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| NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE | CHAPTER <u>Personnel</u> STATEMENT NUMBER <u>2.12</u> |
| SUBJECT: EQUAL EMPLOYMENT OPPORTUNITIES PROPONENT: <u>Lisa Currier, Administrator</u> <i>Name/Title</i> <u>Human Resources 271-5640</u> <i>Office Phone #</i> | EFFECTIVE DATE <u>05/28/13</u> REVIEW DATE <u>05/28/14</u> SUPERSEDES PPD# <u>2.12</u> DATED <u>12/15/11</u> |
| ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i> | DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____ |
| REFERENCE NO: See reference section on last page of PPD. | |

- I. **PURPOSE:**
To formalize the existing equal employment opportunity policy (attachment 1)
- II. **APPLICABILITY:**
To all employees
- III. **POLICY:**
It is the policy of the Department of Corrections that no person will be favored or be discriminated against with respect to employment because of age, sex, race, creed, color, marital status, physical or mental disability, national origin, sexual orientation or political beliefs.
- IV. **PROCEDURE:**
- A. The policy on reasonable accommodations, Title 1 under the Americans with Disabilities Act (ADA) (attachment 3) states that equal employment opportunity exists for all positions within DOC. Reasonable requests to accommodate employees or qualified applicants with known physical and/or mental impairments will be considered. These requests need not be granted if it would impose an undue hardship or direct threat.
 - B. Notices that employment discrimination is against the law shall be posted at each job site (attachment 2)

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

2-CO-1C-09 thru 1C-09-1

Standards for Adult Correctional Institutions

Fourth Edition Standards

4-4053 thru 4054

Standards for Adult Community Residential Services

Fourth Edition Standards

4-ACRS-7E-03; 7E-05

Standards for Adult Probation and Parole Field Services

Third Edition Standards

3-3051 thru 3052

Other

CURRIER/clr

Attachments

STATE COMMISSION FOR HUMAN RIGHTS

Equal Employment Opportunity

Section 354-A:6

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. – The opportunity to obtain employment without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.

Source. 1992, 224:1, eff. May 13, 1992. 1997, 108:11, eff. Jan. 1, 1998.

Employment Discrimination is Against the Law in New Hampshire

The following types
of discrimination
are illegal:

- Age
- Sex
- Pregnancy
- Sexual Harassment
- Race
- Color
- Religion
- National Origin
- Marital Status
- Physical Disability
- Mental Disability
- Sexual Orientation



For information
call:
271-2767

N.H. Commission
For Human Rights
Cannon Drive, Concord
N.H. 03301-8501

Policy on Reasonable Accommodations Under Title I Of the Americans with Disabilities Act (ADA)

The Department of Corrections (“DOC”) does not discriminate on the basis of disability, pursuant to Title I of the Americans with Disabilities Act (“ADA”). The ADA makes it unlawful to discriminate against a qualified individual with a disability, because of that disability, in hiring, advancement, reassignment or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment. It is also a violation of the ADA to deny a reasonable accommodation to a qualified individual with a disability who is an employee or applicant for employment, except when such accommodation would cause an undue hardship.

This policy establishes a procedure by which an applicant or employee of the DOC may request and receive a reasonable accommodation. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

How to Request Accommodation

An employee or applicant may let their supervisor or the Personnel Director know that s/he needs an adjustment or change at work for a reason related to a medical condition or disability. To request an accommodation, an individual may use “plain English” and need not mention the ADA or use the phrase “reasonable accommodation.” The request may be made orally or in writing.

The Interactive Process

After receiving a request for reasonable accommodation, the DOC representative will either:

1. Grant the request; or
2. Initiate a discussion with the employee or applicant, if necessary, to determine whether the individual has a disability, to clarify what the individual needs, and to identify the appropriate reasonable accommodation. A supervisor may, and is encouraged to seek guidance from the Personnel Director or through their Chain of Command before initiating the discussion with the employee or applicant.

If the request involves a matter related to the immediate health and well being of the individual, the DOC representative who receives the request will conditionally grant the request until such time that DOC can further evaluate the request. Otherwise, DOC will, within seven (7) days, begin an interactive process with the individual to determine the appropriate reasonable accommodation.

DOC may choose among reasonable accommodations as long as the chosen accommodation is adequate to enable the individual to perform the essential functions of the relevant position. Thus, as part of the interactive process, DOC may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability. When the disability and/or the need for accommodation is not obvious, DOC may ask the individual for reasonable documentation about his/her disability and functional limitations.

DOC also will initiate an interactive process with an employee or applicant when DOC; (1) knows that the employee or applicant has a disability; (2) knows, or has reason to know, that the employee or applicant is experiencing workplace problems because of the disability; and (3)

knows or has reason to know, that the disability prevents the employee or applicant from requesting a reasonable accommodation. If the individual with a disability states that s/he does not need a reasonable accommodation, DOC will have fulfilled its obligation.

Providing a Reasonable Accommodation

DOC shall notify the individual with the disability that they have granted or denied their request for accommodation as quickly as possible. When the request is granted, DOC shall provide the accommodation promptly. An accommodation may be denied if it would cause undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense.