



Ohio Ethics Commission
Americans with Disabilities Act
(ADA)

Appointing Authority Approval:

Raf M. Nide
Effective Date: 04/09/2024

POLICY SUMMARY

This policy establishes guidelines for seeking and obtaining reasonable accommodations to successfully perform the essential functions of a job, obtain employment, and/or gain public access. These guidelines are to ensure equal employment opportunities and equal access for Americans with disabilities.

POLICY PURPOSE

It is the policy of the Ohio Ethics Commission (Commission) to ensure that equal employment opportunities exist for all positions without regard to disability. The Commission prohibits discrimination in employment related activities for current employees with disabilities and qualified individuals with disabilities seeking employment. The Commission prohibits discrimination in public services or public access for individuals with disabilities. The Commission is committed to providing reasonable accommodations for employees who have disabilities. The Commission complies with federal, state, and local laws regarding disability discrimination and accommodations, aligning with Executive Order 2019-03D and state administrative policy Disability Inclusion and Accessibility for State of Ohio Employees and Applicants (HR-54).

APPLICABILITY

This policy applies to persons employed by the Commission, Commission applicants, contractors, volunteers, and individuals wishing to gain public access for Commission sponsored events, trainings, meetings, etc.

DEFINITIONS

Disability – A physical or mental impairment that substantially limits one or more of the major life activities that include but are not limited to walking, breathing, seeing, hearing, etc.

Essential Functions – The basic job duties that an employee must be able to perform, with or without a reasonable accommodation.

Qualified Individual with a Disability – An individual with a disability, who has the necessary skill, experience, education, and other job-related requirements of the employment position that the individual holds or desires, and with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable Accommodation – Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process or perform the essential functions of their position. There are three categories of "reasonable accommodations": a. modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or b. modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or c. modifications or adjustments that enable a covered entity's employee with a disability to enjoy



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equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Undue Hardship –Undue hardship exists if an accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.

PROCEDURES

The Commission will provide an accessible and inclusive environment for state employees, applicants for state employment and those seeking its public services. The Commission will provide reasonable accommodation based on disability for employees, qualified applicants for employment, and the public, unless such accommodation would cause an undue hardship or undue burden to the agency, or when the individual poses a direct threat to the health, safety, or well-being of themselves or others.

1. Employee Request for a Reasonable Accommodation (RA)

- a. It is the responsibility of an employee with a disability to inform the Commission that an RA is needed.
- b. Employees shall initiate the RA request by contacting the agency ADA coordinator, either by phone at 614-721-8676 or via email alan.carlson@ethics.ohio.gov, or by notifying their supervisor and/or Executive Director.
- c. An employee shall not be required to use the term “reasonable accommodation” but may use other language to inform the Commission that an adjustment or change is requested or may be necessary.
- d. Employees shall provide appropriate medical documentation when requested. These forms may include the Employee Accommodation Medical Certification Form Data Americans with Disabilities Act (ADA) or other medical documentation deemed appropriate for the request. The completed forms must be received before the review process can be finalized or an eligibility determination can be made by the ADA Coordinator, employees’ supervisor, and/or Executive Director. Failure to provide requested medical documentation may result in denial of the request for accommodation.
- e. Someone other than the individual with the disability may request an RA on behalf of the individual if the appropriate medical documentation is provided. Whenever possible, such requests shall be confirmed with the individual.

2. Reasonable Accommodation for Commission Sponsored Meetings and Events

In order to be in compliance with the Americans with Disabilities Act (ADA), employees and members of the public attending Commission sponsored meetings and events will be provided with written notice on how to request an ADA RA. The following procedures are established to ensure providing appropriate notice.



