

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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SUBJECT: AMERICANS WITH DISABILITIES ACT

CATEGORY: HUMAN RESOURCES

Policy

The Idaho Department of Juvenile Corrections (IDJC) extends equal employment opportunities for qualified individuals under the Americans with Disabilities Act (ADA) who may have a physical or mental disability or impairment but who can perform the essential functions of the job with or without reasonable accommodation.

The ADA considers a person with a disability to be an individual who:

- Has a physical or mental impairment that substantially limits one or more major life activity,
- Has a record of such impairment, or
- Is regarded as having such an impairment.

It is therefore the policy of the IDJC that it will not discriminate against individuals with physical or mental disabilities with regard to any employment practice, term, condition or privilege of employment, within the applicable limitations of state and/or federal law. Violation of this policy by any employee shall subject that employee to disciplinary action up to and including dismissal.

Operating Procedures

I. Meeting ADA Criteria

- A. An employee who has a physical or mental impairment that substantially limits a major life activity is considered to be actually disabled.**

1. Major life activities include, but are not limited to:

- a. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and**
- b. Operation of major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.**

2. Substantially Limits a Major Life Activity

- a. The determination of whether an impairment substantially limits a major life activity shall be made **without** regard to the improved (ameliorative) effects from mitigating measures such as medication, medical supplies, equipment, or appliances, low-vision devices (does not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services (includes qualified interpreters or readers); or learned behavioral or adaptive neurological modifications.
 - b. The determination of whether an impairment substantially limits a major life activity shall be made **with** regard to the improved (ameliorative) effects from the mitigating measures of ordinary eyeglasses or contact lenses.
- B. An employee who has a record of having an impairment is an employee who had an actual disability in the past but is no longer disabled. This includes an impairment that is episodic or in remission, if it would substantially limit a major life activity when active.
- C. An employee who does not have an impairment that would qualify as an actual disability but is regarded as having an impairment by the IDJC. This does not include impairments that are transitory and minor with an actual or expected duration of six months or less.

II. Reasonable Accommodation

- A. Employees who meet the criteria for ADA may request reasonable accommodations, if necessary, to perform the essential functions of the job.
- B. IDJC Human Resources (HR) will ensure recruitment announcements include a statement indicating applicants may request necessary reasonable accommodations in order to satisfy testing requirements and/or to participate in the interview process.
- C. An employee with a qualifying disability should discuss the need for any reasonable accommodations with HR and their supervisor.
- D. If a supervisor receives a request for a reasonable accommodation or believes one may be necessary, the supervisor should discuss the need with HR. HR will work with the supervisor and the appropriate administrator to determine the extent to which any accommodation may be made. Accommodations and related options should be given fair consideration and denied only if the accommodation would cause an undue hardship on the IDJC.
- E. Reasonable accommodation provisions will be reviewed with the Director for final approval. Following the determination, the supervisor and the Human Resource Officer, or designee, will discuss the reasonable accommodation with the employee.

- F. Supervisors cannot disclose that an employee is receiving a reasonable accommodation. Rather, supervisors must treat all personnel matters confidentially and assure any employee who asks that they will be treated with the same level of privacy related to personnel matters.
- G. When a request for additional time off is requested as a reasonable accommodation after FMLA has been exhausted, the total of the additional time off plus the FMLA time taken should not exceed six months. However, on a case-by-case basis, HR will review the employee's ADA accommodation and impact on the IDJC to determine whether additional time is a reasonable accommodation.
 - 1. If the employee is unable to return to work at the end of six months and has no accrued sick leave available, and HR has reviewed the employee's ADA accommodation and determined that additional time is not a reasonable accommodation, the employee's position will be declared vacant and the employee placed on medical layoff.
 - 2. If the employee is unable to return to work and still has accrued sick leave available, time will be extended until accrued sick leave is exhausted. When all sick leave has been exhausted, and the employee is unable to return to work, and HR has reviewed the employee's ADA accommodation and determined that additional time is not a reasonable accommodation, the employee's position will be declared vacant and the employee placed on medical layoff.

III. Documentation and Review

- A. HR may determine a need to request medical information from the employee if the disability is not obvious and/or additional information is needed to determine if the employee can perform the essential functions of the job.
- B. Any medical information provided by the employee will be maintained in the employee's medical file. A review of accommodations will be conducted every 12 months at a minimum and the IDJC may accelerate the review if the Department's ability to continue the accommodation changes or if additional information is received about the employee's need for continued accommodation.

IV. Reporting/Investigating Complaints

- A. If an employee believes they have been discriminated against or harassed based on a disability, they should immediately report the behavior to the IDJC Director, Deputy Director, HR, or any IDJC manager or supervisor.
- B. Complaints will be investigated in accordance with procedures outlined in the Harassment and Discrimination (307) policy and procedure.
- C. Job applicants may file a complaint with the Idaho Division of Human Resources.
- D. Employees and job applicants may also file a complaint with the Idaho Human Rights Commission or the Equal Employment Opportunity Commission (EEOC).

Reference: [Glossary of Terms and Acronyms](#)
 Americans with Disabilities Act (ADA) including 2008 Amendments
 Rehabilitation Act of 1973, Section 504
 [Records Retention Schedules](#)
 [Records Destruction Logs](#)

Desk Manual(s): *None*

Related Policies: [Equal Employment Opportunity](#) (302)
 [Harassment and Discrimination](#) (307)
 [Problem-Solving Procedures for IDJC Employees](#) (312)
 [Employment Recruitment and Selection Process](#) (339)
 [Family and Medical Leave Act \(FMLA\) Leave](#) (352)
 [Sick Leave](#) (353)
 [Temporary Modified Duty/Return to Work Program](#) (373)
 [Work-related Employee Injury or Illness](#) (375)
 [Records Management Program \(117\)](#)
 [Public Records \(901\)](#)

Related Forms: [Records Destruction Worksheet \(DJC-279\)](#)