redacted]	

Appendix B, continued

13.	Was medical information required to process this request? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain why: [redacted]
14.	Detail reason for the recommended denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship, etc.): [redacted]
15.	What sources of technical assistance, if any, were consulted in trying to identify possible reasonable accommodations? (e.g., disability organization, Job Accommodation Network/JAN): [redacted]
16.	Comments: [redacted]
Submitted by:	
Signature of Recommending Official Print Name and Title: [redacted]	
Phone:	Date:
[redacted]	[redacted]



Appendix C – Sample ADA Reasonable Accommodation Recommendation Form
(For actual form, see Division of Administration “Forms” intranet site)



**AMERICANS WITH DISABILITIES ACT REASONABLE
ACCOMMODATION REQUEST DECISION**

Name of Individual Requesting Reasonable Accommodation: <input type="text"/>		DOH/ADA Number: <input type="text"/>
Address: <input type="text"/>		
Accommodation Requested: <input type="text"/>		SAMPLE
<input type="checkbox"/> Accommodation Approved		
<input type="checkbox"/> Accommodation Denied: <ul style="list-style-type: none"> <input type="checkbox"/> Accommodation ineffective <input type="checkbox"/> Accommodation would cause undue hardship <input type="checkbox"/> Medical documentation inadequate <input type="checkbox"/> Accommodation would require removal of an essential function <input type="checkbox"/> Accommodation would require lowering of performance or production standard <input type="checkbox"/> Other – identify <input type="text"/> 		
Reason for the denial of reasonable accommodations (e.g., why accommodation is ineffective or causes undue hardship): <input type="text"/>		
Alternative accommodation offered: <ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes If so, what was offered? <input type="text"/>		
If you wish to request a reconsideration of this decision, please take the following steps: <ol style="list-style-type: none"> 1. Ask the recommending official to reconsider. Additional information may be presented to support this request. 2. The recommending official may ask the Equal Opportunity Section to review the decision. 		
If you wish to file an equal opportunity complaint, please follow guidelines outlined in the Equal Employment Opportunity and Methods of Administration, Equal Opportunity in Service Delivery policies.		
Signature		Date
Chief, Bureau of Human Resource Management		<input type="text"/>

Appendix D – Types of Reasonable Accommodations

The types of actions to be considered in connection with reasonable accommodation are as varied as the needs of the individuals involved, the type of position in question, and the ingenuity of the officials involved. Reasonable accommodation may include, but is not limited to, the following:

I. Modifying Written Examinations

- A.** Although many individuals with disabilities can demonstrate their qualifications through usual procedures, modifications may be necessary to enable those with certain disabilities to achieve test results commensurate with their abilities. Special arrangements made to avoid compounding the problems faced by competitors with disabilities are equalizing rather than preferential. The objective is to eliminate any artificial barriers that would prevent such individuals from demonstrating their capabilities in the examination process. Modification of examination procedures may include any or all of the following:
1. Modifying test administration methods: Modification of the manner in which a test is administered may be necessary. Consideration will be given for scheduling individual or small group testing, allowing extra time, and using examiners specifically trained for this task. Accommodations may include reading to blind individuals or individuals with reading disabilities; writing for individuals who have difficulties using their hands; and interpreting test instructions, but not questions, into sign language for the deaf.
 2. Modifying exam content: If an applicant's disability causes some part of a test to be unusable or inappropriate, the exam content shall be modified or alternate materials developed to measure the same knowledge, skills, and abilities without screening out individuals with disabilities.
- B.** Examinations will be offered in accessible facilities. If a thorough review of an examination facility indicates the presence of barriers (stairs, inaccessible parking, etc.), steps will be taken to remove those barriers. When this is not feasible, an alternate accessible location will be used.

