

4-59 AMERICANS WITH DISABILITIES ACT (ADA)

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A. POLICY STATEMENT

The Louisiana Department of Children and Family Services (DCFS) is fully committed to ensuring compliance with the requirements of the Americans with Disabilities Act and its Amending Act of 2008 (collectively ADA) to include:

- 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, DCFS 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 and/or safety of the individual with a disability or others.
- 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, DCFS may provide a reasonable accommodation, unless the Requestor is not a qualified individual; doing so would fundamentally alter the nature of the agency's service, program or activity; or poses a direct threat to the health or safety of the individual with a disability or others.

B. APPLICABILITY

This policy applies to all DCFS employees, applicants for employment, and members of the general public that receive services from DCFS.

C. DEFINITIONS

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.

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.

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 medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).

Major Life Activities:

1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working; and
2. The operation of a 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.

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; employer judgment as to which functions are essential; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; the time spent performing the function; actual work experience of present or past employees in the job; consequences of not requiring an employee perform a function; and the degree of expertise required to perform the function.

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 accommodation(s).

2. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by DCFS, with or without reasonable accommodation(s).

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 DCFS and/or ensure equal opportunity relative to DCFS programs, services, activities and facilities.

Undue Hardship: The EEOC guidance states an undue hardship is an action requiring significant difficulty or expense as it relates to the agency. A determination of undue hardship should be based on several factors, including: the nature and cost of the accommodation requested, the overall financial resources of the agency providing the accommodation, the overall size and number of employees of the agency, the nature of the agency's business operations, and the impact of the accommodation on the operation of the agency.

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.

Interactive Process: A mandatory, good-faith dialogue between an employer and an employee (or applicant) to determine effective, reasonable accommodations for a known disability or impairment, ensuring the individual can perform essential job functions under laws like the ADA. It's a collaborative back-and-forth communication to explore limitations, identify potential solutions (like schedule changes, modified duties, or equipment), and implement the best fit for both the worker and the business, preventing ineffective solutions or legal issues.

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

Name: Sarah Tirrell
Section: Louisiana Department of Children and Family Services
Executive/Bureau of General Counsel
Address: 627 North 4th Street
Post Office Box 629
Baton Rouge, LA 70821

Phone #: (225) 342-1125
Email: DCFS-HR-ADA-Accommodations@la.gov

Name: Renita Smith
Section: Louisiana Department of Children and Family Services
Management and Finance Division/Human Resources
Address: 627 North 4th Street
Post Office Box 3776
Baton Rouge, LA 70821
Phone #: (225) 342-4310
Email: DCFS-HR-ADA-Accommodations@la.gov

D. PROCEDURES FOR REQUESTING A REASONABLE ACCOMODATION

1. Employment (Title I) (current and prospective employees)

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:

- i. For Classified Jobs: Contact State Civil Service, Testing and Recruiting Office at (225) 925-1911. For more information regarding accommodations, applicants may go to: <https://jobs.civilservice.louisiana.gov/TestInformation/Accommodations.aspx>.
- ii. For Unclassified Jobs: Contact the DCFS representative identified in the vacancy announcement for the job being sought. The DCFS representative shall notify and collaborate with the ADA Coordinator to address the accommodation request.

b. Interview Process

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. The hiring manager shall notify and collaborate with the ADA Coordinator to address the accommodation request.

c. Performance of Essential Functions

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:

- i. 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 interviewed.
- ii. If employed by DCFS and needed for the current job held, the accommodation request should be addressed to the immediate supervisor.

The requests can be verbal or in writing. **The employee shall not be required to submit any medical documentation to the interviewer or immediate supervisor.** If the request is submitted in writing, the interviewer or supervisor shall send it to the ADA Coordinator to address the accommodation request. If the request is made verbally, the interviewer or supervisor shall document the request in writing and send it to the ADA Coordinator to address the accommodation request. Employees can also submit requests directly to the ADA Coordinator (DCFS-HR-ADA-Accommodations@la.gov). Written requests should be submitted on the [DCFS Request Accommodation Form](#) and must include the duties the individual is unable to perform and the accommodation(s) being requested. The employee must submit the [DCFS Medical Inquiry Form](#) to their health care provider to be completed and return it to the ADA Coordinator (DCFS-HR-ADA-Accommodations@la.gov). This begins the interactive process.

d. Benefits and Privileges of Employment

An employee seeking an accommodation related to the benefits and/or privileges associated with employment should notify their supervisor either verbally or in writing. **The employee shall not be required to submit any medical documentation.** If the request is submitted in writing, supervisor shall send it to the ADA Coordinator to address the accommodation request. If the request is made verbally, the supervisor shall document the request in writing and send it to the ADA Coordinator to address the accommodation request. Such requests should include the benefits and/or privileges of employment in which the employee is unable to participate and the accommodation requested. Written request should be submitted on the DCFS Request Accommodation Form and must include the accommodation(s) being requested. The employee must submit the DCFS Medical Inquiry Form to their health care provider to be completed and return it to the ADA Coordinator (DCFS-HR-ADA-Accommodations@la.gov). This begins the interactive process.

