

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

POLICY NUMBER: 4552-23

CATEGORY: Human Resources

CONTENT: ADA Policy

APPLICABILITY: This policy shall apply to all employees of the Health Care Services Division Administration (HCSDA) and Lallie Kemp Medical Center (LKMC), as well as, applicants for employment with the HCSDA regardless of appointment type, and members of the general public that receive services from HCSDA and LKMC.

EFFECTIVE DATE: October 10, 2006

REVIEWED: December 21, 2007

REVIEWED: August 22, 2008

REVIEWED: October 30, 2009

REVIEWED: October 18, 2010

REVIEWED: October 24, 2011

REVIEWED: April 25, 2014

REVIEWED: March 18, 2015

REVIEWED: July 12, 2017

REVIEWED: December 18, 2018

REVIEWED: July 6, 2020

REVIEWED: September 17, 2021

REVISED: July 28, 2022

REVISED: August 23, 2022

REVIEWED: August 17, 2023

INQUIRIES TO: Human Resources Administration
LSU Health Care Services Division
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Note: Approval signatures/titles are on the last page

**LSU HEALTH CARE SERVICES DIVISION
AMERICANS WITH DISABILITIES ACT (ADA) POLICY**

I. POLICY STATEMENT

The LSU Health Care Services Division (HCSD) is fully committed to ensuring compliance with the requirements of the Americans with Disabilities Act (ADA) and its Amending Act of 2008 to include:

- A. Title I:
Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. Upon request, HCSD shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the agency; or poses a direct threat to the health or safety of the individual with a disability or others.

- B. Title II:
Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities and facilities of the agency. Upon request, HCSD may provide a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the agency; or poses a direct threat to the health or safety of the individual with a disability or others.

Note: Any references herein to Health Care Services Division (HCSD) also applies and pertains to Lallie Kemp Medical Center (LKMC).

II. PURPOSE

The purpose of this policy is to outline the HCSD's standards and procedures for purposes of ADA compliance.

III. IMPLEMENTATION

Any subsequent revisions to the policy shall become effective upon approval and signature the HCSD Chief Executive Officer (CEO) or Designee.

IV. DEFINITIONS

- A. Disability: Under the ADA, an individual with a disability is a person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
 2. Has a record of such impairment; or
 3. Is regarded as having such impairment as described in item #1 above.
- B. Impairment: Any physiological, mental or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.
- C. Substantially Limits: An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or dedications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).
- D. Major Life Activities:
1. Generally, carding for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communication, interacting with others and working; and
 2. The operation of major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- E. Essential Functions: The fundamental and primary job duties of a position. Considerations in determining whether a function is essential include such factors as the written job description; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; and the degree of expertise required to perform the function.
- F. Qualified Individual:
1. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the

position held or applied for, with or without reasonable accommodations(s).

2. Under title II, a modification that permits an individual with a disability to effectively communicate with the HCSD and/or ensure equal opportunity relative to HCSD's programs, services, activities and facilities.

G. Reasonable Accommodations:

1. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:
 - a. Participate in the testing, application and/or interview process;
 - b. Perform the essential functions of the job; or
 - c. Provide equal opportunity to the benefits and privileges of employment.
2. Under Title II, a modification that permits an individual with a disability to effectively communicate with HCSD and/or ensure equal opportunity relative to HCSD's programs, services, activities and facilities.

H. Undue Hardship: An accommodation that would be unduly costly, extensive, substantial or disruptive, in light of factors such as the size of the agency, the resources available and the nature of the agency's business operations.

I. Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.

J. ADA Coordinator: The representative responsible for facilitating the interactive evaluation process relative to any request for accommodation, whose name and contact information is provided below:

Name: Kathy Townsend
Section: HCSD Administration
Address: 5429 Airline Hwy, Baton Rouge, LA 70805
Phone #: 225-354-4843
Email: ktowns@lsuhsc.edu

Name: Marshunda Thomas
Section: Lallie Kemp Medical Center
Address: 52579 Hwy 51 South
Phone #: 985-878-1329
Email: mtho10@lsuhsc.edu

V. PROCEDURES FOR REQUESTING A REASONABLE ACCOMMODATION

- A. It is the responsibility of the qualified individual with a disability to request a reasonable accommodation(s) when needed.
- B. To do so, the individual:
 - 1. Must initiate a request in writing completing the Request for Accommodation Form. (Refer to Section XI. A of this policy) If the individual needs assistance to complete the request form, HCSD will provide such assistance;
 - 2. Must submit the request to the appropriate person for the nature of the accommodation requested (as further explained below); and
 - 3. Must timely and cooperatively participate in the interactive process (as further described therein).
 - 4. If the accommodation request is from an HCSD employee, he/she may be required, as part of the interactive process, to provide the ADA Coordinator with medical documentation from their health care provider describing the nature of the disability and the functional limitations thereof.