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The training/meeting/event organizer will include their information as outlined below and work with the ADA Coordinator to obtain the appropriate requested RA's.

a. Commission Internal Training or Meetings

The following language will be included in Microsoft TEAMS training announcements or meeting notices:

"The State of Ohio is a disability inclusion state. We promote access to our meetings and trainings. To request a reasonable accommodation due to a disability, please use the Help link to contact the ADA Coordinator for the scheduling agency."

b. Commission Sponsored Events Open to the Public

The following language will be included in Commission announcements related to Commission sponsored open meetings, classroom trainings, CLE seminars, webinars, and all job postings, which includes notifications to Commission employment applicants:

"The Ohio Ethics Commission is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request an ADA reasonable accommodation please contact the individual indicated below no later than 14 days prior to Commission sponsored event:

Alan Carlson, ADA Coordinator at 614-466-7090 or
alan.carlson@ethics.ohio.gov

If any Commission employee requires assistance to obtain the RA, contact the agency ADA Coordinator, a minimum of 14 days in advance via email to
alan.carlson@ethics.ohio.gov.

Please note that, in accordance with the ADA, the Commission will not provide reasonable accommodations that would cause an undue hardship on the agency's business or pose a threat to the health and safety of employees in the workplace.

3. Management Responsibility

- a. Verbal and written requests for accommodation must be promptly submitted to the Commission ADA Coordinator. Requests shall be forwarded no later than two (2) business days from notice of an event. The failure of a supervisor to advise the employee accurately or to advise the ADA Coordinator of the request may result in discipline.
- b. Upon receiving a request for accommodation, the ADA Coordinator, employee's



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supervisor, Deputy Director/General Counsel and/or Executive Director will determine if the individual is a qualified individual with a disability as defined by the Americans with Disabilities Act (ADA). Medical documentation may be required to make this determination. The Commission may request medical documentation regarding:

- The nature, severity, and duration of the individual's impairment;
 - The activity or activities the impairment limits;
 - The extent to which the impairment limits the individual's ability to perform the activity or activities;
 - Why the individual requires reasonable accommodation, or the reasonable accommodation requested, as well as how the reasonable accommodation will assist the individual to apply for a job, perform the essential functions of the job, or enjoy a benefit of the workplace.
- c. The Commission may choose to not request medical information where:
- Both the disability and the need for reasonable accommodation are obvious;
or
 - The individual has already provided the Commission with sufficient information to document the existence of the disability and his or her functional limitations.
- d. If the medical documentation submitted by the employee does not clearly explain the nature of the disability, the need for reasonable accommodation or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of his or her position, the Commission may:
- Consult with the employee's health care provider as necessary, provided the employee has granted permission to release and obtain medical information;
or
 - Require the employee to submit supplemental medical documentation.
- e. The Commission may have the employee's medical documentation reviewed by a medical expert chosen by the Commission, at its own expense.
- f. Where necessary to enable the employee's health care provider to provide information regarding that employee's ability to perform a job, the ADA Coordinator may provide information to the health care provider (if the employee has executed permission to release and obtain Information) that describes the nature of the job, the essential functions the employee will be expected to perform, and any other information that is relevant to evaluating the request.
- g. If the Commission requests supplemental medical documentation and the employee submits insufficient medical documentation to demonstrate that he or she has a disability and/or requires an accommodation, the ADA Coordinator will explain to the employee why the information he or she submitted is insufficient, identify the information that is needed, and allow the employee an opportunity to provide additional information. If the employee is unable to provide the required



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documentation, the employee may be considered not qualified and the request may be closed. However, the employee may request additional services at any time by contacting the ADA Coordinator.

h. Review and Eligibility Determination for Reasonable Accommodation

- After receipt of the RA documentation, the ADA Coordinator, employee's supervisor, Deputy Director/General Counsel, and/or Executive Director shall review the documentation and make the eligibility decision.
- If an employee is determined to be ineligible for an RA, as defined by the ADA, the employee shall be notified, in writing, and provided information regarding the appeal process.
- Any employee medical documentation provided for ADA consideration will be kept confidential, within the ADA Coordinator's Office and/or confidential intranet directory folder. The information obtained will be kept separate from the employee's medical and personnel files. The employee's medical information will only be shared with appropriate parties as covered under Title I of the ADA.

i. If the employee is determined to be eligible, the Commission will proceed as detailed below.

