



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



Commissioner's Policy Statement and Implementing Procedures

SUBJECT:	Reasonable Accommodation Request Policy
P & P NUMBER:	2.18
APPROVED:	Miriam Delphin-Rittmon, Ph.D., Commissioner Date: 11/5/2015
EFFECTIVE DATE:	November 5, 2015 <i>Miriam Delphin-Rittmon</i>
REVISED:	10/15/15, 11/23/10, 8/15/97
REFERENCES:	42 U.S.C. § 12101 - 12213 45 C.F.R. § 84 Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008 (Pub.L. 110-325) CT Fair Employment Practices Act (CFEPA), C.G.S., Sec. 46A-60 <i>et seq</i> <i>Curry v. Allan Goodman, Inc.</i> 286 Conn. 390 (2008). Commissioner's Policy, Ch.2.19—Internal Discrimination Complaint Policy and Procedure Commissioner's Policy, Ch. 4.4 (formerly Ch. 2.20)— ADA Title II: Effective Communication and Equal Access to Services, Programs, and Activities
FORMS AND ATTACHMENTS:	Reasonable Accommodation Request Form State of Connecticut Medical Certificate Form (Form P-33A – employee)

STATEMENT OF PURPOSE: To notify all Department of Mental Health and Addiction Services (DMHAS) employees of their rights under Title I of the Americans with Disabilities Act (ADA), and provide an interactive process to grant reasonable accommodations for DMHAS employees and applicants for employment that remove barriers preventing qualified persons with disabilities from enjoying the same employment opportunities that are available to those who do not have disabilities.

DEFINITIONS:

The following terms shall have the same meaning as provided in Title I of the ADA as interpreted by applicable Connecticut law:

- Disability
- Essential Job Functions
- Qualified person
- Reasonable accommodation

POLICY: The DMHAS is committed to providing opportunities for qualified persons with disabilities. This commitment includes following the mandates of the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008, the CT Fair Employment Practices Act (CFEPA) and other pertinent federal and state disability and anti-discrimination laws, that make it unlawful to discriminate against qualified persons with disabilities in all aspects of the employment process and in the provision of services and benefits.

This policy applies to DMHAS employees and applicants for employment. See also Commissioner's Policy, Chapter 4.4 ADA Title II: Effective Communication and Equal Access to Services, Programs, and Activities, which expresses the DMHAS' commitment to compliance with Title II of the ADA. Along with the Americans with Disabilities Act, qualified persons with a disability may be entitled to protection under the Family and Medical Leave Act (FMLA), the Connecticut workers' compensation laws and other pertinent laws.

In accordance with the ADA, CFEPA and other pertinent state and federal laws, DMHAS will reasonably accommodate the known physical or mental disability of an otherwise qualified person to enable that person to perform his/her essential job functions, unless the accommodation would impose an undue burden. The DMHAS will make every reasonable effort to provide the appropriate reasonable accommodation to a qualified individual upon request. The DMHAS, in its discretion, may require the individual to provide additional information about his or her disability and the need for an accommodation. The ADA does not require the DMHAS to take any action that would fundamentally alter the operations of its programs or services, or impose an undue financial or administrative burden.

The Commissioner of DMHAS will designate an ADA Title I Coordinator who will have overall responsibility for ADA Title I compliance. The Title I ADA Coordinator is responsible for ADA compliance statewide; however requests for accommodation at each state-operated facility should be addressed to the appropriate Equal Employment Opportunity Specialist at that facility.

Designated DMHAS ADA Title I Coordinator:

Equal Employment Opportunity Director
Department of Mental Health and Addiction Services (DMHAS)
P.O. Box 351 (CVH Campus)
Affirmative Action Office—Cottage 20 (171 Bow Lane)
Middletown, CT 06457
Office (860) 262-5863, Fax (860) 262-5197

REASONABLE ACCOMMODATION PROCESS:

