



Kevin M. Maxwell, Ph.D.
Chief Executive Officer

August 19, 2013

MEMORANDUM

TO: All Employees

FROM: Kevin M. Maxwell, Ph.D. *KMM*

RE: Administrative Procedure 4172-Processing Requests for Reasonable Accommodation

Prince George's County Public Schools is dedicated to the well being of all employees. When faced with a permanent or long term disability, Prince George's County Public Schools can assist by providing reasonable accommodations in the workplace.

Administrative Procedure 4172, Processing Requests for Reasonable Accommodation, provides direction on how to request a reasonable accommodation. Any employee requesting a reasonable accommodation will participate in an interactive process to consider the request. All requests receive timely consideration as detailed in the attached Administrative Procedure. Please take a few minutes and review this important information.

If you have further questions regarding this matter, please do not hesitate to contact Ms. Elizabeth Davis, Compliance Officer, at 301-952-6793.

Attachment

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

- I. **PURPOSE:** To establish procedures for processing requests for reasonable accommodation by employees and applicants of Prince George's County Public Schools (PGCPS). Persons with disabilities will be provided an equal opportunity to participate in or benefit from all services as offered to other individuals. To the greatest extent reasonable and possible, this will be done in the most integrated setting appropriate to the needs of the individual with a disability. Prince George's County Public Schools will not use standards, criteria, or methods of administration that screen out, exclude, or discriminate based on disability.
- II. **SCOPE:** The provisions of these procedures apply to all PGCPS employees and applicants with disabilities.
- III. **DEFINITIONS:**
 - A. **Qualified Individual with a Disability.** An individual with a disability is qualified if (1) he/she satisfies the requisite skill, experience, education and other job-related requirements of the position; and (2) he/she can perform the essential functions of the position, with or without reasonable accommodation. A qualified individual with a disability includes an individual "perceived" as having a disability.
 - B. **Reasonable Accommodation.** Any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.
 - C. **Undue Hardship.** If a specific reasonable accommodation causes significant difficulty or expense, then the school system will not be required under the law to provide that particular accommodation. Determination of undue hardship must be made on a case-by-case basis, considering factors such as the cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operation of the school system. Undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, and/or that would fundamentally alter the nature or operation of the school system.
 - D. **Essential Functions.** Those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

employees who could perform the function; or the function is specialized and the individual is hired based on ability to perform. The essential functions of a position must be determined on a case-by-case basis so that it reflects the job as actually performed.

- E. **Extenuating Circumstances.** Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for the accommodation.

- IV. **PROCESS:** PGCPS will ensure that requests for reasonable accommodation are handled in an effective and expeditious manner so as:

- A. To enable the individual employee to perform the essential functions of the position, or to gain access to the workplace.
- B. To enable an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job.
- C. To allow an employee with a disability an opportunity to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

- V. **ASSIGNMENT OF RESPONSIBILITIES:**

- A. Employees and Applicants. An employee or applicant shall:
 - 1. Initiate a request for reasonable accommodation orally or in writing in accordance with procedures listed below in Section VI.
 - 2. Provide sufficient information and documentation to support the limitation and effect on employment, the accommodation requested, and an explanation of how it would enable an employee to perform the job or assist an applicant in the selection process.
 - 3. Provide relevant medical information related to the functional impairment and the requested accommodation. PGCPS recognizes that where a disability is obvious, it will not require medical documentation as a prerequisite for reasonable accommodation.
- B. Compliance Officer. The Compliance Officer shall:
 - 1. Ensure a continuing affirmative application process and vigorous enforcement of the procedures contained herein, including notice to all applicants of their rights to request a reasonable accommodation.