- The ADA Coordinator will engage in an interactive process with the employee, the employee's direct supervisor, the Deputy Director/General Counsel, and/or the Executive Director to discuss the RA options.
- State of Ohio Collective Bargaining staff may be utilized to determine if the RA is feasible and to ensure that it does not violate an applicable collective bargaining agreement (CBA).
- Consideration will be given to the employee's preference of potential accommodations. The ADA does not require an agency to provide the employee's preferred RA if another RA can be provided that will allow the employee to effectively perform the essential job functions. Other considerations (e.g. cost effectiveness) may also be utilized in providing the RA.
- Once an appropriate RA has been identified, the Commission's ADA Coordinator will notify the employee of the decision. If the employee accepts the decision, the RA shall be implemented, and the ADA Coordinator will forward a written approval to the employee.
- If the employee refuses an approved RA and, as a result, cannot perform the essential job functions, the employee may be considered not qualified for their position.
- If the RA cannot be provided due to the criteria below, the employee will be



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notified, in writing, and provided with the appeal process. Criteria may include, but not be limited to: the RA presents an undue hardship; an RA cannot be identified; and/or the employee refuses to accept the RA offered and approved by the Commission.

j. Post Implementation of Reasonable Accommodation

- The RA process will not be considered completed until the employee and their supervisor have evaluated the effectiveness of the RA in performing essential job functions.
 - Once the RA is determined to be successful, the request will be closed. If the RA is not successful, the ADA Coordinator, employee's supervisor, Deputy Director/General Counsel, and/or Executive Director may reevaluate the RA.
 - If there is a change in the employee's condition/limitation which may affect the RA request and/or if there is an additional accommodation needed, the employee must notify the ADA Coordinator, employees' supervisor, Deputy Director/General Counsel, and /or Executive Director to ensure that all RA requests are addressed appropriately.
- k. If no RA will allow the employee to perform his or her essential job duties, then the Commission may consider lateral transfer and demotions in accordance with the provision of any applicable collective bargaining agreements. If no such positions exist or if there are no open positions, the employee may be referred for disability separation pursuant to OAC 123:1-33.

4. Appeal Process

a. Employee

- If an RA is denied partially or in full, or was never implemented, the employee may file an appeal in writing with Ethics Commission's ADA Coordinator, by mail at: ADA Review Committee, c/o Human Resources, Ohio Ethics Commission, 30 W. Spring St., Level 3, Columbus, OH 43215, within thirty (30) business days of receiving notice of the decision.
- The Executive Director will respond with a final decision to the appeal within 15 days of receipt of the appeal.

b. Applicant and Public Appeals

- All applicant and public appeals must be filed with the ADA Coordinator within 30 days of the RA decision being denied partially or fully or was never implemented.



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- Any employee in receipt of such appeal must immediately forward to: ADA Coordinator. Ohio Ethics Commission, EEO Office (HR/EEO), 614-466-7090, alan.carlson@ethics.ohio.gov

c. Rights to File a Discrimination Complaint or Grievance due to Disability.

Employee and Applicants

- If an employee or applicant believes that they have been discriminated against because of a disability, they have the right to file an internal complaint with the Commission's HR EEO Office and/or the Ohio Department of Administrative Services, Office of Opportunities and Accessibility (DAS/O&A). The employee or applicant has 30 days to file with either office.
- If the employee or applicant believes that they have been discriminated against because of a disability, they have the right to file an external complaint with the Ohio Civil Rights Commission (OCRC) or the federal Equal Employment Opportunity Commission (EEOC). An employee has two (2) years to file a claim alleging discrimination with the OCRC and 300 days to file with the EEOC.

5. ADA Title II-State and Local Governments

Title II of the ADA protects qualified individuals with disabilities and requires state/local governments to give people with disabilities an equal opportunity to benefit from each of their programs, services, and activities.