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

e. Pregnancy, Childbirth or Related Medical Condition

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. The employee should notify their supervisor either verbally or in writing. **The employee shall not be required to submit any medical documentation.** If the request is submitted in writing, supervisor shall send it to the ADA Coordinator to address the accommodation request. If the request is made verbally, the supervisor shall document the request in writing and send it to the ADA Coordinator to address the accommodation request.

Pregnant Workers Fairness Act 42 U.S.C. 2000gg (PWFA) requires a covered employer to provide a “reasonable accommodation” to a qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

2. Equal Access (Title II)

a. Effective Communication

A qualified individual with a speech, hearing, or vision impairment may submit an accommodation request to the ADA Coordinator and shall be furnished with appropriate auxiliary aids and services so that the individual can participate equally in DCFS programs, services and activities. Such auxiliary aids may include qualified sign language interpreters, documents in Braille and other ways of making information and communication accessible. 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.

b. Modifications to Policies, Procedures, or Facilities

A qualified individual with a disability seeking modifications to policies, procedures, or facilities for equal opportunity to enjoy DCFS programs, services and activities should contact the ADA Coordinator. Such requests should include the specific program, service, or facility that the individual is unable to access and the accommodation(s) requested.

3. Interactive Process

a. Evaluation of Accommodation Requests

Once the ADA Coordinator has received the request, the request will be reviewed and evaluated. The ADA Coordinator shall:

- Document the request, if not submitted in writing by the Requestor, on the DCFS Request for Accommodation Form;
- Notify the employee that a DCFS Medical Inquiry Form from a health care provider is required if one has not already been provided;
- Engage in an interactive process involving consultation with the employee, the treating physician (if applicable), and the supervisor;
- 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;
- Where appropriate, discuss any alternative, equally effective accommodations with the employee;
- Recommend to, and secure approval from, the Appointing Authority as to the final determination of the accommodation request; and
- Notify the employee, in writing, of the final determination, including information regarding the internal grievance procedure.

b. Medical Examinations

i. Applicants – Prior to making a job offer, the hiring manager shall not require an applicant to submit to a medical examination, nor shall they make inquiries regarding an applicant's supposed disability or the nature or severity of the supposed disability. All applicants for DCFS positions are protected from disability-related inquiries that could potentially screen them out of the application process, including but not limited to the following:

- Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability.
- Questions regarding an applicant's medical or workers' compensation history may not be asked.
- Applicants may not be asked to describe or demonstrate how they would perform the essential functions of the job unless all applicants for the same job are asked to do so.

ii. Conditional Offer of Employment

- Once an applicant has been selected as the prospective candidate for a job, a Conditional Offer of Employment may be made to the candidate pending

the results of a medical examination as long as all individuals in the same category have to undergo a medical examination. (For more information regarding Conditional Offers of Employment, please see DCFS Policy 4-31 Conditional Offer of Employment).

- If the existence of a disability is revealed during the medical examination, the offer of employment may not be withdrawn unless:
 - The reason is job-related and consistent with business necessity and no reasonable accommodation can be made; or
 - The disability poses a direct threat to the health or safety of the candidate, other employees or the public, and the direct threat cannot be eliminated by reasonable accommodation.
- iii. Medical examinations and inquiries for current employees must be job-related and consistent with business necessity and requested only in the following circumstances:
 - When an employee is having difficulty performing the essential functions of the job and/or likely poses a direct threat to the health or safety of the employee, other employees or the public.
 - A medical examination is necessary for determining reasonable accommodations.
 - A medical examination is required by law.
 - Tests for illegal drugs are not medical examinations and are not subject to these restrictions (for information concerning drug testing, please refer to Policy #4-03 Substance Abuse Testing for DCFS Employees)

c. Confidentiality of Medical Records

- i. The ADA imposes very strict limitations on the use of information obtained from medical examination and inquiries. Therefore, all such information acquired by DCFS must be collected and maintained by Human Resources in confidential files apart from the personnel files.
- ii. Specific Human Resources staff shall be designated as having access to the medical files.
- iii. Exceptions to medical confidentiality are as follows:
 - Managers and supervisors may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations, but not the underlying disability.
 - First aid and safety personnel may be informed, when appropriate, if the employee might require emergency treatment or if any specific procedures are needed in the case of fire or other emergency evacuations.

