AMERICANS WITH DISABILITIES ACT (ADA) POLICY

POLICY:

The Ohio Department of Transportation (Department) is committed to the fair and equal employment of individuals with disabilities. The Department will not exclude or deny individuals with disabilities equal opportunity to receive program benefits and/or services, nor will it deny participation in or access to program benefits and services to individuals with disabilities. Non-discrimination in hiring, promoting, and reasonable accommodation is the crux of this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Department to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Department.

In accordance with Ohio Revised Code Chapter 4112; the Americans with Disabilities Act, as amended (ADA); and Section 504 of the Rehabilitation Act of 1973, accommodations will be provided to qualified individuals with disabilities when requested accommodations are directly related to performing the essential functions of a job, competing for a job, enjoying equal benefits and privileges of employment, or receiving, participating or having access to program benefits and services of the Department.

PURPOSE OF THE POLICY:

This policy is intended to assure equal opportunity in the employment process for qualified individuals with a disability; to enable a qualified individual with a disability to perform the essential functions of a job; to enable an employee with a disability to enjoy equal benefits and privileges of employment; and to afford individuals with disabilities an equal opportunity to benefit from all programs, services and activities.

In addition, this policy will set forth the procedure for submitting a request for a reasonable accommodation under the ADA. The responsible division for handling such requests is the Division of Opportunity, Diversity, & Inclusion.
AUTHORITY:

Ohio Revised Code Chapter 4112
Americans with Disabilities Act of 1990, as amended
§504 of the Rehabilitation Act of 1973

SCOPE:

The ADA Policy applies to all applicants, employees, and beneficiaries of programs and services offered by the Department.

FISCAL IMPACT:

About half the accommodations needed by disabled employees and job applicants cost nothing, a study by the Job Accommodation Network found. Of the accommodations that do have a price tag, the average expenditure is around $600.00. Source: Thompson. ADA Compliance Guide. May 2006, Vol. 17, No. 5, pg. 11.

DEFINITIONS:

Disability: A physical or mental impairment that substantially limits one or more major life activities of such individual

Reasonable Accommodation: A modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Individual with a Disability: A person who: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment.

Undue Hardship: Any accommodation that would be unduly expensive, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the Department.

PROCEDURE:

Current Employees

1. The Department will inform all employees that this policy can be made available in accessible formats.

2. The employee shall inform his or her supervisor or the ADA Coordinator (Division of Opportunity, Diversity & Inclusion) of the need for an accommodation. A Request for Reasonable Accommodation form needs to be completed and forwarded to the Office of

3. The ADA Coordinator or designee may request documentation of the individual’s functional limitations to support the request. The employee may be asked to complete a release for medical information in order to assess the employee’s request for a reasonable accommodation. An employee’s failure to cooperate with the request for medical information or request to complete the medical release will be construed as an unwillingness to engage in the interactive process as required by the ADA. At that point, no further action will be taken to process the employee’s accommodation request. Any medical documentation that must be collected during this process will be maintained on separate forms and in separate files. Personal health information will not be shared unless the disabled person might require emergency treatment.

4. When an individual with a disability has requested an accommodation, the Department will, in consultation with the employee:
   
   a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step analysis may be necessary.
   
   b. Determine the precise job-related limitation.
   
   c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
   
   d. Select and implement the accommodation that is the most appropriate for both the employee and the Department. While an individual’s preference will be given consideration, the Department is free to choose among equally effective accommodations.

5. The ADA Coordinator or designee will work with the employee to obtain technical assistance, if needed.

6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.

7. The Department reserves the right to re-evaluate accommodations as needed due to operational needs.
**Job Applicants**

1. The job applicant will inform the Human Resources professional of the need for an accommodation. The Human Resources professional will notify the Office of Equal Opportunity.

2. The ADA Coordinator will make a decision regarding the request for accommodation, and if approved, take the necessary steps to see that the accommodation is provided.

**Reporting Discrimination, Harassment, or Retaliation Based on a Disability:**

Any employee, applicant or beneficiary who believes that he or she is a victim of discrimination, harassment, or retaliation should report such incident(s) to the Department’s:

Office of Equal Opportunity  
1980 W. Broad Street, MS: 3270  
Columbus, OH 43223  
614-466-3264  
1-877-845-5058  
Ohio Relay Service: 1-800-750-0750

ADA/504 Coordinator: Sarah E. Johnson

A formal complaint may be filed with any or all of the following agencies:

- The Department’s Division of Opportunity, Diversity & Inclusion  

- The State of Ohio Equal Opportunity Division (DAS/EOD)  
  [http://das.ohio.gov/eod](http://das.ohio.gov/eod)  
  within 30 days of the incident

- The Ohio Civil Rights Commission (OCRC)  
  [http://crc.ohio.gov](http://crc.ohio.gov)  
  within 180 days of the incident

- The Equal Employment Opportunity Commission (EEOC)  
  [http://www.eeoc.gov](http://www.eeoc.gov)  
  within 300 days of the incident

**TRAINING:**

As part of its New Employee Orientation training, employees are informed of the Department’s non-discrimination policies and are provided information concerning the ADA and requests for reasonable accommodations. In addition, the Department provides training to employees and managers on a regular basis.
SUPERVISORY REPORTING REQUIREMENT:

All reasonable accommodation requests made under the ADA must be referred to the Office of Equal Opportunity. This reporting requirement is mandatory, not discretionary.

ENFORCEMENT:

This policy is enforced by the Department’s:

Division of Opportunity, Diversity & Inclusion  
Office of Equal Opportunity  
1980 W. Broad Street  
Mail Stop: 3270  
Columbus, OH 43223  
614-466-3264  
1-877-845-5058  
Ohio Relay Service: 1-800-750-0750

Contacts:  
Sarah Johnson, ADA/504 Program Manager  
Robin Fogt, Affirmative Action Officer & Title VII Program Manager  
Darrell Davis, Title VII Associate