

## **SERENITY BEHAVIORAL HEALTH SYSTEMS**

**SUBJECT:** Americans With Disabilities Act  
**POLICY NUMBER:** HR-31  
**EFFECTIVE DATE:** December 2001  
**SUPERSEDES:** N/A  
**LAST REVISION DATE:** October 2009

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### **POLICY:**

It is the policy of Serenity Behavioral Health Systems (SBHS) that employees are subject to the provisions of Title I of the Americans With Disabilities Act (ADA) prohibiting unlawful discrimination against qualified individuals with disabilities. Specifically, Title I of the ADA prohibits discrimination in job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions, and privileges of employment.

### **COMPLIANCE WITH ADA:**

- I. It is the policy of SBHS to administer its human resource/ personnel management program in compliance with the provisions of Title I of the ADA.
- II. The SBHS Human Resource Manager is responsible for the overall direction, coordination and technical assistance regarding matters relating to ADA Title I compliance.

### **REASONABLE ACCOMMODATION:**

Otherwise qualified individuals may request reasonable accommodation from SBHS due to disabilities. In accordance with the ADA, all requests will be thoroughly reviewed to determine if they can be approved or if they represent an undue hardship on SBHS.

### **ACCOMMODATION REQUEST:**

- I. Employees are to submit requests for reasonable accommodation in writing to their immediate supervisors and the Human Resource Manager specifying the accommodation requested and its estimated duration.
- II. Request for reasonable accommodation must include documentation from the attending health care provider which identifies the current disability being treated, any work-related limitations or restrictions, and their estimated or actual duration.

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Employees may grant permission for SBHS Human Resources staff to communicate directly with the attending health care provider concerning the requested accommodation. Permission is granted when an employee voluntarily signs the Authorization for Release of Information Form 605.

- III. Supervisors and the Human Resource Manager are to meet with employees as soon as possible to initially discuss reasonable accommodation requests.
  - A. The Chief Executive Officer or Human Resource Manager are to confirm discussions in writing within five (5) workdays.
  - B. Any written materials resulting from discussions that identify employees' disabilities or medical conditions must be handled as directed in the SBHS Procedure for Handling Medical Information in Accordance With the Provisions of The Americans With Disabilities Act.
  - C. During initial discussions, the Human Resource Manager or Supervisor will not commit to approving reasonable accommodation requests except as provided by SBHS policy, procedure or guideline.

**REVIEW:**

- I. Request for reasonable accommodation will be reviewed based on a careful assessment of the following:
  - A. Organizational needs,
  - B. Available resources,
  - C. The impact of disabilities on essential functions of employees' position, and
  - D. Relevant medical information concerning disabilities to be accommodated
- II. If disabilities or medical conditions are apparent, employees may be placed in modified work environments, given modified duties or be temporarily reassigned during the review period, if such accommodations are possible without due hardship. See next section for provisions governing modified assignments.
- III. The Human Resource Manager and Supervisor should make determinations within fifteen (15) work days of receiving requests for reasonable accommodation.
- IV. Reasonable accommodation requests that are denied on the basis of undue hardship must include detailed documentation of accommodations considered and reasons for denial.
- V. Written approval from the Chief Executive Officer must be received prior to implementing reasonable accommodations resulting in a change in employment status, a change in the terms and conditions of employment or a change in the essential functions of a position. Examples include, but are not limited to:

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- A. Temporary or permanent reassignments,
- B. Significant modification of work schedules, or
- C. Changes in work duties and responsibilities

**TEMPORARY AND MODIFIED DUTY ASSIGNMENTS:**

- I. Temporary and modified duty assignments may be determined appropriate to reasonably accommodate disabilities.
  - A. Temporary and modified duty assignments can be made for up to sixty (60) calendar days. Management has the option of extending assignments for up to ten (10) calendar days beyond the 60 calendar day limit if the additional time is needed to make work related arrangements for employees.
  - B. Prior to returning to regular duty, the employee must provide a medical statement from the attending health care provider releasing the employee to perform the essential functions of the position, with or without reasonable accommodation.
- II. If an employee is unable to return to work and perform the essential functions of the position, with or without reasonable accommodation, at the end of a temporary and modified duty assignment, HR 8 Family Medical Leave or HR 7.07 Other Leave With or Without Pay may be requested and considered.