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

2. Request sufficient resources for program implementation to ensure efficient and successful processing of requests for reasonable accommodation. Confirm actions meet all legal compliance.
3. Manage requests for reasonable accommodations. Provide reasonable accommodation in a prompt, fair and efficient manner.
4. Maintain confidential records related to an employee's request for accommodation. Ensure that medical records are kept confidential and maintained in files separate from the individual's official personnel file.
5. Prepare an annual report for the Chief Executive Officer including the number of requests for accommodation (approvals and denials), cost, training, and timeline for completion.
6. Request relevant supplemental medical information if documentation submitted does not clearly explain the nature of the disability, reason for reasonable accommodation, or does not plainly describe how the requested accommodation will assist the applicant/employee to perform the essential function of the job.
7. Provide orientation, training, and advice to managers and supervisors regarding the implementation of the procedures.
8. Determine appropriate actions and coordinate with appropriate personnel involved ensuring timely completion of individual requests.
9. Recommend alternatives to address specific requests.

C. Chief Human Resources Officer. The Chief Human Resources Officer or designated official shall:

1. Process requests for reasonable accommodation from applicants during the recruitment and application process, as needed.
2. Make vacancy announcements available to applicants/employees with disabilities.
3. Ensure that all vacancy announcements include a statement that accommodations are available upon request by the applicant.
4. Support the Division of Human Resources to increase the representation of people with disabilities in the PGCPS workforce.
5. Assist the Compliance Officer with reassignments as a reasonable accommodation in accordance with Employee Equal Opportunity Commission (EEOC) regulations and laws.

VI. **PROCEDURES:** An employee or applicant with a disability, or his/her family member, health professional or other representative who is acting on behalf of the employee or applicant (requestor) may initiate a request for reasonable accommodation.

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

- A. The process for requesting an accommodation begins with the requestor contacting the Compliance Officer by telephone or by submitting the Request for Reasonable Accommodation and Medical Inquiry Form to Support Accommodation Request (if required), Attachment 1, to the Compliance Officer in the Employee and Labor Relations Office. If the request is initiated by telephone, the requestor will complete the Request for Reasonable Accommodation and Medical Inquiry Form to Support Accommodation Request for record keeping purposes.
- B. After receiving a request, the Compliance Officer will take immediate action of investigating and considering the requested accommodation, including consulting appropriate resources for assistance. Suggested resources available to assist both school system personnel and the requestor in identifying possible accommodations, are listed in Attachment 2. If approved, accommodations will be provided within ten (10) business days, or sooner, from the date the request is received by the Compliance Officer. Extenuating circumstances, including the unavailability of equipment from the manufacturer, delay in installation, etc., may prevent meeting the ten (10) day deadline. Expedited processing might be necessary where, for instance, the reasonable accommodation is needed to enable an individual to apply for a job, or the reasonable accommodation is needed for a specific activity that is scheduled to occur soon after the request is initiated.
- C. If there are extenuating circumstances that will delay either processing a request for, or delivering, a reasonable accommodation, the Compliance Officer will notify the requestor promptly and keep the requestor informed of the approximate date the school system will complete the process or issue a decision. The Compliance Officer will investigate the possibility of temporary measures that could be taken to assist the requestor. Any changes or developments will be communicated promptly to the requestor.
- D. Upon granting or denying the request for reasonable accommodation, the Compliance Officer will either complete the "Reasonable Accommodation Information Report" (Attachment 3) or issue a formal letter; these documents will be maintained for future reporting.
- E. If the Compliance Officer denies the request, the requestor will either be informed, in writing, of the denial (See Attachment 4) or issued a formal letter; these documents will be maintained for future reporting. The reasons for denial are:

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

1. The requestor has failed to satisfy the requirements; or
 2. The accommodation would create an undue hardship on PGCPS.
- F. The denial notice will clearly specify reasons for the denial (e.g., why the medical documentation, if appropriate, was inadequate to establish that a qualified individual with a disability needs reasonable accommodation; or why the accommodation would pose an undue hardship to the school system; or why the requested accommodation would not be effective).
- G. Within ten (10) business days after receipt of the denial notice, if the requestor wishes reconsideration of the decision to deny reasonable accommodations, then he or she may submit additional information for reconsideration. New evidence and sound justification should be presented to support this request. The Compliance Officer will issue a decision on reconsideration within five (5) business days after receipt of the requestor's request for reconsideration. Pursuing reconsideration or any other informal dispute resolution procedures does not toll the time limits for initiating statutory claims.
- H. If the Compliance Officer denies the request a second time, the requestor can appeal the decision to the Director of Employee and Labor Relations within ten (10) business days.
- I. If the Director of Employee and Labor Relations denies the request, the requestor can appeal the decision to the Chief of Human Resources within ten (10) business days of the Compliance Officer's second denial of the requested accommodation.
- J. If the Chief of Human Resources denies the request, the requestor can appeal the decision to the Chief Executive Officer or his/her designee and Labor Relations' denial of the requested accommodation.
- K. If the Chief Executive Officer denies the request, the requestor may appeal the decision to the Board of Education in accordance with Section 4-205 of the Education Article, Annotated Code of Maryland within thirty (30) days of the Chief Executive's denial. The Compliance Officer will also notify the requestor that he/sbe has a right to file a complaint, pursuant to AP 4170, Discrimination and Harassment, and with a designated local, State or federal equal employment agency.
- L. In instances where the employee has requested an accommodation from his or her immediate supervisor without contacting the Compliance Officer, the immediate supervisor will contact the Compliance Officer only if the

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

requested accommodation is denied. The Compliance Officer will review all information and follow the procedures outlined above.

VII. ADDITIONAL GUIDELINES:

A. Request for Reassignment.

1. Reassignment will only be considered if accommodations are unavailable to enable the employee to perform his or her current job, or if the only other effective accommodation would cause undue hardship.
2. In considering whether there are positions available for reassignment, the Compliance Officer will work with Human Resources staff to identify possible vacant positions. The Human Resources staff is responsible for conducting the search for reassignment, and will focus on positions which are equivalent to the current job in terms of pay, status, grade level, and other relevant factors. If there is no vacant equivalent position, the school system will consider vacant positions of a lower level for which the employee with a disability is qualified.

B. Medical Information.

1. The Compliance Officer has a right to request relevant supplemental medical information if the information submitted: (a.) does not clearly explain the nature of the disability, or the need for the reasonable accommodation, (b.) does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace, or (c.) in the case of an applicant, assist him or her with the application process. The school system shall have the right to have medical information reviewed by a medical expert of PGCPS' choosing, at its expense.
2. Where medical documentation is provided by an employee requesting an accommodation is insufficient, the Compliance Officer will explain to the employee why the documentation is insufficient and identify the information still needed. The school system's request for medical information will follow the requirements set forth in the EEOC's Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act (available on EEOC's internet sites).

ADMINISTRATIVE PROCEDURE

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

4172

Procedure No.

August 15, 2013

Date

3. If, after a reasonable period of time, there is insufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, PGCPS may either deny the request for accommodation or request that the individual requesting accommodation be examined by a physician selected by the school system.

C. Information Tracking.

The Compliance Officer and Director of Employee and Labor Relations will ensure that medical records are kept confidential. Such records will be maintained in files separate from the employee's official personnel file, and will be disclosed only in accordance with EEOC regulations.

- VIII. **RELATED PROCEDURES AND REGULATIONS:** Administrative Procedure 4170, Discrimination and Harassment; Rehabilitation Act of 1973, 29 U.S.C. 701 et reg.; Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101-12117; The ADA Amendments Act of 2008; and Section 4-205 of the Education Article, Annotated Code of Maryland.
- IX. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Office of Employee and Labor Relations and will be updated as needed.
- X. **CANCELLATIONS AND SUPERSEDES:** This Administrative Procedure cancels and supersedes Administrative Procedure 4172 dated August 22, 2011.
- XI. **EFFECTIVE DATE:** August 15, 2013.

