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**The Americans with Disabilities Policy**

- *APPLICATION: Full-time and part-time classified, "at will" and hourly employees, (loaned representatives i.e. student interns, volunteers and leased employees), subcontractors.*

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**Purpose**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of CHSofNJ to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

**Procedures**

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

CHSofNJ will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to CHSofNJ. Contact human resources (HR) with any questions or requests for accommodation.

All employees are required to comply with the agency's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

**Process for Requesting a Reasonable Accommodation**

If an employee has a disability that requires an accommodation in order to perform the essential functions of his or her job, they must initiate a request for accommodation by contacting the Human Resources (HR) department and identify an adjustment or change at work that is needed because of a disability.

### **Participating in the Interactive Process**

An employee seeking an accommodation under this policy will engage in an interactive dialog or "the interactive process" with the HR department to identify an accommodation that will allow the employee to perform the essential functions of the job effectively. HR will provide the employee with a form requesting medical certification from the employee's health care provider, in an effort to determine whether the medical condition is a qualifying disability under the ADA and/or to assist in determining what accommodation(s) may be available and appropriate. It will be the responsibility of the employee to obtain this form from their health care provider(s) within 15 days of the request.

HR will review the completed Request for Accommodation Forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, HR may request additional information from the employee or their health care provider. Communication with the health care provider will be the responsibility of the employee.

### **Determination**

If, based on medical and other information provided by the employee and/or their health care provider, the employee is determined to be a qualified individual with a disability, HR will notify the employee and their manager.

The HR Manager will work with the employee and the department manager to identify and discuss reasonable accommodations that will enable the employee to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated employees without disabilities.

In instances where there is no reasonable accommodation that enables the employee to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, employment may need to be terminated.

### **Employees/Candidates**

Employees and/or candidates with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth above. The employee or candidate who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the agency while a determination is being made.

It is the employee's responsibility to work with their supervisor/manager, Human Resources, and a qualified health care professional to review and complete all forms required. Failure by the employee or candidate to supply the agency with all relevant and requested medical information or to otherwise meaningfully cooperate in the interactive process may result in the agency's denial of the accommodation or delay in the process.