
	THE JOHNS HOPKINS HOME CARE GROUP HUMAN RESOURCES POLICY MANUAL		<i>Policy Number</i>	IV-102
			<i>Effective Date</i>	01/01/03
	<u>Subject:</u> REASONABLE ACCOMMODATION PROCESS		Revised	03032009
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POLICY

It is the policy of Johns Hopkins Home Care Group (JHHCG) to comply with the Americans with Disabilities Act of 1990 (ADA), as amended and other applicable federal, state, and local laws providing for non-discrimination in employment against qualified individuals who have disabilities. JHHCG fulfills this policy by doing the following:

1. Ensuring that qualified individuals who have disabilities are treated in a non-discriminatory manner in the pre-employment process and those employees who have disabilities are treated in a non-discriminatory manner in all terms, conditions, and privileges of employment.
2. Conducting medical examinations or administering questionnaires (A) to applicants only after conditional offers of employment have been extended, and (B) to employees only when job-related and consistent with business necessity, or as part of an annual physical examination program, or when a fitness-for-duty exam is necessary.
3. Keeping all medical information confidential and retaining such information in separate, confidential files.
4. Notifying all applicants, new hires, and employees that JHHCG provides reasonable accommodations to qualified individuals who have disabilities.
5. Providing applicants, new hires, and employees who have disabilities with reasonable accommodations, except when such accommodations impose an undue hardship on JHHCG.
6. Engaging applicants, new hires, and employees in an interactive process to identify and evaluate reasonable accommodations.
7. Providing an avenue for applicants, new hires, and employees to address concerns regarding compliance with this policy.


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DEFINITIONS

1. **Disability** means a physical or mental impairment that substantially limits one or more of the major life activities; a record of such an impairment; or being regarded as having such an impairment.
2. **Major Life Activities** are basic activities the average person in the general population can perform with little or no difficulty. They include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, and reaching.
3. **Qualified Individual Who Has a Disability** means an individual who has a disability and satisfies the requisite skill, experience, education and other job-related requirements of the position. The individual must be able to perform the essential functions of the position with or without reasonable accommodation. The term may apply to an applicant, a new hire, or a current employee.
4. **Reasonable Accommodation** means modifications or adjustments (A) to a job application process that enable a qualified applicant who has a disability to be considered for the desired position; (B) to the work environment, or to the manner or circumstances under which the position is customarily performed, that enable a qualified individual who has a disability to perform the essential functions of that position; or (C) that enable an employee who has a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees who do not have disabilities.

REASONABLE ACCOMMODATIONS

JHHCG is required to make reasonable accommodations for known disabilities only. Reasonable accommodations take a variety of forms. JHHCG makes resources available to help managers, applicants, new hires, and current employees identify an appropriate

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accommodation. JHHCG may deny a request for an accommodation if the accommodation is unreasonable or imposes an undue hardship on the operation of JHHCG's business.

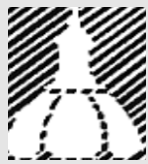
PROCEDURE

Appendix I sets forth the procedure for new hires, and Appendix II sets forth the procedure for current employees. In summary:

1. An essential function analysis is conducted¹, and Human Resources, the manager, and the new hire or current employee engage in the interactive process by doing the following:
 - A. Identifying barriers to performing the essential functions.
 - B. Exploring available accommodations.
 - C. Gathering information from other resources as appropriate².
 - D. Identifying feasible accommodations and evaluating whether each will allow the new hire or current employee to perform the essential functions of the position.
2. The Director of Human Resources will inform the new hire or current employee of JHHCG's decision regarding the accommodation. If an accommodation is provided, a follow-up evaluation must be completed within 30 calendar days.

¹ An essential function analysis may include evaluations by FASAP, Health, Safety & Environment, or the Department of Physical Medicine and Rehabilitation. Also, the individual may be referred for cognitive testing.

² FASAP; Legal; ADA Coordinator; JHH Pre-work Screen; Occupational Health Services, including documentation submitted to the department; Workers' Compensation; Health, Safety & Environment; EEO/AA Officer; or third party specialists, including the employee's physician.

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Requests for reasonable accommodations received from applicants are addressed case by case.


