

**LSU HEALTH CARE SERVICES DIVISION
BATON ROUGE, LOUISIANA**

POLICY NUMBER: 4552-18

CATEGORY: Human Resources

CONTENT: ADA Policy

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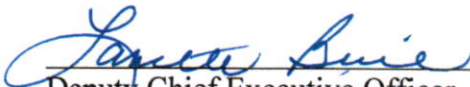
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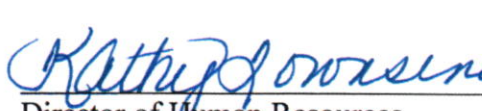
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INQUIRIES TO: Human Resources Administration
LSU Health Care Services Division
Post Office Box 91308
Baton Rouge, LA 70821-1308
Telephone: 225-354-4843 Fax: 225-354-4851


Deputy Chief Executive Officer
LSU Health Care Services Division

12/21/18
Date


Director of Human Resources
LSU Health Care Services Division

12/20/18
Date

The Americans With Disabilities Act (ADA) Policy
Classified and Unclassified Employees

I. POLICY STATEMENT

The LSU Health Care Services Division (HCSD) shall provide equal employment access by hereby stating that no qualified individual with disabilities, who can perform the essential functions of the job, with or without reasonable accommodations, without imposing an undue hardship on the HCSD, shall be discriminated against in any component of employment. The HCSD is committed to complying with all applicable laws providing equal employment opportunities to all individuals. That commitment applies to all persons employed by HCSD and prohibits unlawful discrimination by all employees, including supervisors and co-workers.

The HCSD will ensure that the following actions shall be implemented at all levels of administration:

- A. Identifying the essential functions, physical demands, and work environment of all jobs within each work unit by individuals involved in the employment process.
- B. Providing reasonable accommodations to qualified individuals with disabilities, who can perform the essential functions of the job, provided it does not impose an undue hardship on the operations of the business.
- C. Protecting individuals with disabilities from actions based upon medical examinations and inquiries that are not job related and consistent with business necessity.
- D. Prohibiting discrimination against recovering drug addicts or alcoholics.
- E. Prohibiting discrimination against an individual based on a relationship or association with a person with a disability.

II. APPLICABILITY

This policy shall be applicable to all employees of the HCSD Administrative Office (HCSDA) and Lallie Kemp Regional Medical Center (LAKMC), as well as, applicants for employment with the HCSD Administrative Office (HCSDA) and Lallie Kemp Medical Center (LAKMC).

III. IMPLEMENTATION

Any subsequent revisions to the policy shall become effective upon approval, signature and date of the HCSD Deputy CEO.

IV. RESPONSIBILITY

The HCSD Deputy CEO has the overall responsibility for compliance with Title I of the Americans with Disabilities Act (ADA). Responsibility for coordination of the program has been delegated through this policy to HCSD Human Resources Administration and the Appointing Authority and Human Resources Director of Lallie Kemp Medical Center.

The ADA does not interfere with your right to hire the best qualified applicant. The ADA simply prohibits you from discriminating against a qualified applicant or employee because of their disability.

V. POLICY PROVISIONS

A. Reasonable Accommodations

Note: For purposes of this policy, “reasonable accommodations” is defined as a modification or adjustment to a job, the work environment, or the manner in which duties are performed that enables a qualified individual with a disability to participate in employment.

It is the HCSD policy to provide reasonable accommodations in three (3) aspects of employment:

1. To ensure equal opportunity in the application process
2. To enable a qualified individual with a disability to perform the essential functions of a job.
3. To enable an employee with a disability to enjoy equal benefits and privileges of employment

B. Denial of Reasonable Accommodation

1. A reasonable accommodation to an individual with a disability may be denied if it would impose an undue hardship on the operation of the business.

Note: For purposes of this policy, “undue hardship” is defined as an action that would result in “significant difficulty or expense” in relation to size of the employer, the resources available, and the nature of the operation.

2. Prior to denying a request for reasonable accommodation based on “undue hardship”, the appointing authority shall refer the request to the HCSD Human Resources Administration for review and final determination.