Accessibility Effective Communication

- A qualified individual with a speech, hearing or vision impairment may request an accommodation to the ADA Coordinator and will be furnished with appropriate auxiliary aids and services so that the individual can participate equally in the Commission's 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 14 calendar days before the scheduled event.

Modifications to Policies, Procedures, or Facilities

- A qualified individual with a disability seeking modifications to policies, procedures, or facilities for equal opportunity to enjoy the Commission's 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.



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Self-Evaluation

- The Commission will conduct a self-evaluation, per Title II of the ADA, to assess our services, policies, practices, and facilities to identify and correct any barriers for people with disabilities.

Grievance Process for members of the public

- Any member of the public who believes they have been discriminated against, harassed, or retaliated against based on disability may contact the Ohio Ethics Commission ADA Coordinator to file a Grievance/Complaint. In addition, a patron, guest, or visitor who believes a service, program, or activity is not equally accessible to people with disabilities may submit a grievance (complaint) in writing containing information about the alleged discrimination. In accordance with Title II of the ADA, The Ethics Commission has established a Grievance process for customers/clients to encourage prompt and equitable resolution of the reported issue at the agency level. The grievance should be submitted to the ADA Coordinator, Alan Carlson via email to alan.carlson@ethics.ohio.gov by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation. To file a Grievance please use the "Disability Inclusion Grievance Form" attached to this policy.
- In the alternative, a customer or client may file an external complaint by contacting: U.S. Department of Justice-Civil Rights Division - Disability Rights Section Website: ada.gov/complaint-800-514-0301 (voice) or 800-514-0383 (TTY)5. (Title II of the ADA (State and Local Government Services))

Employees shall not face retaliation for requesting accommodation.

6. Training

- a. Commission employees will review and acknowledge the Commission's ADA policy when updates are made to the policy.
- b. All newly hired employees must complete the Disability Etiquette and Awareness e-learning module after hire, in accordance with the Commission's orientation and onboarding process.
- c. Beyond orientation and onboarding, the Commission will ensure all employees participate in regular disability etiquette and ADA training throughout their employment.

7. Attachments

ADA Employee Accommodation Medical Certification Form
Disability Inclusion Grievance Form
HR-54

**Section I: For completion by the EMPLOYEE**

Employee name	Job title
Department/Division	Regular work schedule
What essential job functions are you having trouble performing due to your physical or mental limitations?	

This signature confirms you signed a medical release for the purposes of medical certification for an ADA accommodation.

Employee signature	Date
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Employees provide health-care provider with a copy of current position description.

Section II: For completion by the HEALTH-CARE PROVIDER

Physician name	Practice name	
Practice address		
Phone number	Fax number	Email address

A State of Ohio employee who is your patient has made a request for a reasonable accommodation due to limitations caused by a physical or mental disability. Please provide feedback based on your medical expertise. Answer the questions on this form to help determine disability and reasonable accommodation.

Under the Americans with Disabilities Act (ADA), an employee has a disability if they have an impairment that substantially limits one or more major life activities or has a record of such impairment. The ADA provides examples of major life activities, including caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Other examples include the operation of a major bodily function, such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

1. Does the employee have a physical or mental impairment?
2. How long will the impairment last? If it is permanent, please note it here.
3. Does the condition require periodic visits for treatment by a health-care provider?
4. Is this a condition that may cause episodic periods, rather than a continuing period, of incapacity?



5. Is the patient taking medications or receiving treatments that could affect job performance or pose significant risk of substantial harm to the health or safety of the patient or others? If yes, please explain.

6. Does the impairment affect a major life activity?

7. Considering question 6, describe how the impairment affects each major life activity listed.

Please review the attached job description. If no job description is attached, please discuss the position with the employee to determine essential job duties and typical schedule. The employee's position, title, and work schedule are on Page 1.

8. What essential job functions are the employee having trouble performing because of the limitations?

9. Is the employee able to perform the essential functions of this position without an accommodation? If no, how long will the employee remain unable to perform these job functions? Weeks? Months? Permanently?

