



JUSTICE ADMINISTRATIVE COMMISSION

AMERICANS WITH DISABILITIES ACT REASONABLE ACCOMMODATION POLICY AND PROCEDURES

POLICY STATEMENT

The Justice Administrative Commission (JAC) complies with provisions of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Amendments Act of 2008, and other relevant local, state, or federal laws protecting the rights of persons with disabilities. JAC's ADA policy prohibits any unlawful action or decision that adversely impacts or denies recruitment, hiring, promotions, training, benefits, compensation, terms, conditions, or privileges of employment to otherwise qualified individuals solely on the basis of a disability or because an otherwise qualified individual is related to or associated with a person with a disability.

SPECIFIC AUTHORITY

Americans with Disabilities Act of 1990
Americans with Disabilities Act Amendments Act of 2008
Section 504 of the Rehabilitation Act of 1973
Title VII of the Civil Rights Act of 1964, as amended
Section 760.10, Florida Statutes, the Florida Civil Rights Act of 1992

SCOPE AND COVERAGE

The scope of this policy applies to all FTE and OPS agency staff and applicants for employment with the agency.

BACKGROUND

With respect to an individual, the term "disability" means: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. Further, a qualified individual with a disability is one who can perform the essential functions of his or her position with or without a reasonable accommodation.

The JAC will seek to provide a "reasonable accommodation" at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of their jobs without accommodation. However, there are situations where a workplace barrier may interfere. A reasonable accommodation is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

There are three types of reasonable accommodations that may be considered:

1. Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;

2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; *and*
3. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

For each position, the job description will typically identify essential job functions. The Human Resources Department will generally review job descriptions on a periodic basis to evaluate job functions designated as essential. Questions about job requirements should be directed to Human Resources.

An employee with a disability is responsible for requesting an accommodation from Human Resources, and for providing medical documentation regarding the disability when requested. Once medical documentation is received, Human Resources will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job, or to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both JAC and the individual employee. While an individual's preference will be considered, JAC is free to choose between equally effective accommodations giving consideration to the expense of the accommodation and the impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for JAC. Factors to be considered when determining whether an undue hardship exists include: the cost of the accommodation, JAC's overall financial resources, the financial resources of the facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, the type of operation, and any other factors recognized by law.

EMPLOYEE REASONABLE ACCOMMODATION REQUEST PROCEDURES

A. Employees

1. Request an accommodation through Human Resources. It is the employee's responsibility to ensure that all documentation is submitted to Human Resources in order to initiate a request for an accommodation.
2. Complete the Reasonable Accommodation Request Form and return the original to Human Resources.
3. Complete the relevant portions of the Documentation of Disability Form, provide the physician a copy of their job duties, and have the physician or care provider complete their relevant portion of the form. Return the completed Documentation of Disability Form to Human Resources.
4. Consult with Human Resources as needed for review of the submitted request.
5. If the requested accommodation is approved, periodically consult with Human Resources to advise whether the accommodation remains effective and continues to enable their ability to perform the essential functions of their job, or to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities.

B. Human Resources

1. Designate an individual within Human Resources to coordinate all requests for accommodation.

2. Inform the requestor of all rights and obligations, and collect any available information needed to process the request.
3. Inform the employee that the Reasonable Accommodation Request Form and the Documentation of Disability Form are necessary to initiate a request for accommodation.
4. Refer the employee to the Reasonable Accommodation Request Form, Documentation of Disability Form and the Reasonable Accommodation Request Procedures.
5. Receive the employee's Reasonable Accommodation Request Form.
6. Consult with employee to determine what type of reasonable accommodation can be offered that will not result in an undue hardship to the agency.
7. Consult with the Executive Director or designee to facilitate a final determination of the request.

Request Approved

- If the request to accommodate does not violate departmental or agency policy, the Executive Director or designee may approve the necessary accommodation, if it will ensure that the employee can perform the essential functions of the job, or allow the employee to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities.
- If the accommodation requested by the employee would require an exception to established policy or procedure, the Executive Director or designee must review the request with all appropriate parties to confirm the need for the accommodation pursuant to agency and section operations, identify resources, identify modifications needed, verify costs, and provide appropriate justification.

Request Denied

- If the request to accommodate is denied because of an undue hardship, explore any possible alternatives. If no alternatives exist, provide a statement of undue hardship explaining the reason(s) for the denial.
8. Ensure that the agency complies with all relevant titles of the Americans with Disabilities Act Amendments Act of 2008, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and any other laws protecting the rights of persons with disabilities.
 9. If the request to accommodate is approved, periodically consult with the employee to ascertain whether the accommodation remains effective and continues to enable the employee to perform the essential functions of the job, or to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities.

Medical Tests and Examinations

A job-related **independent** medical examination, fitness for duty evaluation, or medical inquiries may be required at the agency's expense to determine:

1. Whether an individual can perform the essential functions of a position with or without reasonable accommodation;
2. Whether the individual poses a direct threat to the health and safety of themselves or others; or
3. Whether the individual is fit for duty despite a disability or impairment.

Record Keeping and Confidentially

Any employee's records containing medical information that may be identified as relating to a disability will be maintained as "medical confidential" and kept separate from the employee's personnel file. This information will remain confidential and only made accessible as allowed by state and federal law.

Information obtained from an employee's medical examination or inquiry shall not be used to unlawfully discriminate against the employee in any employment practice.

Final records of all requests for reasonable accommodation are submitted to Human Resources, where they will be retained for the minimum period required by state law.

EMPLOYEE ACKNOWLEDGEMENT

I have received, read, and understand JAC's Americans with Disabilities Act and Reasonable Accommodation Policy and Procedures.

Employee Signature: _____ Date: _____

Employee Name: _____

NOTE: A copy of this policy will be placed in the employee's personnel file.