RECONSIDERATION

If management is unable to provide a reasonable accommodation, the new hire or current employee may request reconsideration of the decision. The request must be supported by new medical information or a clarification of previously submitted medical information. The reconsideration process is as follows:

1. The new hire or current employee may submit a request for reconsideration to Occupational Health within five (5) business days of the receipt of the decision. The request must be submitted in writing on the JHHCG Request for Reconsideration form.
2. Occupational Health will conduct a timely and thorough review of a request for reconsideration received by the filing deadline.
3. Occupational Health will discuss the determination with the Director of Human Resources and the Legal Department for their concurrence.
4. If management is unable to provide a reasonable accommodation for a current employee, the Director of Human Resources or a designee will discuss with the employee available courses of action. The employee must decide upon a course of action within five (5) business days or within an agreed upon timeframe.
5. Confidentiality will be preserved consistent with applicable laws and the JHHCG Admin Policy #107 – Confidentiality .

DISCLOSURE OF MEDICAL INFORMATION

Although the information an applicant, new hire, or current employee provides during the accommodation process is considered a confidential record that will be retained in a file separate from the individual's personnel file, JHHCG or Occupational Health Services may release the information to the following persons: (a) first aid and safety personnel, if


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emergency treatment is necessary; (b) individuals who have responsibilities under the emergency evacuation plan; (c) managers and supervisors, to discuss necessary work restrictions or reasonable accommodations; or (d) government officials, to investigate compliance with federal laws. The information may also be released as otherwise required by or permissible under federal or state laws or court orders.

RESPONSIBILITIES

Director of Human Resources


1. Ensure that qualified individuals who have disabilities are treated in a non-discriminatory manner in the pre-employment process and that employees who have disabilities are treated in a non-discriminatory manner in all terms, conditions, and privileges of employment.
2. Notify all applicants, new hires, and current employees that JHHCG provides reasonable accommodations to qualified individuals who have disabilities.
3. Provide applicants, new hires, and current employees who have disabilities with reasonable accommodations, except when such an accommodation would impose an undue hardship on JHHCG.
4. Consult with appropriate resources to ascertain the availability and the reasonableness of an accommodation.
5. Engage applicants, new hires, and current employees in an interactive process to determine whether a reasonable accommodation can be provided.

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6. Assure compliance with the non-discrimination policy.
7. Provide an avenue for applicants, new hires, and current employees to address concerns regarding compliance with this policy.
8. Document all actions taken regarding the accommodation process.
9. Comply with recordkeeping requirements under all applicable laws.

Supervisor/Manager

1. Ensure that qualified individuals who have disabilities are treated in a non-discriminatory manner in the pre-employment process and that employees who have disabilities are treated in a non-discriminatory manner in all terms, conditions, and privileges of employment.
2. Notify all applicants, new hires, and current employees that JHHCG provides reasonable accommodations to qualified individuals who have disabilities.
3. Provide applicants, new hires, and current employees who have disabilities with reasonable accommodations, except when such an accommodation would impose an undue hardship on JHHCG.
4. Consult with appropriate resources to ascertain the availability and the reasonableness of an accommodation.
5. Engage applicants, new hires, and current employees in an interactive process to determine whether a reasonable accommodation can be provided.
6. Refer current employees to Human Resources when their performance indicates the need for an evaluation.
7. Assure compliance with the non-discrimination policy.
8. Provide an avenue for applicants, new hires, and current employees to address

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concerns regarding compliance with this policy.


9. Document all actions taken regarding the accommodation process.
10. Comply with recordkeeping requirements under all applicable laws.

Occupational Health Services/Health, Safety & Environment

1. Conduct medical examinations or administer questionnaires (A) to applicants only after conditional offers of employment have been extended, and (B) to employees only when job-related and consistent with business necessity, or as part of a physical examination program, if applicable, or when a fitness-for-duty or return-to-duty exam is necessary.
2. Consult with HR and management regarding available accommodations.
3. Keep all medical-related information confidential and retain such information in separate, confidential files.
4. Document all actions taken regarding the accommodation process.

New Hire/Current Employee

1. Request an accommodation.
2. Provide necessary medical information to Occupational Health to substantiate a disability.
3. Consent to appropriate medical assessments.
4. Provide a concise request for reconsideration, if necessary.

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5. Participate in and keep information exchanged during the accommodation process confidential.
6. Notify a manager or supervisor as soon as practicable if a change to the accommodation provided or to the emergency evacuation plan is required.

REFERENCES

Americans with Disabilities Act of 1990, as amended
 Rehabilitation Act of 1973, as amended
 Applicable local, state, and other federal laws and regulations

SPONSOR

Director Human Resources

REVIEW CYCLE

3 years