



OREGON YOUTH AUTHORITY
Policy Statement



I-D-1.3 - Disability and Reasonable Accommodation

Approved:

Karen Brazeau, Director

Effective:

November 1996
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Supersedes:

I-D-1.3 (11/96)

Interpretation:

Business Services

REFERENCE

The Americans with Disabilities Act (ADA) of 1990

(<http://www.dol.gov/odep/pubs/fact/ada92fs.htm>)

The Rehabilitation Act of 1973

(<http://www.nau.edu/ihd/aztap/rehab.html>)

ORS Chapter 240 (State Personnel Relations)

ORS Chapter 659A (Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement)

Department of Administrative Services, Human Resource Services Division (DAS-HRSD), Classification

(<http://www.hr.das.state.or.us/hrsd/class/classification.htm>)

OYA policy: I-D-1.0 (Equal Employment Opportunity and Affirmative Action)

POLICY

It is the policy of the OYA to provide reasonable accommodation to staff, applicants, offenders, and members of the public who use OYA offices and facilities. The agency will actively seek out and encourage persons with disabilities to apply for employment positions in the agency.

The rights of persons with disabilities are protected under federal and state laws. Reasonable accommodation is a provision required by law. This policy ensures the implementation of Civil Rights Laws which are designed to enhance job opportunities, to provide for convenient access to all public facilities, and to prevent discrimination in employment based on disability.

Persons with disabilities, who either apply for, are currently employed by or work on contract with this agency, will be provided reasonable accommodation when requested, if such measures are not an undue hardship on the agency.

I. Reasonable accommodation

A. The following criteria will be used:

1. The person must meet minimum qualifications and pass experience and test criteria established for the position.
2. The person must demonstrate he/she is able to perform the essential functions of the job, with or without accommodation.
3. Medical documentation must be provided to establish eligibility.

II. Severely disabled

A. Exams

1. Persons certified as severely disabled by the Department of Human Services, Office of Vocational Rehabilitation Services (DHS-OVRS) need not take exams for state jobs.
 - a) They will be given the opportunity to interview for open, vacant, authorized positions using the minimum qualifications established in the DAS-HRSD class specifications and those qualifications described in the position description.

B. Hiring

1. Severely disabled individuals may be appointed as temporary staff, on a non-competitive basis.
 - a) After having satisfactorily completed 90 days of service, the person shall be placed on trial service status for a permanent appointment without additional examination.

III. Discrimination

A. Discrimination or harassment based on an individual's disability is prohibited by federal law.

1. An individual who believes he/she is a victim of discrimination may:

- a) Contact his/her Supervisor/Manager and/or a central Human Resource Analyst for assistance.
- b) File a grievance with his/her union if represented.
- c) File a complaint with the agency by writing to the Director.
- d) File an external complaint with the Bureau of Labor and Industries or the Equal Employment Opportunity Commission.

- (1) Internal complaints should be filed within 30 days of the incident so the issue can be addressed promptly.

2. Retaliation for having filed a discrimination complaint is strictly forbidden by law.

IV. Policy distribution and training

- A. Senior management staff will be briefed on this policy at both the Superintendent's/Camp Director's and administrative team meetings.
- B. A copy of this policy will be provided to each new staff during orientation.
- C. When first established, copies of this policy will be distributed to current staff through payroll distribution.
- D. When OYA conducts training for Supervisors/Managers regarding equal opportunity, civil rights or diversity, reasonable accommodation for the disabled will be among the topics covered.

V. Confidential medical records

- A. Disabled staff are to be treated fairly and with respect.
- B. To the extent possible, sensitive medical information regarding an applicant's or staff's disability will be protected as confidential information.
 1. Medical documents are not filed in the official personal file and the distribution of such material is strictly restricted by regulation.

VI. Communication

- A. Persons with speech or hearing disabilities can communicate with the agency by using the toll-free relay service provided by the Public Utility Commission.
- B. Technical assistance is available from the Oregon Disabilities Commission and the Civil Rights Division, U.S. Department of Justice.