




Policy Title	Ensuring Reasonable Accommodations for Employees and Job Applicants
Effective Date	November 14, 2022
Supersedes	All existing agency-specific policies regarding Reasonable Accommodations
Approval	 Indiana State Personnel Department Director
References	Americans with Disabilities Act of 1990, as amended (42 U.S.C. §12101 et seq.) Rehabilitation Act of 1973, Section 504 (29 U.S.C. 791, et seq.) IC 22-9-5 IC 4-15-2.2-12, -33

PURPOSE

The State of Indiana (“State”) is committed to ensuring equal employment opportunities for persons with Disabilities and complying with the Americans with Disabilities Act, As Amended (“ADA”) and all other applicable federal, state, and local laws.

SCOPE

This policy shall apply to all agencies in the executive branch of state government who employ individuals in the State Civil Service.

POLICY STATEMENT

The State encourages a diverse workforce and, where no Undue Hardship is created, will provide employees and applicants Reasonable Accommodations to their known Disabilities. The State prohibits adverse employment actions taken on the basis of a qualified individual’s Disability, including with job application procedures, selection, discipline and termination, advancement, compensation, job training, and other terms and conditions of employment.

The State prohibits retaliation against an individual for requesting a Reasonable Accommodation or for otherwise opposing employment practices that discriminate based on an individual’s Disability, including, but not limited to, filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

DEFINITIONS

Disability: A physical or mental impairment that Substantially Limits one or more Major Life Activities, a record of having such an impairment, or being regarded as having such an impairment.

Interactive Process: An informal problem-solving conversation between the employer and the employee or applicant to identify whether the individual requires a Reasonable Accommodation to perform the Essential Functions of their job and, if so, what the accommodation(s) may be. In this conversation, the employee may request an accommodation or offer suggestions for accommodations that will allow them to perform essential job functions.

Major Life Activities: Include, but are not limited to, caring for oneself, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity may also include the operation of a major bodily function which includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Substantially Limits: An impairment Substantially Limits a Major Life Activity when it restricts the activity as to the conditions, manner, or duration under which the person can perform the activity in comparison to the average person in the general population. Some factors to consider are the nature and severity of the impairment; the duration or expected duration of the impairment; and the permanent or long-term impact or the expected permanent or long-term impact of or resulting from the impairment.

Qualified Individual with a Disability: An individual who satisfies the requisite skills, experience, education, and other job-related requirements of their position, and who, with or without Reasonable Accommodations, can perform the Essential Functions of the job.

Essential Functions: Job tasks that are fundamental to the nature of the job and not marginal. Essential functions are generally captured in job descriptions and through the goals and competencies assigned to specific jobs through the performance management system.

Reasonable Accommodation: Modifications or adjustments to the work environment, or to the manner or circumstances under which the duties of the position are customarily performed, which enable a Qualified Individual with a Disability to perform the Essential Functions of the position or receive substantially equal benefits and privileges of employment as similarly situated employees without Disabilities. These provide an alternative way to accomplish a job's functions by eliminating or reducing Disability-related barriers.

Undue Hardship: An accommodation involving significant difficulty or expense for the employer—one that is excessive in cost, disruptive, would substantially impede completion of the employer's mission, would create a danger to the employee or others, or would fundamentally alter the nature of the position, including the elimination of Essential Functions of the position.

RESPONSIBILITIES

Applicants are responsible for:

- Notifying the hiring manager or agency's human resource representative in a timely manner, either verbally or in writing, if a Reasonable Accommodation may be needed to effectively participate in the application, interview, and/or examination process.

- Cooperating in an Interactive Process to determine appropriate accommodations.

Employees are responsible for:

- Notifying their manager or human resources representative, either verbally or in writing, of a Disability, including a description of the Reasonable Accommodation(s) requested and an explanation how such accommodation will enable them to perform the Essential Functions of their position.
- Cooperating in the Interactive Process to determine essential job functions and identify possible Reasonable Accommodations.
- If required, and at the employee's own expense, obtaining and sharing appropriate medical documentation.
- Performing the Essential Functions of their position.
- Meeting all necessary performance standards for their position.

Supervisors are responsible for:

- Receiving and documenting Reasonable Accommodation requests and promptly forwarding the request to the human resources representative.
- Providing the applicant with Reasonable Accommodations for effective participation in the application process, including a job description which identifies the Essential Functions of the position the applicant seeks.
- Providing the employee's job description, goals, and competencies that identify the Essential Functions of the position.
- Participating in the Interactive Process with the employee/applicant to facilitate an appropriate response to the request for accommodation.
- Providing employees with Reasonable Accommodations.
- Maintaining confidentiality.
- Monitoring and evaluating the effectiveness of the Reasonable Accommodations with the employee/applicant.

The Indiana State Personnel Department is responsible for:

- Receiving, processing, and documenting Reasonable Accommodation requests within the timeframes outlined in the procedures.
- Participating in the Interactive Process with the employee/applicant to facilitate an appropriate response to the request for accommodation.
- Completing the appropriate section(s) of the Reasonable Accommodation Request form.
- Documenting the Reasonable Accommodation process in accordance with appropriate record-keeping policies.
- Maintaining confidentiality.
- Monitoring and evaluating the effectiveness of the Reasonable Accommodations with the employee/applicant.
- Providing information to employee/applicants about the complaint processes, including the appropriate federal and state authorities.

PROCEDURES

Requesting an Accommodation

An applicant or employee may request a Reasonable Accommodation at any time, orally or in writing. A request for an accommodation can also be made by an applicant's or employee's representative (e.g., family member). If the request is submitted through a third party, the request shall be confirmed with the applicant or employee. In most situations, applicants/employees should notify the employee's manager or human resources representative directly if they believe they need an accommodation or other workplace adjustment because of a Disability.

Requests for Reasonable Accommodation will be provided if:

1. The employee/applicant is qualified to perform the Essential Functions of the position they are seeking or currently hold; and
2. The employee/applicant, if necessary and requested by the State, has provided sufficient documentation to support the existence of a Disability; and
3. The employing agency can make a Reasonable Accommodation without imposing an Undue Hardship.

A. Process for Employee Accommodation Request

Upon receiving notice of an employee's request for accommodation, the human resources representative will provide the employee with the Reasonable Accommodation Request form, (State form #57178) which the employee (and/or the employee's physician) must complete and return as indicated.

After a request for accommodation has been made, the human resources representative will begin the Interactive Process to determine what, if any, accommodation should be provided. The Interactive Process will include the employee requesting the accommodation, the employee's manager, and the human resources representative. The manager's role is to identify Essential Functions and how various potential accommodations might meet operational needs, but managers must not be included in any discussion of the employee's medical condition or Disability. An effective Interactive Process will address these matters:

1. The nature of the job-related challenge that is generating the request,
2. The Reasonable Accommodations that may be effective, and
3. The plan for implementing Reasonable Accommodations and monitoring effectiveness.

The State will provide a decision to the employee promptly.

B. Process for Applicant Accommodation Requests

Upon receiving notice of an applicant's need for accommodation to effectively participate in the application and selection process, the human resources representative or hiring manager will contact the applicant to determine what, if any, accommodation should be provided. The State will follow the Interactive Process, if necessary.

Confidentiality

All requests for Reasonable Accommodations and medical documentation collected will be kept confidential in accordance with privacy laws and state policy.

FORMS

57178 Reasonable Accommodation Request