**PERMANENT REASSIGNMENTS:**

- I. Permanent reassignments may be determined appropriate to reasonably accommodate disabilities. Employees may be permanently reassigned to positions within the same job, to positions in a different job on the same pay grade, or to positions in a different job on a lower pay grade.
  - A. Within Current Job – Employees may be permanently reassigned to vacant or soon to be vacant positions within the same job. Positions available for reassignments are not to be limited to positions within the same work area, but can include all positions at the work location in that job. For example, a Health Aide could be moved to a position in any program of SBHS.
  - B. Different Job/Same Pay Grade - Permanent reassignment to vacant or soon to be vacant positions in a different job on the same pay grade are to be handled as follows:
    - 1. When a position vacancy has not been advertised, an employee may be permanently reassigned following a careful review of the employee's qualifications for performing the essential functions of the position, work

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performance and SBHS needs. Such reassignment must have prior written approval from the Chief Executive Officer.

2. When a position vacancy has been advertised, it is generally not permissible to interrupt the selection process and non-competitively reassign an employee to the position as reasonable accommodation. Situations in which non-competitive reassignment is being considered must be discussed with the Human Resource Manager.
- C. Voluntary Demotion- Permanent reassignment to a lower job as reasonable recommendation will be handled in accordance with the provisions of SBHS Policy HR 32 regarding voluntary demotions.

**SEPARATION FROM EMPLOYMENT:**

- I. Employees may be separated from employment based on inability to perform assigned duties when:
  - A. There is no reasonable accommodation that can be made in the current position without incurring an undue hardship on SBHS; and,
  - B. There is no other position in the same job (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be reassigned or is willing to accept reassignment; and,
  - C. There is no position in a different job on the same pay grade (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be reassigned or is willing to accept reassignment; and,
  - D. There is no position in lower job (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be demoted or is willing to accept demotion; and,
  - E. Additional leave options have been considered and are either determined not to be available, or cannot be approved without undue hardship.
- II. Classified employees who are absent from work as indicated below can be separated from employment in accordance with the Rules of the State Personnel Board – Rule 24. Separations for these reasons are considered voluntary separations.
  - A. Absent from work for five (5) consecutive workdays or equivalent without proper authorization.
  - B. Failure to return to work at the expiration of an approved leave of absence.

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- C. Absent from work for five (5) consecutive workdays or equivalent after all sick and annual leave is used.
- III. This policy does not restrict the authority of management to discipline or separate employees based on the failure to meet standards of performance or conduct, or failure to follow procedures for reporting and approval of absences.
- IV. The Human Resource Manager should be contacted for assistance prior to separating employees as indicated in this policy.

**REFERENCES:**

- I. The Americans with Disabilities Act of 1990, Title I (P. L. 101-336) Civil Rights Act of 1964, Title VII (42 USC 2000 e,) as amended the by Civil Rights Act of 1991
- II. Vocational Rehabilitation Act of 1973, Section 504 (29 USC 206[D])
- III. Fair Employment Practices Act, Chapter 45-19, as amended
- IV. State Personnel Board – Rule 24 Rules for Classified Employees

**ATTACHMENTS:**

- I. [SBHS Procedure for Handling Medical Information in Accordance With Provisions of the ADA Act](#)
- II. [Authorization for Release of Medical Information SBHS Form 605](#)

**APPROVAL SECTION:**

\_\_\_\_\_  
Chief Executive Officer

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Date

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Committee Chairperson

\_\_\_\_\_  
Date

**RESCISSION SECTION:**

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Chief Executive Officer

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Date

**REVIEW SECTION:**

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Committee Chairperson

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Date

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Committee Chairperson

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Date

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Committee Chairperson

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