Attachments: 1 - Request for Reasonable Accommodations
2 - Recruitment Resources
3 - Reasonable Accommodations Information Report
4 - Denial of Reasonable Accommodations Request

Distribution: Lists 1, 2, 3, 4, 5, 6, 9, 10, and 11

REQUEST FOR REASONABLE ACCOMMODATION

To the Employee/Applicant: To initiate this request, please complete this form and submit to the Compliance Officer, Employee and Labor Relations Office. Attach additional sheets as necessary

Date of Request: _____
Name of Employee/Applicant: _____
Position Title: _____ Work Phone: _____ Home Phone: _____
Office/Work Location: _____

Reasonable accommodation needed for (check one):

- Application Process
- Performing job functions or accessing the work environment
- Accessing a benefit or privilege of employment (e.g., attending a training program or special event)

Describe your disability(ies) and how it/they affect(s) your ability to do your job? _____

What is/are your requested accommodations? If accommodation is/are time-sensitive, please explain. Be as specific as possible (adaptive equipment, staff assistant, removal of architectural barrier, reader, interpreter, etc.)

How will the requested accommodation be effective in allowing you to perform the essential functions of your job?

Signature _____ Date _____

Name of Supervisor: _____

All requests for accommodation will be handled in a prompt and expeditious manner. All records of reasonable accommodation will be kept confidential.

Medical Inquiry Form to Support Accommodation Request

Form to be completed by Employee/Requestor's Health Care Provider after discussion with employee.

A. A person has a disability under the ADA if the person has an impairment that substantially limits one or more major life activities.

Does the employee have a physical or mental impairment? () YES () NO

If yes, what is the impairment? _____

Is the impairment long term or permanent? If not permanent, how long will the impairment likely last? _____

Does the impairment affect a major life activity? () YES () NO

If yes, what major life activity (ies) is/are affected?

- () Caring for Self
- () Interacting with Others
- () Performing Manual Tasks
- () Bodily Functions
- () Breathing
- () Toileting
- () Other : (describe) _____
- () Walking
- () Standing
- () Reaching
- () Eating
- () Thinking
- () Sitting
- () Hearing
- () Seeing
- () Speaking
- () Reading
- () Learning
- () Concentrating
- () Lifting
- () Sleeping
- () Working
- () Bending

Does the impairment affect the operation of a major bodily function? () YES () NO

If yes, what operation of a major bodily function is/are affected?

- () Immune System
- () Digestive System
- () Neurological
- () Cardiovascular
- () Reproductive Functions
- () Special Sense Organs and Skin
- () Genitourinary
- () Brain
- () Hemic
- () Bowel
- () Normal Cell Growth
- () Bladder
- () Endocrine
- () Respiratory
- () Lymphatic
- () Other: (describe)
- () Circularly
- () Musculoskeletal

Is the employee substantially limited in one of these major life activities? () YES () NO

B. An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability.

What disability(ies) is/are interfering with job performance? _____

What job function(s) is/are the employee having trouble performing because of his/her disability(ies)?

How does the employee's disability(ies) interfere with his/her ability to perform the job function(s)?

C. If an employee has a disability and needs an accommodation because of the disability, the employer must provide a reasonable accommodation, unless the accommodation poses an undue hardship.

As the Health Care Provider, do you have any suggestions regarding possible accommodations to meet satisfactory job performance? If so, please describe. _____

How would your suggestions improve the employee's job performance? _____

D. Additional Comments: _____

Health Care Provider's Signature: _____

Address: _____

Phone Number: _____

Date: _____

Return completed form in a sealed envelope, marked personal and confidential to:

Elizabeth Davis
Compliance Officer
14201 School Lane, Suite 202
Upper Marlboro, MD 20772

RECRUITMENT RESOURCES FOR LOCATING REASONABLE ACCOMMODATIONS

1. U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)
www.eeoc.gov/

The three main sources of interpretive information are; (1) the Interpretive Guidance accompanying the Title I regulations (also known as the "Appendix" to the regulations), 29 C.F.R. pt. 1630 app. §§ 1630.2(o), (p), 1630.9; (2) Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, 8 FEP Manual 405:7601(1999); and (3) A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, 8 FEP Manual (BNA) 405:6981, 6998-7018 (1992) (Technical Assistance Manual). The Technical Assistance Manual includes a 200-page Resource Directory, including federal and state agencies, and disability organizations that can provide assistance in identifying and locating reasonable accommodations.

