



DISABILITY DISCRIMINATION POLICY and REASONABLE ACCOMMODATION REQUEST PROCEDURE

(Revised October 2023)

Purpose

This policy applies to individuals that are either current employees or prospective employees (i.e., job applicants) of the Connecticut Commission on Human Rights and Opportunities (CHRO), or individuals that are doing business with the CHRO that are seeking a reasonable accommodation under the Americans with Disabilities Act (ADA) or the Connecticut Fair Employment Practices Act (CFEPA).

The CHRO is committed to providing and promoting equal opportunities in its programs and services. This commitment includes adhering to the ADA of 1990 as amended by the ADA Amendments Act of 2008, section 504 of the Rehabilitation Act of 1973, and the CFEPA, and the requirement to provide reasonable accommodations to qualified persons with disabilities to ensure the full and fair participation of all employees and the public in its programs and activities, unless to do so would cause undue hardship.

All employees of the CHRO, especially supervisory, managerial, and any other member of management, are expected to demonstrate this commitment in the discharge of their duties and responsibilities under the law.

Under the ADA, an individual with a disability that (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. Under CFEPA an individual with a disability is any person with chronic physical disability or a mental or learning disability.

Definitions

- *Reasonable Accommodation* – modifications or adjustments:
 1. to the work environment or to the manner or circumstances of the way the position is performed to enable a qualified individual to perform the essential functions of the position;
 2. to a job application process to enable a qualified applicant to be considered for the position being applied for;
 3. to enable the qualified individual to enjoy equal benefits and privileges of employment and the services the CHRO provides to the public.

- *Qualified Individual with a Disability* – an individual with a disability is qualified if:
 1. the individual satisfies the requisite skill, experience, education, and other job-related requirements of the position currently held or desired; and
 2. the individual can perform the essential functions of the position, with or without a reasonable accommodation.

Making a Request for Reasonable Accommodation

A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a disability. The reasonable accommodation process begins as soon as the request for a reasonable accommodation is made.

A request does not have to use any special words, such as “reasonable accommodation,” “disability,” “Americans with Disabilities Act” or “Rehabilitation Act.” A current CHRO employee or job applicant with a disability may request a reasonable accommodation at any time, even if the disclosure of the existence of a disability has not been previously made. Requests should be submitted to:

Commission on Human Rights and Opportunities
Office of Diversity and Equity Programs
c/o The Connecticut Department of Labor
200 Folly Brook Blvd., Office No. 258
Wethersfield, CT 06109
Office: 860.263.6063 or State Cellular: 860.502.5004
E-mail: jeri.d.beckford@ct.gov
Confidential Fax: (860) 263-6699

Any current CHRO employee or prospective CHRO employee may consult with the Office of Diversity and Equity Programs (ODEP) for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

- An employee may request a reasonable accommodation orally or in writing to the employee’s supervisor or manager, any other member of management, Human Resources (HR), or ODEP. Any supervisor, manager, HR, or other member of management that receives such a request shall immediately inform the ODEP.
- A prospective CHRO employee (*i.e.*, a job applicant) may request a reasonable accommodation orally or in writing from any CHRO employee with whom the applicant has contact in connection with the application process. The CHRO employee to whom the reasonable accommodation is made will immediately inform the ODEP.
- A family member, healthcare professional, or other representative of a current CHRO employee may request an accommodation on behalf of the current CHRO employee to that employee’s supervisor or manager, HR, any other member of management, or ODEP. Any supervisor, manager, HR, or other member of management that receives such a request shall immediately inform the ODEP.
- A family member, healthcare professional, or other representative of a CHRO employee may request an accommodation on behalf of a job applicant to an individual involved in the recruitment process, HR, or ODEP. Such request will be immediately reported to the ODEP.

- Current CHRO employees and prospective CHRO employees seeking a reasonable accommodation may be asked to complete additional documentation or provide medical information in connection with their request. However, this will not delay the initiation of the processing of your request.

Interactive Process

The interactive process will begin as soon as the request is made, regardless of whether any additional information has been received.

After a request for a reasonable accommodation is made, the parties are obliged to engage in an “interactive process.” Once notified, the ODEP will promptly contact the individual requesting the reasonable accommodation and provide the individual with this policy, and other forms it needs to process the request. The individual requesting the accommodation and ODEP must continue to engage in ongoing communication to determine:

- Whether the person requesting the accommodation is a qualified individual with a disability.
- Possible alternative accommodations, particularly if the accommodation being requested is an undue hardship. CHRO should take a proactive approach in searching for possible alternative reasonable accommodations, although the individual should also participate to identify an effective alternative reasonable accommodation.
- Additional resources that are available to aid in identifying possible reasonable accommodations; and
- Whether it is necessary to engage Human Resources regarding whether reassignment/transfer should be considered as a possible reasonable accommodation.

