

Reasonable Accommodations in Employment	1
I. Process	1
A. Disability	1
B. Interactive Process	2
II. Responsibilities	3
A. Employees	3
B. Supervisors	3
C. Human Resources (HR)	3
III. Medical Documentation	4
A. Medical Inquiries	4
B. Information Pertinent to the Physical or Special Requirements of the Job	4
C. Cost	4
D. Insufficient Documentation	4
E. Review of the Medical Information	4
IV. Denying a Reasonable Accommodation	5
A. Circumstances of Denial of Accommodation	5
V. Reassignment as an Accommodation	5
A. Temporary Accommodation/Light Duty	5
B. Permanent Restriction/Reassignment	6
VI. References	6
VII. Action	7
Referenced Forms	8
Attachments	8

Section- 11 Human Resources	OP- 110346	Page: 1	Effective Date: 01/17/2022
Reasonable Accommodations in Employment	ACA Standards: 5-ACI-1C-07, 5-ACI-2F-03, 4-ACRS 7E-02, 4-ACRS-7E-03, 4-APPFS-3E-03		
Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Reasonable Accommodations in Employment

This procedure is established to provide guidance and information to maintain compliance with the Americans with Disabilities Act (ADA).

Under the ADA, the Oklahoma Department of Corrections (ODOC) cannot discriminate against qualified individuals based on disability regarding job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. ODOC shall make reasonable accommodations to qualified employees with disabilities who are unable to perform the essential functions of a position to include accessibility to all parts of the facility that are accessible to the public are accessible and usable by staff and visitors with disabilities. (5-ACI-2F-03, 4-ACRS 7E-02)

I. Process

A. Disability

1. The ADA defines an individual with a disability as one who:

- a. Has a physical or mental impairment that substantially limits one or more major life activities;
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such an impairment.
2. A reasonable accommodation will be provided to an employee or job applicant with a disability, unless doing so would cause undue hardship. A reasonable accommodation is any change in the work environment to help a person with a disability apply for a job or perform the duties of a job. (5-ACI-1C-07, 4-ACRS-7E-03, 4-APPFS-3E-03)
3. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. If more than one accommodation works, the employer may choose which one to provide.
4. A person can show that they have a disability in one of three ways:
 - a. A person may be disabled if they have a physical or mental condition that substantially limits a major life activity (e.g., such as walking, talking, seeing, hearing, or learning).
 - b. A person may be disabled if they have a history of a disability (e.g., such as cancer that is in remission).
 - c. A person may be disabled if they are believed to have a physical or mental impairment that is not short-term and minor.

B. Interactive Process

1. After a supervisor has knowledge an employee needs an accommodation, the law requires ODOC to engage in good faith in the interactive process of the ADA.
2. This includes gathering information from the employee about the limitations, or issue that the employee is experiencing at work and what accommodation the employee is requesting.
3. This can include requiring the employee to provide documentation from a medical provider to establish the disability and confirm the limitations needed.
4. The goal of the interactive process should be to allow the employee to perform their existing job through a reasonable accommodation.

5. A “Reasonable Accommodation Agreement” ([Attachment B](#), attached) should be used to approve or deny reasonable accommodations. When an accommodation is approved, the form will memorialize the final accommodation as agreed to by the agency and employee and signed by the supervisor and employee.

II. Responsibilities

A. Employees

1. Any employee who is unable to continue performing essential job functions due to disability or impairment and desires a reasonable accommodation should notify their immediate supervisor. Employee’s may also complete an “Employee Request for Reasonable Accommodation” form ([Attachment A](#), attached) and submit to their immediate supervisor or directly to their local human resources.
2. Employees are responsible for submitting any necessary medical documentation to support the accommodation request.
3. Employees must participate in the interactive process and timely supply requested documentation.

B. Supervisors

1. Supervisors should recognize any request by an employee for an adjustment or a change at work related to a medical condition of the employee as a request under the ADA.
2. The supervisor should request the employee to complete an “Employee Request for Reasonable Accommodation” form ([Attachment A](#), attached) upon request for an adjustment at work related to a known medical condition.
3. The supervisor is responsible for submitting a written list of the employee’s essential job duties during the interactive process. The supervisor may consult with the employee as necessary.
4. Supervisors are responsible for approving or denying a request for reasonable accommodation after engaging in the interactive process. Supervisors should use the “Reasonable Accommodation Agreement” ([Attachment B](#), attached).

C. Human Resources (HR)

1. HR is responsible for maintaining ADA documentation separate and apart from other personnel files. All medical documentation received

in support of a request for reasonable accommodation will be maintained in the employee's confidential medical file.

2. HR is responsible for facilitating the gathering of necessary documentation and scheduling any necessary meetings with the employee and supervisory staff to discuss potential accommodation.
3. HR is responsible for facilitating the processes of reassignment if permanent restrictions require it.