The EEOC also has discussed issues involving reasonable accommodation in the following guidances and documents: (1) Enforcement Guidance: Pre-employment Disability-Related, Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995). (2) Enforcement Guidance Workers' Compensation and the ADA at 1520, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996); (3) Enforcement Guidance The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997); (4) Fact Sheet on the Family and Medical Leave Act the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-99 8 FEP Manual (BNA) 405-7371, 7374-76 (1996), and (5) Enforcement Guidance Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act at 20, 22, 23, 245.8 FEP Manual (BNA) 405 7701, 7711, 7712-14, 7715-16 (2000).

All of the above-listed documents, with the exception of the Technical Assistance Manual, are also available through the Internet at www.eeoc.gov. All of these documents provide guidance that applies to federal agencies through the Rehabilitation Act of 1973, 29 U.S.C. § 791.

2. Job Accommodation Network (JAN)

1-800-232-9675 (Voice)
www.janweb.icdi.wvu.edu

JAN provides information, free-of-charge, about many types of reasonable accommodations.

3. ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance, and places special emphasis on meeting the needs of small businesses. The DBTACs can make referrals to local sources of expertise in reasonable accommodations.

4. Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/IT)
www.rid.org

The Registry offers information on locating and using interpreters and transliteration services.

RECRUITMENT RESOURCES FOR LOCATING REASONABLE ACCOMMODATIONS

5. RESNA Technical Assistance Project
(703) 524-6686 (Voice) (703) 524-6639 (TT)
www.resna-org

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities.

6. U.S. Department Of Labor, Employment Policy Programs Employment Assistance Referral Network (EARN)
866-EarnNow (866-327-6669)
Monday through Friday 9.00 am to 10:00 PM, EST
www.earnworks.com

The Employer Assistance and Resource Network (EARN), a national toll-free telephone and electronic information referral service, became available to the public March 2001, and is designed to assist employers in locating and recruiting qualified workers with disabilities. EARN, which is a service of the Office of Disability Employment Policy, can also provide technical assistance on general disability employment-related issues.

7. Sign Interpreter Associates, Inc.
301-946-9710
www.signlanguage.com

Sign Interpreter Associates is a private interpreting service provider.

REASONABLE ACCOMMODATION INFORMATION REPORT

Form Completed by Compliance Officer. Attach copies of all documents obtained or developed in processing this request

Date of Request: _____

Name of Employee/Requestor: _____

Position Title: _____ Work Phone: _____ Home Phone: _____

Office/Work Location: _____

Reasonable accommodation needed for (check one):

- Application Process
- Performing job functions or accessing the work environment
- Accessing a benefit or privilege of employment (e.g., attending a training program or special event)

Explain the medical information and documents required to process this request.

Types of reasonable accommodations requested. _____

Sources of technical assistance, if any, consulted to identify possible reasonable accommodations. _____

Reasonable accommodation (check one)

- Approved Date: _____
 - Denied Date: _____
- (If denied, attach copy of Attachment 4)

If approved, types of reasonable accommodation provided (if different from what was requested). _____

Date reasonable accommodation provided: _____

If time limits outlined in the reasonable accommodation procedures were not met, explain why.

Completed by: _____

Telephone Number: _____

DENIAL OF REASONABLE ACCOMMODATION REQUEST

Date: _____

To: (Name of the requestor) _____

The reason your request has been is denied is because: _____

However, PGCPS will provide the following accommodation as an alternative to your request.

If you wish to accept this accommodation, notify the Compliance Officer within ten days of the date of this notice.

PGCPS has determined that your requested accommodation, even if approved, will not permit you to perform the essential functions of your job. _____

PGCPS has determined it needs additional information from your health care provider. _____

PGCPS would suffer undue hardship by approving the requested accommodation. _____

Other. _____

If you wish to request reconsideration of this decision, please submit additional information to be considered and send to the Compliance Officer ten days from the date of the notice.

If your request for reconsideration is approved, you will be notified in writing.

If your request for reconsideration is denied, you may appeal to the Director of Labor Relations within ten (10) business days of the denial.

Name of Compliance Officer _____

Signature of Compliance Officer _____

Date: _____