VI. EMPLOYMENT (TITLE I)

A. Application/Testing Process

A qualified individual with a disability may address an accommodation request relative to the application and/or testing process to the following, dependent upon the Job Type indicated on the vacancy announcement.

B. For Classified Jobs:

- 1. Contact State Civil Service, Testing and Recruiting Office at 225-925-1911
- 2. For more information regarding accommodations, applicants may go to the following link:

<https://jobs.civilservice.louisiana.gov/TestInformation/Accommodations.aspx>

C. For Unclassified Jobs:

Contact the HCSD/Lallie Kemp representative identified in the vacancy announcement for the job being sought. The HCSD/Lallie Kemp representative shall notify and collaborate with the ADA Coordinator to address the accommodation request.

D. Interview Process

1. If contacted for an interview, a qualified individual with a disability should notify the hiring manager at that time if an accommodation is needed in order to participate in the interview and, if so, the nature of the accommodation.
2. The hiring manager shall notify and collaborate with the ADA Coordinator to address the accommodation request.

E. Performance of Essential Functions

1. A qualified individual with a disability may address an accommodation request related to the performance of the essential functions of a job to the following:
 - a. If needed prior to or at the time of hire for a position, the accommodation request should be submitted to the person with whom the individual interview.
 - b. If employed by HCS D and needed for the current job held, the accommodation request should be addressed to the immediate supervisor.
2. Such requests must include the duties the individual is unable to perform and the accommodation(s) requested.
3. Such accommodations may include job restructuring, use of accrued paid leave (or once exhausted, unpaid leave); modified or part-time work schedules, acquiring equipment or reassignment.

Note: Consideration of an accommodation may not cause undue hardship on the Agency. Undue hardship as defined in this policy is an accommodation that would be unduly costly, extensive, substantial or disruptive, in light of factors such as the size of the agency, the resources available and the nature of the agency's business operations.

F. Benefits and Privileges of Employment

1. An employee seeking an accommodation related to the benefits and/or privileges associated with employment should notify the immediate supervisor.
2. The immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request.
3. Such requests should include the benefits and/or privileges of employment in which the individual is unable to participate and the accommodation requested. Such accommodations may include restructuring work areas, lunchrooms, break rooms, training rooms and restrooms to make them available and accessible to all employees.

Note: Guidelines that govern facility standards are based on the date of original construction. Additional guidelines may apply when renovations or alterations are undertaken. HCSD shall coordinate construction and renovation in conjunction with appropriate state departments, as well as building code, regulatory and leasing entities, as applicable.

G. Pregnancy, Childbirth or Related Medical Condition

1. In accordance with La. R.S. 23:341-342, an applicant or employee with limitations arising from pregnancy, childbirth or related medical conditions may request an accommodation to the immediate supervisor.
2. The immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request.
3. Such accommodations may include but are not limited to:
 - a. Providing more frequent, compensated break periods
 - b. Providing a private place, other than a bathroom stall, for purposes of expressing breast milk
 - c. Modifying food or drink policy
 - d. Other accommodations that permit the individual to reduce or eliminate the need for leave

Note: Accommodation requests and information collected during the associated interactive process shall be limited to only those individuals with a business need-to-know.

H. Effective Communication (Title II)

1. A qualified individual with a speech, hearing or vision impairment may request an accommodation to the ADA Coordinator and shall be furnished with appropriate auxiliary aids and services so that the individual can participate equally in HCSD's programs, services and activities.
2. Such auxiliary aids may include qualified sign language interpreters, documents in braille and other ways of making information and communication accessible.
3. Anyone who requires an auxiliary aid or service for effective communication should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

I. Modifications to Policies, Procedures, or Facilities (title II)

1. A qualified individual with a disability seeking modifications to policies, procedures or facilities for equal opportunity to enjoy HCSD's program, services and activities should contact the ADA Coordinator.

2. Such requests should include the specific program, service or facility that the individual is unable to access and the accommodation(s).

