

AMERICAN'S WITH DISABILITIES ACT

The Commission on Human Rights and Opportunities (CHRO) is fully committed to its obligations as an employer under the American's with Disabilities Act of 1990 (ADA), the American's With Disabilities Amendment Act of 2008 (ADAA), the Rehabilitation Act of 1973 as amended, and applicable state disability and discrimination constitutional provisions and statutes.

An individual with a disability is any person who:

1. Has a physical or mental impairment which substantially limits one or more of that person's major life activities,
2. Has a record of such an impairment,
3. Is regarded as having such an impairment, or
4. Falls within one or more of the disabling conditions protected by the state constitution and statutes.

CHRO will ensure that persons with disabilities receive full and equal opportunities in such areas that include, but are not limited to:

1. Hiring, compensation, promotion, training, evaluation or any other term, condition or privilege of employment;
2. Participation in any service, program or activity of the agency;
3. Access to agency offices and all services offered or provided to the public;
4. Application, examination, enforcement and investigator or regulatory policies, procedures and practices; and
5. Protection from retaliation for exercising ADA rights or for assisting in any investigation of a complaint filed under the ADA.

It is not illegal to require that all individuals, including those with disabilities, be able to perform the essential functions of their jobs or jobs for which they apply. It is CHRO's responsibility to define those job functions. CHRO recognizes that some individuals may require reasonable accommodations to perform the essential duties related to their job. The agency is committed to providing reasonable accommodation(s) as appropriate.

Titles I and II of the ADA, Section 504 of the Rehabilitation Act of 1973, as amended, and the Connecticut Discriminatory Practices Act, as amended, prohibit discrimination by state and local government against individuals because of their disabilities in governmental programs, services, facilities and employment actions.

CHRO recognizes that the vast majority of persons who have physical and/or mental disabilities can participate meaningfully in employment and many activities and programs from which they have historically been excluded.

CHRO, along with the individual, will identify barriers that may impede meaningful participation by persons who have physical and/or mental disabilities, evaluate "the necessity of these barriers and will modify or remove non-essential barriers." Further, CHRO will engage in a dialogue with persons who have physical and/or mental disabilities to better understand the kinds of barrier removal and other accommodations that might improve their opportunities.

Any request for an accommodation will be forwarded to the ADA Coordinator. The Coordinator will contact the employee promptly and a meeting may be arranged to discuss the details of the request.

When an employee or applicant requests a reasonable accommodation, CHRO will give serious consideration to the possibility of special arrangements such as modified work schedules, allowing the employee to use special equipment, and/or a modification of job responsibilities. Each request for reasonable accommodation will be considered on a case-by-case basis on its own merit, in light of the particular job, other related jobs, the capabilities of the particular employee and the specific accommodation requested. The agency will not permit employees to refuse to work with any individual who has, or is perceived as having, a disability.

When CHRO makes an accommodation to the needs of a particular employee, it does not make any commitment that the accommodation is permanent, or that a similar accommodation will automatically be extended to any other employee. Rather, CHRO retains its discretion and flexibility to independently evaluate each individual request for an accommodation, based on specific circumstances present, or to reorganize work and to redefine job requirements in light of the overall needs of the agency.

Any employee requesting an accommodation may (when permitted by law) be expected to provide medical information necessary for CHRO to cooperatively develop accommodation under the ADA and relevant state statutes. Failure of the employee to provide the necessary medical information may result in a delay in processing any accommodation request. The ADA Coordinator is the person responsible for contacting the employee's physician, when necessary, to obtain the requisite medical documentation to support the employee's request for an accommodation. **No medical information is to be requested from the physician or maintained by any supervisor or manager.** All provisions of HIPPA will be strictly adhered to regarding medical information, confidentiality and the file maintenance of personal medical information.

Employee's medical information and other information related to their disability and any accommodation request shall remain confidential unless the employee executes a written "release of information" or if permitted or required under legal authority. The ADA Coordinator shall keep all medical information in locked medical files separate from personnel files in order to prevent inappropriate disclosure.

Any individual who believes CHRO has discriminated against them because of their disability with regard to employment or to any program, service or activity, may choose to file a complaint in accordance with CHRO's human rights complaint procedures. Alternatively, the individual may choose to proceed in another forum.

CHRO's Human Resources (HR) Specialist will receive and investigate all complaints of discrimination in accordance with the agency's human rights policy and procedure. Upon receiving a complaint, the HR Specialist will follow established procedure to determine whether there is evidence to support the allegation(s). If an investigation reveals the presence of discrimination based on disability, the employee engaging in such conduct will be dealt with through the channels of strict progressive discipline with the appropriate degree of severity. Any complaint, investigation, and related activities will be handled confidentially in accordance with established CHRO procedures and applicable statutory provisions.

This policy is not intended to replace or substitute any right an individual may have pursuant to any other federal or state law.