10. Please indicate **in your professional opinion**: What adjustments to the work environment or position responsibilities would enable the employee to perform these job functions? Select one of the three options below.

☐ **None** - they are unable to perform their essential functions with, or without, reasonable accommodation.

☐ **Recommendations** - These accommodations are recommended to assist the employee to perform the essential job functions (Please list one or more recommendations below.).

☐ **Required** - This accommodation(s) is deemed necessary to allow the employee to perform the essential job functions (Please list all that apply.).

11. Specify the employee's limitations. (For example, lifting restrictions may restrict essential functions with or without an accommodation. In that example, knowing the employee can lift up to 25 pounds is helpful.

12. How long will the employee need the reasonable accommodation to perform these job functions?

Name of attending physician or health-care provider (printed)	Attending physician or health-care provider signature
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When you complete this form, please return it to:

Disability Inclusion Grievance Form

Instructions

Purpose of Form:

The State of Ohio is a disability inclusion state and strives to be a model employer of individuals with disabilities. Our agency is proud to support the disability inclusion initiatives outlined for state agencies, boards, and commissions, in accordance with Governor Mike DeWine's Executive Order 2019-03D.

The Americans with Disability Act (ADA) is based on three underlying values: equal opportunity, integration, and full participation. (Name of public entity) does not discriminate on the basis of disability in its services, programs, or activities. See our commitment to appropriate access and disability inclusion.

This form has been developed to notify state agencies of instances of non-compliance with the Americans with Disabilities Act.

Instructions:

Part 1: Provide your contact information.

Enter the following details into the fillable fields:

- Last Name, Middle Initial, First Name.
- Full Address - Street Address, City, State, Zip Code,
- Email Address
- Telephone Number (including area code)
- Best time to call
- Alternate Telephone Number (including area code) (if applicable)
- Agency Name (If State of Ohio employee)
- A complete description of the specific issue or issues you believe were non-compliant with the Americans with Disabilities Act
- The specific location or locations of the ADA issues prompting the complaint
- Date when the ADA non-compliance occurred / was noted

Part 2: How to submit your information:

Save this document, you may provide additional documentation supporting the allegation by emailing this completed document and any additional information to the agency ADA coordinator.

DISABILITY INCLUSION

Action.Access.Attitude



Disability Inclusion Grievance Form

To file a grievance of an alleged violation of the Americans with Disabilities Act (ADA) – complete and submit this form within 30 calendar days of the incident.

Contact Information

First Name: _____ Last Name: _____
Street Address, City, State, ZIP Code: _____
Email Address: _____
Phone Number: _____ Best time to call: _____
Alternate Phone Number (including area code) (if applicable): _____
Agency Name (If State of Ohio employee): _____

Incident Details

Date incident occurred: _____
Date you received the reasonable accommodation decision (If applicable): _____
Describe the specific issues you believe violate the ADA Act: _____

Provide the specific location(s) where the issue occurred: _____

To Submit the Form

Save this document and email this completed document and any additional information supporting the allegation to the agency ADA Coordinator.

Submit the form to: _____

Email address: _____

What You Can Expect

Within 15 business days after receipt of the complaint, the ADA Coordinator or designee will:

- Contact the grievant to discuss the complaint and the possible resolutions.
- Provide a written response within 15 business days of the meeting and, where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio tape. The written response will explain the position of the agency and offer options for substantive resolution of the complaint.
- Provide instructions on how to Appeal this decision if the response does not satisfactorily resolve your grievance





State of Ohio Administrative Policy

Disability Inclusion and Accessibility for State of Ohio Employees and Applicants

No: HR-54

State Human Resources Division

Effective:

September 1, 2023

Issued By:

Kathleen C. Madden, Director

I. Purpose

The purpose of this policy is to establish Ohio as a disability inclusion state and model employer of individuals with disabilities, in accordance with Executive Order 2019-03D, and to establish statewide standards and guidelines in accordance with the ***Americans with Disabilities Act of 1990, as amended*** (ADA).¹ The first occurrence of a defined term in the policy is in bold, italic type, and is hyperlinked to the definition in Section IV.