C. Practices to be Implemented

1. Managers and supervisors shall identify the essential functions, physical demands, and work environment of jobs within their work unit in order to determine whether an individual with a disability is qualified to perform the job.
2. Employment opportunities shall not be denied to qualified individuals because of the need to provide reasonable accommodations. The obligation to provide a reasonable accommodation applies to all aspects of employment. Generally, it is the responsibility of the individual with the disability to request a reasonable accommodation.

D. Medical Examinations and Inquiries

HCSD shall protect individuals with disabilities from actions based upon medical examinations and inquiries that are not job-related and consistent with business necessity.

1. Managers and supervisors shall not require an applicant to take a medical examination, or conduct any medical inquiries before making a job offer.
2. Managers and supervisors may make a job offer, conditioned on the satisfactory outcome of a medical examination, and provided all other entering employees in the same job meet the same requirements. Refusal of employment to individuals with a disability based on such medical inquiries must be job related and justified by business necessity.
3. After employment, any medical examination or inquiry of an employee must be job related and necessary for the business.
4. Compliance with medical and safety requirements established under other Federal laws will be permitted without violating the ADA. A test for illegal use of drugs is not a medical examination and shall not be subject to the restrictions on such examinations.
5. The ADA imposes very strict limitations on the use of information obtained from medical examination and inquiries. All such information is considered to be confidential and must be collected and maintained in a confidential manner. A specific person or persons must be designated as having access to the medical files. Exceptions to medical confidentiality are as follows:

- a. Managers and supervisors may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations
 - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations
 - c. Government officials investigating compliance with ADA and other federal or state laws
 - d. Relevant information may be provided to state workers' compensation office.
6. Managers and supervisors must ensure only medical information relevant to job related functions is requested. The request must focus on abilities, rather than disabilities of individuals.

E. Nondiscrimination Against Recovering Drug Addicts and/or Alcoholics

- 1. Recovering Drug Addicts
 - a. Persons addicted to drugs, but who are no longer using drugs illegally and are receiving treatment for drug addiction or who have been rehabilitated successfully, are protected by the ADA from discrimination on the basis of past drug addiction.
- 2. Alcoholics
 - a. A person who currently uses alcohol shall not be automatically denied protection simply because of the alcohol use. An alcoholic is a person with a disability under the ADA and may be entitled to consideration or accommodation, if the individual is qualified to perform the essential functions of a job.
 - b. A person may be disciplined, discharged from, or denied employment in HCSD if their use of alcohol adversely affects job performance or conduct to the extent that they are not a "qualified individual with a disability".
- 3. Employees who use drugs or alcohol shall be required to meet the same standards of performance and conduct that are set for other employees of the HCSD.

F. Nondiscrimination and Relationship or Association with an Individual with a Disability

- 1. The ADA prohibits discrimination against an individual, whether or not that individual is disabled, because that individual has a known relationship or association with an individual who has a disability.

Note: For purposes of this policy, the terms “relationship” and “association” refer to family relationships and any other social or business relationship or association.

2. HCSD Appointing Authorities shall be prohibited from making employment decisions based on concerns about the disability of a family member of an applicant or employee, or anyone else with whom this person has a relationship or association.
3. HCSD Appointing Authorities shall not be required to provide a reasonable accommodation to a non-disabled individual, because this person has a relationship or association with a disabled individual. The obligation to make a reasonable accommodation shall apply only to qualified individuals with disabilities.

VI. ENFORCEMENT

- A. Complaints of discrimination should be filed with the HCSD level of employment for resolution.
- B. The US Equal Employment Opportunity Commission (EEOC) has responsibility for enforcing compliance with Title 1 of the ADA. The procedure for filing and processing complaints is the same as those under Title VII of the Civil Rights Act of 1964.

VII. EXCEPTIONS

The HCSD Deputy CEO may grant an exception to any provision of this policy if such provision creates an undue hardship on the operation of the business of the HCSD or Lallie Kemp Medical Center.