III. Medical Documentation

When an employee requests accommodation and the need for accommodation is not obvious, the employee will be required to provide documentation that is sufficient to substantiate that the employee needs the accommodation requested. Documentation is sufficient if it describes the nature, severity, and duration of the employee's impairment, the activity or activities limited by the impairment, the extent to which the impairment limits the employee's ability to perform the activity or activities and substantiates why the requested accommodation is needed to enable the employee to perform essential job functions.

A. Medical Inquiries

The facility/unit may make medical inquiries of employees seeking reasonable accommodation due to a medical condition and/or require the employee to submit medical documentation from their health care provider.

B. Information Pertinent to the Physical or Special Requirements of the Job

The facility/unit will furnish the employee with a Human Capital Management (HCM) or agency job description or other information pertinent to the physical or special requirements of the job and a copy of the "Employee Request for Reasonable Accommodation" form ([Attachment A](#), attached).

C. Cost

The employee is responsible for all costs associated with obtaining information from the employee's health care professional.

D. Insufficient Documentation

If the documentation provided by the employee's health care professional is insufficient, the facility/unit will provide the employee reasonable time to provide sufficient documentation.

E. Review of the Medical Information

The facility/unit may have the chief administrator of Human Resources, office of General Counsel, or the chief medical officer review the medical information and, if necessary, upon the employee providing permission, contact the employee's health care provider.

IV. Denying a Reasonable Accommodation

A. Circumstances of Denial of Accommodation

Employees will be provided a reasonable accommodation unless:

1. The employee fails to provide the requested supporting medical documentation to establish disability and need for accommodation;
2. The provided documentation does not support the need for accommodation; or
3. The requested accommodation presents an undue hardship to the agency or does not enable the employee to perform the essential functions of the job.

V. Reassignment as an Accommodation

When an employee is unable to perform the essential functions of the original position, with or without reasonable accommodation, the following accommodations will be made in accordance with this section:

A. Temporary Accommodation/Light Duty

1. Light Duty

- a. The goal of the light duty assignment is to permit employees to return to work as soon as possible following injury and resume the essential job functions of their original positions when restrictions expire
- b. Light duty assignments and/or reasonable accommodations will be made available in every case possible, as a coordinated effort by the facility, human resources, and the office of General Counsel. Light duty reasonable accommodations will still require the employee to complete the "Employee Request for Reasonable Accommodation" ([Attachment A](#), attached).
- c. Employees will be provided any assignment of medically appropriate duties at their facility/unit for a period less than 180 days in any 12 month period. (Merit Rule 260:25-11-110) The employee will continue to occupy and be compensated for the original position.

2. Light Duty for Correctional Security Officers

- a. The essential job functions of a correctional officer as defined in [OP-140116](#) entitled "Employee/Applicant Physical Examinations and Medical Screenings" also include the ability to rotate through all posts and shifts, the ability to work any assigned shift or day of the week, and the ability to work additional shifts as required. Permanent reasonable accommodation does not include a limit on the type of post or shift that can be worked.
- b. Correctional officers may be assigned to work light duty. The officer will be required to dress appropriately for the position to which they will be assigned. Uniforms may be worn if the assignment is a security post.

B. Permanent Restriction/Reassignment

Employees with permanent restrictions, which prohibit the performance of the essential job functions, of their positions will be offered reassignment pursuant to the ADA.

1. To ensure all possible options are considered, the employee will be requested and is responsible for submitting a current "[Personal Data Summary Sheet \(HCM 4-B\)](#)" to determine qualifications.
2. HR is responsible for providing agency wide vacancies that are a lateral or demotion from the current position, for which the employee is qualified. Employees will not be offered promotional opportunities under the ADA.
3. Employees may limit their options to a facility or regional vacancy. This request must be provided in writing.
4. Nothing in the section prevents and employee from applying for positions and promotions, in accordance with applicable Merit Rule and agency procedure [OP-110235](#) entitled "Hiring and Promotional Procedures."
5. If employees can no longer perform the essential duties of their position and refuses any available reassignment, the agency will take necessary steps to separate the employee including termination.

VI. References

Policy Statement P-110100 entitled "Uniform Personnel Standards"

OP-110235 entitled "Hiring and Promotional Procedures"

OP-140116 entitled "Employee/Applicant Physical Examinations and Medical Screenings"

Americans With Disabilities Act of 1990, 42 U.S. C. §§ 12101 et seq. (1990) (as amended by ADA Amendments of 2008, Publ. L. No. 110-325 (2008)).

VII. Action

The executive/senior staff members are responsible for compliance with this procedure.

The chief administrator of Human Resources is responsible for the annual review and revisions.

Any exception to this procedure will require prior written approval from the agency director.

This procedure will be effective as indicated.

Replaced: None. This is a new procedure.

Distribution: Policy and Operations Manual
Agency Website

Section- 11 Human Resources	OP- 110346	Page: 8	Effective Date: 01/17/2022
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<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
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HCM 4-B	"Personal Data Summary Sheet"	OMES
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<u>Attachments</u>	<u>Title</u>	<u>Location</u>
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Attachment A	"Employee Request for Reasonable Accommodation"	Attached
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Attachment B	"Reasonable Accommodation Agreement"	Attached
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