VII. INTERACTIVE PROCESS – EVALUATION OF ACCOMMODATION REQUEST

- A. Upon receipt, the individual to whom an accommodation request was submitted must immediately notify the ADA Coordinator. The ADA Coordinator shall:
 1. Document receipt of the request on the Request for Accommodation form.
 2. Notify the Requestor, if he/she is a current HCSD employee, whether a completed Medical Inquiry form from a health care provider is required; (Refer to Section XI. B of this policy)
 3. Engage in an interactive process involving consultation with the Requestor, the treating physician, if applicable, and agency management
 4. Confer with the Louisiana Rehabilitation Services and/or Job Accommodation Network (JAN), as deemed appropriate, to help evaluate the availability of accommodation options and resources related thereto
 5. Where appropriate, discuss any alternative, equally effective accommodations with the Requestor
 6. Recommend to, and secure approval from, the Appointing Authority as to the final determination of the accommodation request; and
 7. Notify the Requestor, in writing, of the final determination, including information regarding the internal grievance procedure.
- B. Individuals with disabilities are encouraged to suggest accommodations based upon their own life and/or work experiences. Such requested accommodations will be duly considered. Nonetheless, HCSD reserves the right to select an equally effective accommodation that may be less expensive or impactful on business operations. All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis.

VIII. INTERNAL COMPLAINT PROCEDURE

The following internal grievance procedures are available to individuals with disabilities for resolution of complaints regarding the disposition of an accommodation request or asserting any action that would be prohibited by the ADA:

- A. Employees: HCSD employees may file an internal grievance in accordance with HCSD Policy No. 4505, Grievance Policy, and elevate the complaint directly to the Appointing Authority. Lallie Kemp Employees will elevate the complaint/grievance to the Lallie Kemp Hospital Administrator. HCSD Administration employees will send complaint/grievance to HCSD CEO.
- B. Applicants or General Public: Complaints regarding the application/testing/interview process or accessibility of a program, service or activity of the HCSD may be addressed in writing to HCSD Appointing Authority at 5429 Airline Highway, Baton Rouge, LA 70805.

IX. PROTECTIONS

No individual shall be discriminated or retaliated against, coerced, intimidated, threatened, harasses or interfered with for:

- A. Making an accommodation request;
- B. Opposing any act or practice made unlawful by the ADA;
- C. Filing a charge, testifying, assisting or otherwise participating in an investigation, proceeding or hearing to enforce any provision of the ADA;
- D. Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
- E. Having a family, business, social or other relationship or association with an individual with a known disability.

X. PUBLIC NOTICE

To ensure accessibility by all interested persons, this policy shall be made available on the HCSD public website and the Lallie Kemp public website, as well as a notice posted conspicuously for access by the public.

XI. DOCUMENTATION

Forms associated with this policy:

- A. Request for Accommodation Form
<https://www.doa.louisiana.gov/media/gn5lp5dx/request-for-accommodation-form-sample.docx>
- B. Medical Inquiry Form
<https://www.doa.louisiana.gov/media/asginlam/medical-inquiry-form-sample.docx>

XII. CONFIDENTIALITY

All documentation obtained as part of an accommodation request, including medical and other relevant information, shall be maintained as confidential records, separate from the employee's personnel file, and subject to disclosure only as allowed by law or with the individual's permission.

XIII. ADDITIONAL RESOURCES

- A. For additional resources, individuals with disabilities may contact Rikki Nicole David, State ADA Coordinator, at Rikki.david@la.gov or 225-342-1243.
- B. Individuals may also contact or file a complaint with the following:
 - 1. U.S. Equal Employment Opportunity Commission (EEOC) pursuant to a Title I (29 CFT 1630.1 – 1630.16) at 1-800-669-4000, 1-800-669-6820 (ITTY for Def/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).
 - 2. Louisiana Commission on Human Rights pursuant to La. R.S. 23:323 et seq at 225-342-6969; or
 - 3. U.S. Department of Justice (DOJ, Civil rights Division, pursuant to Title II (28 CFR 35.101 – 35.190) at 202-514-3847 or 202-514-0716 (TTY for Deaf/Hard of Hearing callers only).

Note: Be advised that strict time limitations apply for filing complaints with these governmental agencies.

X. EXCEPTIONS

The HCSD CEO or designee may waive, suspend, change or otherwise deviate from any provision of this policy deemed necessary to meet the needs of the agency as long as it does not violate the intent of this policy; state and/or federal laws; Civil Service Rules and Regulations; LSU Policies/Memoranda; or any other governing body regulations.

Document Metadata

Document Name: 4552-23 - ADA.doc
Policy Number: 4552
Original Location: /LSU Health/HCSO/4500 - Human Resources
Created on: 03/20/1996
Published on: 08/17/2023
Last Review on: 08/17/2023
Next Review on: 08/17/2024
Effective on: 03/07/2019
Creator: Townsend, Kathy
HCSO Human Resources Director
Committee / Policy Team: Main Policy Team
Owner/SME: Townsend, Kathy
HCSO Human Resources Director
Manager: Townsend, Kathy
HCSO Human Resources Director
Author(s): Wicker, Claire M.
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Publisher: Wicker, Claire M.
PROJECT COORDINATOR

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08/17/2023

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08/17/2023