

AMERICAN WITH DISABILITIES ACT AND REASONABLE ACCOMMODATION POLICY

Central Service Agency

Policy #:	CSA-03
Legal Reference:	ADA Amendments Act of 2008, 42 USC 12201 et seq., ORC 4112.02, Executive Order 2011-05K
Effective Date:	12/1/2014
Origin:	New
Supersedes:	N/A
History:	N/A
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I. AUTHORITY

For those state agencies who are too small to have a full time equal employment opportunity officer, Rule 123:1-49-03(B) of the Ohio Administrative Code allows such agencies to name one equal employment opportunity officer to represent a group of participating agencies. To that end, the Central Service Agency (CSA) has designated the HR Manager to act as the equal employment opportunity officer for all CSA-participating boards and commissions that accept the plan.

II. PURPOSE

The purpose of this policy is to provide guidelines for providing a clear process for staff with disabilities to seek and obtain reasonable accommodations (RA) to successfully perform the essential functions of his/her job. In accordance with Title I of the Americans with Disabilities Act (ADA) and state law in accordance with appropriate federal (e.g., ADA Amendments Act of 2008, 42 USC 12201 et seq.) and state law (i.e., ORC 4112.02) governor directives and executive orders, other governing agency (e.g., DAS, OBM) policy or guidance, and/or executive director expectations. The ADA is a civil rights law intended to protect qualified persons with disabilities from discrimination.

III. APPLICABILITY

This policy applies to all employees.

IV. DEFINITIONS

Disability - for purposes of 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).

V. POLICY

- A. Making a Request for Reasonable Accommodation (RA) In general, it is the responsibility of the employee with a disability to inform the employer that a reasonable accommodation (RA) is needed. If an employee notifies a member of management, the management representative shall immediately notify the appropriate Central Service Agency, Human Resource designee.
 - 1. The employee shall notify the Central Service Agency that he/she needs a RA in order to perform essential job functions or to receive equal benefits and privileges of employment by completing and submitting the "Employee's Request for Reasonable Accommodation" (50-EEO-02.A). The submission should be marked "Confidential".
 - 2. The employee shall discuss the need for the RA with Central Service Agency Human Resource designee.

Any employee or applicant for employment with any of the Central Service Agency Boards and Commissions who believes she or he has been a victim of discrimination, discriminatory harassment, retaliation or who has questions concerning this policy should contact:

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