II. Modifying Work Sites

- A.** Changes in the work environment may enable individuals with disabilities to perform job duties more effectively. Alterations may include, but are not be limited to:
1. Rearranging files or shelves for accessibility to employees with mobility impairments;
 2. Widening access areas between fixtures to allow room for wheelchairs;

3. Placing Braille labels or tactile cues on shelves so that employees with visual impairments can identify contents;
4. Raising or lowering equipment and posted information to provide comfortable working heights;
5. Moving equipment controls to one side or another or modifying them for hand or foot operation;
6. Installing special holding devices on desks, machines, or benches;
7. Installing touchline telephones or headsets for those who cannot dial or hold the telephone;
8. Providing a speakerphone, an extension arm, or gooseneck to hold a phone receiver;
9. Installing telecommunication devices or telephone amplifiers for individuals who are deaf or hearing impaired; or
10. Providing typewriters for those with related physical impairments.

- B.** Work locations will be reviewed with supervisors, rehabilitation counselors, and individuals with disabilities to identify barriers and appropriate work-site modifications.

III. Adjusting Work Schedules: Individuals with disabilities possess great productive potential that may be unused because they cannot meet the requirements of a standard 40-hour workweek. Accommodations may be made for various disabilities by using the flexibility of alternative work schedules and work locations.

- A.** Employees who are mobility-impaired and have difficulties with maneuvering during peak periods on public transportation systems may be permitted to arrive or depart work earlier or later than others do. Workers requiring medical treatment may need a flexible schedule one or two days a week. Individuals who need rest periods could adjust their schedules to make-up the time at the beginning or end of the workday. Employees with particular disabilities affected by eating or sleeping schedules, such as diabetes and epilepsy, may be permitted to work a regular schedule even though others holding comparable jobs are required to work differing shifts.

- B.** Individuals with disabilities requiring shorter hours may be provided flexible work schedules, with various accommodations such as flexible working hours, job sharing, extended rest periods, and use of the home as an official work location. (See "Telecommuting Policy and Procedures")

IV. Restructuring Jobs: Job restructuring is one of the principal means by which qualified individuals with disabilities can be accommodated. Such job modification, adaptation, redesign, restructuring, tailoring, or human engineering first identifies factors making a

job incompatible with an individual's disability. Next, such factors are eliminated through restructuring to use the capabilities of the employee effectively. Job restructuring does not alter the essential functions of the job. Changes may enable the qualified individual with disabilities to perform these functions. Job content changes may be made by isolating and eliminating nonessential duties and reassigning those duties. Often, however, job modification is a matter of slightly altering the method of task execution.

- A.** Identifying the capabilities of individuals and limitations must precede job restructuring. The first individuals to be consulted are the individuals with disabilities to be accommodated. Supplemental information may be obtained through consultation with a specialist in the field of vocational rehabilitation, the Bureau of Human Resource Management (or servicing human resource office), or the Equal Opportunity Section in the Bureau of Human Resource Management.
 - B.** Careful job analysis to determine the exact demands of positions must also precede job restructuring. Various perspectives by those with intimate knowledge of the jobs involved, such as supervisors and employees who currently perform the jobs or who have performed them in the past, should be included in the analysis process. This enables the most accurate differentiation to be made between basic functions and those that are nonessential and can be reassigned.
 - C.** Consult with rehabilitation counselors, area vocational rehabilitation offices, Veterans' Administration hospitals and centers, private rehabilitation centers, and universities with rehabilitation units for recommendations about ways to restructure jobs.
- V. Providing Assistive Devices:** Through advanced technology, numerous assistive devices are available to individuals with disabilities. While such devices alone cannot ensure successful job performance, they enable such individuals to perform otherwise difficult tasks and increase the quantity, quality, and efficiency of their work.
- A.** Some assistive devices are inexpensive, some quite costly. Before purchasing any special equipment, the employee with disabilities will be consulted to determine what is needed and/or wanted. The individual may have adapted to the disability in such a way that no special equipment is necessary.
 - B.** Special equipment may be purchased if the use of the equipment is necessary in transacting official agency business or services. The equipment may not be of a personal nature (for example, eyeglasses, hearing aids, etc.) which the employee could reasonably be expected to provide. In determining whether the purchase of an assistive device should be authorized, consideration should be given to how well the employee could perform the job without the equipment and whether the principal benefit would improve job performance.
 - C.** Assistive devices may also be available free from other sources, such as Vocational Rehabilitation, Blind Services, and deaf services centers. Consult community resource directories for listings of agencies and organizations

providing funds or equipment. Community organizations and service clubs occasionally sponsor the purchase of such equipment.