- Government officials (including Human Resources and Bureau of General Counsel staff) investigating compliance with ADA and other federal or state laws.

4. Reasonable Accommodations

a. Employment (Title I)

- i. DCFS is committed to making reasonable accommodations in job duties, the work environment and the application/interview process to enable qualified individuals to enjoy equal employment opportunities in all aspects of employment, as long as such accommodations are reasonable and do not constitute an undue hardship on DCFS.
- ii. Employment opportunities shall not be denied to qualified individuals because of the need to provide reasonable accommodations.
- iii. The ADA prohibits discrimination in employment based on concerns about the disability of a family member of an applicant or employee, or anyone else with whom the applicant or employee has a relationship or association. In any case, the Secretary of DCFS or their designee shall not be required to provide an accommodation to a non-disabled individual because this person has a relationship or association with a disabled individual.

b. Equal Access (Title II) – DCFS is committed to making reasonable accommodations for qualified individuals with disabilities to ensure they have equal access to the full range of programs, services, activities and facilities of DCFS.

c. Individuals with disabilities are encouraged to suggest reasonable accommodations based upon their own life and/or work experiences. Such requested accommodations will be considered. Nonetheless, DCFS reserves the right to select an equally effective accommodation that may be less expensive or burdensome on the agency. All accommodation requests will be evaluated on a case-by-case basis.

5. Internal Complaint Procedure

The following internal complaint 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.

Employees: DCFS employees may file an internal complaint in accordance with DCFS Civil Rights Policy [2-4/Reasonable Accommodation](#). An employee shall not include confidential health information in the complaint. An employee in the complaint process can either

continue to work under the employment conditions in effect prior to filing the complaint or request to take leave during the process. The complaint is elevated directly to:

DCFS Civil Rights Bureau
P.O. Box 1887
Baton Rouge, LA 70821 (225) 342-1125

Applicants or General Public: Complaints regarding the application/testing/interview process or accessibility of a program, service or activity of the DCFS may be addressed to:

DCFS Civil Rights Bureau
P.O. Box 1887
Baton Rouge, LA 70821 (225) 342-1125

6. Protections

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

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

7. Public Notice

To ensure accessibility by all interested persons, this policy shall be made available on the DCFS public website located at www.dcfs.louisiana.gov, as well as a notice posted conspicuously for access by the public in each of the DCFS facilities.

8. Confidentiality and Documentation

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. DCFS shall be responsible for collecting and maintaining documentation of the interactive process related to accommodations requested and discussed; any equally effective accommodations identified; business reasons for

decisions made; and actions taken on all accommodation requests. This documentation is necessary in order to satisfy annual reporting requirements pursuant to La. R.S. 46:2596.

9. Additional Resources

For additional resources, individuals with disabilities may contact Rikki Nicole David, State ADA Coordinator, at rikki.david@la.gov or (225) 342-1243.

Individuals may also contact or file a complaint with the following:

- U.S. Equal Employment Opportunity Commission (EEOC) pursuant to Title I (29 CFR § 1630.1 – 1630.16) at 1-800-669-4000, 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).
- Louisiana Commission on Human Rights pursuant to La. R.S. 23:323 et seq at 225-342-6969; or
- 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).

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

E. DISCIPLINARY ACTIONS

Violations of this policy may result in corrective action or disciplinary action. Corrective action includes Improvement Letters (Civil Service Rule 12.9). Disciplinary actions are Suspension without Pay, Reduction in Pay, Involuntary Demotion and Dismissal (Civil Service Rule 12.3). Any corrective or disciplinary action taken is at the sole discretion of the Appointing Authority.

F. FORMS AND AUTHORITIES

Forms

[DCFS Request for Accommodation Form](#)

[DCFS Medical Inquiry Form](#)

Authorities

None

G. REVISION HISTORY

Date	Action
November 7, 2022	Policy created
February 2, 2026	Revised

System Location: DCFS – DCFS Departmental Policy – 4. Human Resources – 4-59 Americans with Disabilities Act (ADA)