II. Scope

This policy applies to all state agencies, boards, and commissions under the authority of the Governor (collectively referred to as Agency or Agencies) and may be used by Agencies in drafting Agency-specific ADA policies.²

III. Policy

It is the policy of the State of Ohio to encourage and support individuals with disabilities to fully participate in the social and economic life of Ohio and engage in competitive integrated employment. Further, the State is strongly committed to promoting diversity, ensuring fairness and non-discrimination in state government employment practices and to maintaining a working environment free from discrimination. Accordingly, all Agencies shall comply with the ADA and provide an accessible and inclusive environment for all State employees, and qualified individuals with a disability who are seeking employment with the State.

¹ Throughout this policy, references to the “Americans with Disabilities Act” or the ADA are intended to incorporate applicable state disability discrimination laws in Ohio Revised Code (ORC) Chapter 4112, and Governor DeWine’s Executive Orders 2019-03 and 2023-01D.

² This policy does not address every requirement of the ADA. Agencies are responsible for working with their agency legal counsel to ensure compliance with all relevant provisions of the ADA.

- A. **Employment-Related Policy and Process Requirements:** Each Agency must establish its own ADA policy and process (or policies and processes if the Agency chooses to develop a separate policy and process for each Title of the ADA) in accordance with this policy. As employers, state Agencies must address the following within their policies and processes:
1. Agencies shall create and distribute any notice required by the ADA. Title I of the ADA requires employers, including state government employers, to post notices accessible to employees and individuals seeking employment that describe the protections against disability discrimination in employment. To assist Agencies in fulfilling this requirement, a sample notice can be found by following the link in the Resources section below. Additionally, the State of Ohio, through the State's web-based hiring portal, will provide notice to all individuals seeking employment that the State of Ohio is a disability inclusion state and model employer for individuals with disabilities.
 2. Reasonable Accommodation Requests and Procedures.
 - a) Agencies must evaluate each accommodation request on a case-by-case basis via the **Interactive Process**. Agencies must provide reasonable accommodations to qualified individuals with disabilities who are employees or seeking employment with the State of Ohio, except when such accommodation would cause an **Undue Hardship** or **Direct Threat** to the Agency.
 - b) Each Agency must have a process in place to notify individuals seeking employment of how to request a reasonable accommodation during the application and selection process. To assist Agencies in fulfilling this requirement, a sample notice is included as Attachment 1.
 - c) Each Agency must notify its employees of the process to request a reasonable accommodation in the workplace. To assist Agencies in fulfilling this requirement, a sample notice is included as Attachment 2.
 - d) When scheduling meetings and internal events, Agencies should notify participants that they may request a reasonable accommodation and notify them of how to make a request. To assist Agencies in fulfilling this requirement, a sample notice is included as Attachment 3.
 3. **Complaint Process.** As provided in State of Ohio Administrative Policy HR-14 Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures, each Agency must address disability discrimination within their Agency-specific EEO policy. Further, Agencies must ensure that their internal employee/applicant EEO Complaint Process covers disability discrimination/harassment/retaliation. This includes complaints regarding requests for reasonable accommodation.
 4. Agency ADA Coordinator. Each Agency must designate an ADA Coordinator, who is responsible for the following:
 - a) Create and make available to all employees (and individuals seeking employment, where applicable) the notices required by Sections III.A.1. and III.A.2.
 - b) Facilitate the Agency's reasonable accommodation request process. This includes ensuring that approved reasonable accommodations are implemented.
 - c) Facilitate the Agency's ADA Complaint Process.
 - d) Promote a disability inclusive work culture.