VI. Providing Readers and Interpreters

A. Readers

1. Many agencies have found that the best way to provide reading assistance to employees with sight impairments is to have other employees provide this service as needed. This interpretation task must amount to a relatively small fraction of an employee's workday. Agencies have the administrative authority to assign employees to provide reading services on a part-time or "as required" basis as provided for in the employee's job description. This service can be listed under "other duties as assigned."
2. Providing reading assistance to blind employees does not relieve supervisors of the responsibility to provide clerical, secretarial, and stenographic assistance to employees whose positions entitle them to or require such assistance. Employees providing clerical, secretarial, and stenographic assistance to blind employees will also provide such reading assistance.

B. Interpreters

1. Although some situations require a high degree of interpreting skills, which most employees should not be expected to possess, much day-to-day communication can be accomplished by employees who have learned basic sign language. Co-workers of deaf employees may learn sign language on their own or through training courses sponsored by the department. When employees have gained sufficient skill in sign language, they may provide day-to-day communication services for their deaf co-workers.
2. Just as with reading assistance for blind employees, supervisors may assign other employees to provide interpreter services on a part-time or "as required" basis as provided for in the employee's job description. These services may be listed as "other duties as assigned."
3. In those situations such as conferences, training courses, meetings, employee evaluations, EEO complaint hearings, or court appearances where employees would not be expected to possess the high degree of interpreting skills, which might be necessary for the hearing-impaired individual to communicate effectively, the department will provide qualified interpreters in accordance with finance and accounting procedures.

VII. Flexible Leave Policies

- A. County health departments, CMS units, and central office entities may use flexible work schedules, in accordance with state rules and department policies, to accommodate employees with disabilities.
 - B. Employees may be granted extended leaves of absence without pay for illness, disability, and retraining.
- VIII. Reassigning and Retraining Employees:** Employees who, because of illness or injury, are unable to continue to perform the duties of their current positions should not automatically be terminated or retired on disability. Alternatives to be explored include:
- A. **Retraining:** Explore and document efforts to retrain disabled employees for positions for which they have the basic qualifications and capabilities. Although an initial expense is involved in retraining, the result will justify the expenditure if the employee and the position are matched carefully beforehand. Assistance may be available from Vocational Rehabilitation, Blind Services, and area service agencies and organizations.
 - B. **Reassignment:** Employees' work experiences and education may indicate that they can perform satisfactorily in other positions. Reassignment need not necessarily be limited to positions of the same class. Voluntary demotion to lower level positions with less strenuous physical or mental demands may also be an appropriate accommodation.
- IX. Eliminating Transportation Barriers:** One of the most difficult problems individuals with disabilities face is transportation to the work site. Until recently, little was done to eliminate or reduce transportation barriers. The department shall explore specific steps to alleviate any continuing barriers and consider options to help employees with disabilities solve their personal transportation problems when such obstacles exist.
- A. Request that space not required for official parking be used for employee parking. Employees who are so severely physically disabled as to prohibit or make unreasonably difficult the use of public transportation have high priority in assignment of employee parking spaces in and around properties under the custody and control of the department or the Department of Management Services. Medical certification of a disability or of an individual's need for such parking privileges may be required.
 - B. Non-disabled drivers who provide transportation for employees with disabilities may make use of parking privileges for individuals with disabilities who ride with them. These individuals receive priority in assignment of parking spaces similar to employees with disabilities who drive.

The preceding are only some of the types of actions that may be taken to accommodate individuals with disabilities.