1. The employee/applicant usually initiates the reasonable accommodation request by contacting the Equal Employment Opportunity Specialist at the appropriate facility. The affirmative action office is responsible for coordinating reasonable accommodations. If a supervisor or unit director becomes aware that an employee has an impairment and may need a reasonable accommodation, the supervisor or unit director should immediately refer the employee to the affirmative action office. Facility human resources, the FMLA unit, or the workers' compensation unit of human resources may also refer employees to the affirmative action office to initiate the interactive reasonable accommodation process.
2. An Equal Employment Opportunity Specialist from the affirmative action office should respond to

reasonable accommodation requests once they become aware, and will normally send the reasonable accommodation request form and medical certificate form (Form P-33A) to the employee. In some cases human resources may refer the employee and/or send them the forms, with a copy of the letter or email to affirmative action. The reasonable accommodation (ADA) forms, and the list of Equal Employment Opportunity Specialists assigned to each facility is located on the DMHAS website: <http://ct.gov/dmhas/cwp/view.asp?a=2900&q=334758>.

3. The employee completes the request form, and his/her doctor completes the medical certificate, if needed. If the employee/applicant is unable to complete paperwork or needs assistance, the Equal Employment Opportunity Specialist can help him/her complete the form.
4. The Equal Employment Opportunity Specialist meets with or contacts the person making the request to understand what he/she is requesting and if he/she may be a qualified person with a disability as defined by the ADA and interpreted by applicable Connecticut law.
5. The Equal Employment Opportunity Specialist obtains the State Job Specification or competency-based job description, along with any information on the impairment, and then meets with human resources and relevant department managers to determine what impact the reasonable accommodation may have on the unit or facility operations.
6. The Equal Employment Opportunity Specialist decides on and recommends an appropriate reasonable accommodation, if warranted, which may be the same or different from the initial request. The recommendation to grant or deny the request, or grant a modified /alternative accommodation is outlined in a recommendation letter that the Equal Employment Opportunity Specialist then sends to the employee/applicant who made the request. If a request is urgent or time-sensitive, the Equal Employment Opportunity Specialist may grant a temporary job modification, which may be removed or changed upon final review.
7. The Equal Employment Opportunity Specialist's recommendation letter and all documentation should be submitted to the Reasonable Accommodation Review Committee within five (5) business days of the recommendation letter.
8. The **Reasonable Accommodation Review Committee (Review Committee)** usually meets within 45 days of receiving the Equal Employment Opportunity Specialist's recommendation and documentation, and will issue a final letter to the employee/applicant granting or denying the accommodation. The Review Committee is comprised of three DMHAS managers designated by the Commissioner, including one representative from Human Resources, one clinical representative, and one additional representative. The Review Committee is charged with ensuring that all decisions are uniform throughout the agency. All discussions and documents are confidential except to advise the employee and responsible parties, or to facilitate legitimate agency business on a need-to-know basis. The Review Committee will make the final decision on each request after a thorough review and discussion. The Review Committee, being aware of union contracts and agency procedures, will also determine whether the request would fundamentally alter the operations of its programs or services, or impose an undue financial or administrative burden.
9. Non-standard reasonable accommodation requests. Normally all requests for accommodation should be sent to the affirmative action office to follow the process outlined above, however, there are some exceptions, including but not limited to:

- Requests for interpreter services, since they are urgent and time-sensitive, would not follow this formal approval process.
- If a qualified person with a disability already has an approved reasonable accommodation but needs to amend their approved accommodations, he/she would usually not need to go through the formal approval process again but should contact the affirmative action office.

APPEALS PROCESS & DISCRIMINATION COMPLAINTS: If the request is denied, the letter from Review Committee will inform the individual of their right to appeal this decision to the Equal Employment Opportunity Director at P.O. Box 351, 171 Bow Lane (Cottage 20), Middletown, CT 06457. Appeals must be made in writing within 20 days of receiving notification. Additionally, the individual may utilize the internal discrimination complaint procedure as described in Chapter 2.19, or the individual may file a discrimination complaint with an external discrimination investigative agency, such as the United States Equal Employment Opportunity Commission (EEOC), Department of Health and Human Services or the Connecticut Commission on Human Rights and Opportunities.

RECORDS RETENTION: Upon completion of this process, all records of the employee's reasonable accommodation request and supporting documents will be kept confidential in the employee's ADA/Reasonable Accommodation file, as well as in the employee's medical personnel file.