5. **Accessibility.** Agencies must ensure Accessibility for all employees and individuals seeking employment in accordance with applicable ADA standards. Ensuring Accessibility includes, but is not limited to, the following:
 - a) Physical space owned or leased by the Agency and all newly built construction is compliant with applicable ADA standards.³
 - b) All Agency-specific employment forms and information, including internal and external facing websites, are Accessible and/or available in alternative formats for individuals seeking employment and employees with disabilities in accordance with applicable ADA standards.
 - c) Any Agency-sponsored meeting and/or event, including interviews for employment, are held in an Accessible location. For internal meetings, Agencies must ensure that meetings are held in an Accessible location for all staff that are participating. Virtual meetings/events hosted by Agencies must be accessible.

B. **Training:** At a minimum, each Agency must ensure staff receive training as follows:

1. Disability Etiquette and Awareness Training. Every newly hired employee must complete the State of Ohio's Disability Etiquette and Awareness e-learning module after hire, in accordance with each Agency's orientation and onboarding process. All other state employees shall complete the Disability Etiquette Awareness training annually. Beyond orientation and onboarding, Agencies must also ensure that all employees participate in and complete annual disability etiquette and awareness training throughout their employment; this includes periodic training on the use of technology to make worksites more Accessible.
2. Additional training opportunities. The Statewide ADA Coordinator will work with Agency ADA Coordinators, EEO Coordinators and Agency human resources staff to offer additional training.

C. **Planning and Reporting:** Each Agency will develop a strategic, comprehensive plan that identifies improvement opportunities within the Agency to embrace diversity and inclusion and establishes goals for each improvement opportunity pursued, along with a detailed plan for achieving each goal. Part of the plan will be devoted to disability inclusion initiatives – the Disability Inclusion Plan.

1. Disability Inclusion Plan. The Disability Inclusion Plan will include the following:
 - a) Self-Review. Agencies will conduct a self-review to identify barriers to attracting, hiring, and retaining individuals with disabilities and to assess progress toward achieving goals established in the most recent Disability Inclusion Plan.

³ Please note, 2010 amendments to the ADA provide “safe harbor” provisions for certain aspects of physical structures that complied with the previous 1991 ADA standards, meaning if a particular element complied with the 1991 standards, changes would not need to be made until they were subject to planned alteration. Agencies should work with their legal counsel to determine if the “safe harbor” provisions apply to their physical spaces.

- b) **Plan Development.** Each Agency will establish goals, in consultation with the State ADA Coordinator, to attract, hire, and retain individuals with disabilities; reduce or eliminate barriers to employment; and/or to become a more inclusive employer for individuals with disabilities. This may include modifying goals established in previous plans. Each goal will include a list of detailed action items that the Agency intends to fulfill to achieve its goal.
 - 2. **DAS Assistance and Review.**
 - a) **Reports.** The Statewide ADA Coordinator will identify reporting tools for Agencies to use to complete their Disability Inclusion Plan. This will include self-disclosed disability data through the state personnel management system that Agencies can leverage to establish goals, develop action items, and measure progress in hiring individuals with disabilities.
 - b) **DAS Review.** Agencies must submit their Disability Inclusion Plan (as part of their strategic, comprehensive plan submission) to the Office of Opportunity and Accessibility (DAS O&A) for review and approval.
 - c) **DAS O&A** will provide additional direction, guidance, and resources regarding the topics addressed in this policy.⁴
 - 3. **Timing.** DAS O&A will establish the submission due date for the Disability Inclusion Plans referenced throughout this policy.
- D. **Implementation:** Within twelve (12) months of the effective date of this policy, Agencies shall draft or update their Agency-specific policy and practice (or policies and practices) in accordance with this statewide policy. Agencies shall ensure that all of their employees are provided with and can access this statewide policy and any applicable Agency ADA policy and procedure.

