

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 2</p> <p>Procedure 2.04.02</p>	<p>Date Revised: 1/16/01</p>
<p>Chapter Title ADMINISTRATIVE SERVICES</p>		<p>Date of Issue 8/5/2013</p>
<p>Subject HUMAN RESOURCES: DISABILITY RELATED EMPLOYMENT - REASONABLE ACCOMMODATION PROCEDURES</p>		<p>Effective Date 8/19/2013 <b>PUBLIC</b></p>

## I. AUTHORITY

The chairman of the board is granted the authority to “[d]irect the operations, management and administration of the board” and to “[p]erform all the duties and functions of chairperson, including organizing, staffing, controlling, directing and administering the work of the staff.” 61 Pa.C.S. § 6112 (a)(1) & (a)(4).

## II. PURPOSE

- A. Title I, Employment, of the Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate against qualified individuals with disabilities and applies to all employment practices, including recruitment, hiring, promotion, training, layoffs, pay, termination, job assignments, reassignments, leave, benefits, and other privileges of employment.
- B. The Board must provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would impose an undue hardship on the agency or impose a direct threat to the applicant or employee or others.
- C. The obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise any time that a person’s disability or job changes.
- D. The Board cannot deny an employment opportunity to a qualified applicant or employee solely because of the need to provide a reasonable accommodation.

## III. APPLICABILITY

This procedure applies to all employees of the Board and applicants for employment with the Board.

## IV. DEFINITIONS\*

The Americans with Disabilities Act defines a disability as:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;

2. A record of a substantially limiting impairment; or
3. Being regarded as having a substantially limiting impairment.

A qualified individual with a disability is one who can perform the essential functions of a position, with or without reasonable accommodation. In addition, a qualified individual is one who satisfies the requisite skill, experience, education, and other job related requirements required of the position.

The essential functions of a position are the necessary and fundamental job duties of the position. The term essential does not include the marginal functions of the position.

Reasonable accommodations include:

1. Modifications or adjustments to a job application process that enable qualified applicants with disabilities to be considered for the position desired.
2. Modifications or an adjustment 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.
3. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

*\*This list contains definitions for commonly used disability related terms, for the complete list of definitions, please see [MD 205.25 Disability Related Employment Policy, Amended](#).*

## **V. POLICY**

It shall be the policy of the Board to comply with all Federal and State laws and regulations, executive orders, management directives (MDs), and Board policies regarding Equal Employment Opportunities.

## **VI. PROCEDURES**

The PA Board of Probation and Parole, [Disability Related Employment Policy: Reasonable Accommodation Procedures for the Agency](#) outlines the process to be followed for requesting, reviewing, and making a determination for approval or denial of reasonable accommodations.

## **VII. SUSPENSION DURING AN EMERGENCY**

In the event of a nationally or Pennsylvania Emergency Management Agency (PEMA) declared state of emergency or crisis disrupting normal Commonwealth operations, the Chairman or designee may suspend any provision or section of this policy for a specified period of time.

## **VIII. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE**

- A. This procedure does not contain information that impacts the security of Board staff or parolees and may therefore be released to the public.

B. This procedure is to be distributed to all Board staff.

## IX. CROSS REFERENCES

### A. Federal Laws

1. Americans With Disabilities Act of 1990
2. Americans with Disabilities Act Amendments Act of 2008
3. Civil Rights Act of 1964, Title VII
4. Civil Rights Restoration Act of 1987, enacted March 22, 1988
5. Civil Rights Act of 1991
6. Equal Employment Opportunity Act of 1972
7. Equal Pay Act of 1963
8. Rehabilitation Act of 1973

### B. State Laws

1. Pennsylvania Human Relations Act of 1955, as amended

### C. Commonwealth Policies

1. [MD 202.25, Amended, Disability Related Employment Policy](#)
2. [Executive Order 2003-10, Equal Employment Opportunity](#)
3. [Executive Order 2002-5, Disability Related Policy](#)

### D. Agency Policies

1. PA Board of Probation and Parole, [Equal Employment Opportunity Policy Statement](#)
2. PA Board of Probation and Parole, [Policy on Anti-Harassment in the Workplace](#)
3. PA Board of Probation and Parole, [Disability Related Employment Policy: Reasonable Accommodation Procedures for the Agency](#)