Requests For Medical Information

The CHRO is entitled to know that the current CHRO employee or prospective CHRO employee making the request has a covered disability that requires a reasonable accommodation. In some cases, the disability and need for accommodation will be obvious or known to the decision maker. In these cases, the CHRO will not require further medical information. However, when a disability and/or need for reasonable accommodation is not obvious or known, the CHRO may require that the individual provide information about the disability and its functional limitations by having the individual’s treating professional complete the “Request for Medical Information”

form. When making a request to the individual for such medical information, the ODEP will provide the individual with the “Request for Medical Information” form and the individual’s job description (if applicable), and:

- Explain that the CHRO has a right to the information and that it will assist the agency in processing the request for reasonable accommodation;
- Explain the types of information the CHRO may seek, such as, but not limited to:
 1. the past, present, and expected future nature, severity, and duration of the impairment,
 2. the activities the impairment limits,
 3. the extent of the limitations, and
 4. why the individual requires a reasonable accommodation and how such accommodation would assist the individual;
- Explain that the CHRO has a right to have any medical information provided by the individual’s healthcare provider be reviewed by its own medical expert at the CHRO’s expense;
- Explain that the individual’s failure to provide appropriate medical documentation or to cooperate in this regard can result in a denial of the request for a reasonable accommodation.

Confidentiality of Medical Information

All medical information obtained in connection with a request for reasonable accommodation must be kept confidential. Any agency employee who obtains this information is strictly bound by these confidentiality requirements.

The information may be disclosed only as follows:

- first aid and safety personnel, if disability might require emergency treatment;
- government officials, if investigating an agency’s compliance;
- workers’ compensation offices or insurance carriers, in certain circumstances.

Whenever medical information is disclosed, the individual disclosing the information shall inform the recipients of the information about the confidentiality requirements.

Determinations and Appeals

The determination of whether to grant or deny the request will be reviewed and made by the ODEP in consultation with the CHRO Legal Division, and if necessary, the Executive Director’s Office. As soon as a decision is made regarding whether a reasonable accommodation will be provided, the individual will be notified in writing.

To implement an approved reasonable accommodation, the ODEP may coordinate with CHRO employees and departments, on a need-to-know basis, including but not limited to, the employee's supervisor and manager, HR, Facilities, Business Management, the CHRO Legal Division, and any other employees/department as necessary. Those the ODEP coordinates with to implement an approved reasonable accommodation may be told about necessary restrictions of the duties the employee performs.

In the event of a denial of an individual's request for a reasonable accommodation, the ODEP will provide the current CHRO employee or prospective CHRO employee who made the request, the reason for the denial. Also included in the denial will be a notice of the individual's right to appeal the ODEP's decision (within 30 days), which may be made, in writing, to:

Connecticut Commission on Human Rights and Opportunities
Neil Griffin, HR Administrator I
c/o The Connecticut Department of Labor
200 Folly Brook Blvd., Wethersfield, CT 06109
Office: (860) 263-6695 E-Mail: neil.griffin@ct.gov
Confidential Fax: (860) 263-6699

Undue Hardship

The agency may deny a request for a reasonable accommodation if, to grant such a request, would cause the agency undue hardship financially or an undue hardship on the operation of its business. Determination of undue hardship is made on a case-by-case basis considering the following factors:

- the nature and net cost of the accommodation needed;
- the overall financial resources of the CHRO or the division involved in the provision of the reasonable accommodation, the number of persons employed in the division, the number, type and location of its facilities and the effect on expenses and resources;
- the type of operation of the CHRO or the division involved, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the division involved to the CHRO; and
- the impact of the accommodation upon the operation of the CHRO and the division involved, including the impact on the ability of other employees to perform their duties and the impact on CHRO's or the division's ability to conduct business.

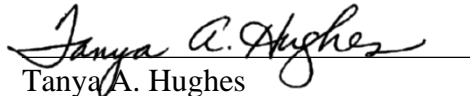
Relation of Procedures with Statutory and Collective Bargaining Claims

This policy is in addition to any statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests of reasonable

accommodations. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

No Retaliation

The CHRO strictly forbids retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA or Connecticut law. Agents and employees of the CHRO shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying rights under the ADA or Connecticut law or because an individual aided or encouraged any individual in the exercise of rights granted or protected by the ADA or Connecticut law.



Tanya A. Hughes
Executive Director

Connecticut Commission on Human Rights and Opportunities

June 12, 2023
Date