IV. Definitions

- A. **Accessibility.** Compliance with access guidelines required under the ADA and any other applicable federal or state law, including executive orders.
- B. **Americans with Disabilities Act (ADA) of 1990, as amended.** The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals on the basis of disability. It was enacted on July 26, 1990, and was amended in 2008 (ADA Amendments Act.) The ADA consists of five titles outlining protections in the following areas: I. Employment; II. State and Local Government Services; III. Public Accommodations; IV. Telecommunications; and V. Miscellaneous Provisions.
- C. **Complaint Process.** For the purposes of this policy, Complaint Process refers to the grievance process required under the ADA.
- D. **Direct Threat.** When there is significant risk of substantial harm to the health or safety of the individual employee with a disability or others.
- E. **Interactive Process.** The Interactive Process is used to determine whether an effective and reasonable accommodation is available for an employee or applicant under the ADA. The

⁴ The Disability Inclusion Review will be a component of the comprehensive DEI Strategic Plan and agencies will document their Disability Inclusion Review within the DEI Strategic Plan Form provided by DAS O&A.

Interactive Process is required and simply means the employee or applicant with a disability and the employer work together to develop and discuss accommodations.

- F. Undue Hardship. Any action that is unduly costly, extensive, substantial, disruptive or that would fundamentally impact the operation and/or business of the employer.

V. Authority

Executive Orders 2019-03D and 2023-01D

ORC 4112.02

42 USC Chapter 126

Section 504 of the Rehabilitation Act of 1973, as amended

VI. Resources

Document Name	Location
State of Ohio Administrative Policy HR-14 Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures	https://das.ohio.gov/employee-relations/policies/anti-discrimination-anti-harassment
Know Your Rights Poster	https://das.ohio.gov/static/DEI/DAS_Know-Your-Rights.pdf
Attachment 1 – ADA Notice to Individuals Seeking Employment (How to Request a Reasonable Accommodation)	Below
Attachment 2 – ADA Notice for Employees Regarding Reasonable Accommodations (How to Request a Reasonable Accommodation)	Below
Attachment 3 – ADA Notice for non-Employee Users of Agency Trainings, Meetings, and Events (How to Request a Reasonable Accommodation)	Below

VII. Inquiries

Direct inquiries about this policy to:

Statewide ADA Coordinator
Office of Opportunity and Accessibility, Human Resources Division
Ohio Department of Administrative Services
30 E. Broad Street, 40th Floor
Columbus, Ohio 43215

614.728.2648 | ODI@das.ohio.gov

Labor Relations and Human Resources Policy
Office of Collective Bargaining
Ohio Department of Administrative Services
4200 Surface Road
Columbus, Ohio 43228

614.752.5393 | DASHRD.HRPolicy@das.ohio.gov

State of Ohio Administrative Policies may be found online at
<https://das.ohio.gov/home/policy-finder/filter-policy-finder>

VIII. Revision History

Date	Description of Change
02/27/2023	Original policy.
09/01/2023	Updated the training section to reflect annual training for all employees is required. Housekeeping changes were also made including reissuance of the policy in the new statewide policy template.

Attachment 1
ADA Notice to Individuals Seeking Employment
(How to Request a Reasonable Accommodation)

To be Included On:

- Agency Employment Postings
- Invitation to Test or Interview
- Employment Offer Letter

(Insert Agency Name) is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request an ADA reasonable accommodation please contact the individual indicated below no later than (insert date): (insert name, title) at (insert telephone number and email)

Attachment 2
ADA Notice for Employees Regarding Reasonable Accommodations
(How to Request a Reasonable Accommodation)

(Insert Agency Name) is committed to providing you with access and inclusion throughout your employment with the Agency. This Agency provides reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request a reasonable accommodation due to a disability, please contact (insert name of Agency ADA Coordinator, title) at (insert telephone number and email) as soon as possible.

Attachment 3
ADA Notice for non-Employee Users of Agency Trainings, Meetings, and Events
(How to Request a Reasonable Accommodation)

The State of Ohio is a disability inclusion state. We promote access to our meetings, trainings, and events. To request a reasonable accommodation due to a disability, please contact (insert name of Agency ADA Coordinator, title) at (insert telephone number and email) as soon as possible. Requests made 14 days prior to the event will generally allow us to provide seamless access, but (insert Agency name) will make every effort to meet requests made after that date.