



ADA Policy Guide Series #1 Responsibilities Associated with the Americans with Disability Act (ADA)

Title I of the Americans with Disabilities Act (ADA) protects employees and qualified job candidates with disabilities from discrimination and requires reasonable accommodation to assist in the performance of essential job duties or to enjoy the privileges and benefits provided by the employer. Qualified job candidates must satisfy the skill, experience, education, and other job-related requirements of the position sought or held and must be able to perform the essential job duties of the position, with or without reasonable accommodation. DHRM, agencies, employees and job candidates all have responsibilities associated with the ADA.

DHRM Responsibilities	Provide interpretation and guidance on reasonable accommodations to state agencies and employees.
Agency Responsibilities	<ul style="list-style-type: none">• Comply with the requirements established in the Title I of the Americans with Disabilities Act (ADA), and Virginia Human Rights Act (VHRA).• Communicate the agency's policy or procedures specific to requesting reasonable accommodation in employee orientation and periodically to all employees.• Ensure employees have access to the Employee Request for Job Accommodation form.• Maintain confidentiality of employee's protected health information.• Ensure employee receives appropriate documentation regarding reasonable accommodation.• Communicate with employee (or an advocate) during any periods of disability leave.• Obtain medical certification as needed to confirm if the employee's medical condition impairs the employee's ability to perform major life activities.• Create and maintain records of employees' requests for accommodation in accordance with 29 CFR § 1602.14 - preservation of records made or retained in accordance with the Commonwealth.• Update and maintain accurate position descriptions detailing the essential job duties, the respective minimum qualifications needed to perform the job

	<p>duties and the physical, cognitive, mental, and emotional abilities required to successfully complete the assigned duties/functional responsibilities. This may include noting that a physical presence at a designated worksite is an essential requirement to perform essential responsibilities of the job as appropriate.</p> <ul style="list-style-type: none"> • Ensure that employee information is updated in the human resource information system of record in a timely manner. • Engage in an interactive process with the employee as required by the ADA to determine if reasonable accommodations are available. • Respond to employees' and applicants' requests for accommodations as quickly as feasible. • Determine if accommodations will create undue hardship for agency business needs in relation to the mission of the agency, costs, or if the essential functions of the position can be performed by the employee.
Employee Responsibilities	<ul style="list-style-type: none"> • Notify agency management or the Human Resources Office of the need for accommodations to include absences related to a medical or mental health condition that impacts performance of essential job functions. • Cooperate and comply with the agency's policy requirements to include participation in the interactive process to discuss and review reasonable accommodations. • Ensure that a family member or other person knows to contact the Human Resources office or agency management in the event the employee is unable to work due to disability as defined by the ADA or a chronic medical condition <u>and</u> is unable to communicate with the agency. • Provide the licensed treating health care provider with a signed copy of the Employee Request for Job Accommodation form and ask the provider to complete the Medical Certification part of the form and return it to their agency's Human Resources Office.
Applicant's Responsibilities	<ul style="list-style-type: none"> • Notify agency management or the Human Resources Office of the need for accommodation to complete their application and/or to participate in

	the agency's selection process to include accommodations needed for the interview process.
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