

PROCEDURE

Series:	HR-Resources Practices	COA: 5.0, RPM 2 CFOP: NA
Procedure Name:	Americans With Disabilities	
Procedure Number:	HR-2202	
Revision #/Date:	(4) 8/11/14, (5) 3/4/19	
Reviewed Date	11/6/12, 12/1/15	
Effective Date:	09/04	
Applicable to:	All Brevard Family Partnership Family of Agencies (BFP FOA), Applicants, Independent Contractors and Volunteers, Interns and Temporary Employees. Also applicable to consumers of the programs of the BFP FOA under Section 504 of the Rehabilitation Act of 1973	

PURPOSE: To ensure a workplace that is free from discrimination against individuals with disabilities who, with or without reasonable accommodation, are qualified for open positions and/or all other opportunities available to all employees including promotional, training, benefits, etc. To ensure that qualified applicants, independent contractors and volunteers, interns and temporary employees with disabilities have access to our facilities and application process with or without reasonable accommodation. To comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act of 1990 and to comply with the ADA as may be amended.

References

BFP Policies/Procedures: HR-2201, HR2805, BFP OP-1110, Auxiliary Aids Plan for Persons with Disabilities or Limited English Proficiency, Support to the Deaf or Hard-of-Hearing Attestation Form

Overview

The BFP FOA will comply with all federal, state, regulatory and State statues impacting applicants, clients, employees' independent contractors, volunteers, interns and temporary employees. All new hires are provided information about the agency commitment to ensure compliance with Americans With Disabilities Act of 1990 by way of this procedure and they also receive an Attestation Form regarding the agency's commitment to support the Deaf and Hard-of-Hearing. This form, which is signed by all new hires, includes the requirements and expectations of ensuring access to programs and services for those who are hard of hearing or deaf, the agency point of contact as well as the DCF ADA/Section 504 Coordinator.

1. The BFP FOA prohibit any and all discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to hiring, assignment, transfer, promotion, discharge, compensation, benefits, training, and all other terms and conditions of employment.

Terms used in this section have the following general meanings:

- (a) Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual;
 - (b) A disabled individual is a person who has such an impairment, has a record of such impairment, or is regarded as having such an impairment;
 - (c) A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.
2. The BFP FOA also prohibit any discrimination against an employee because the employee has a family member with a disability. The BFP FOA seek reasonable accommodations for qualified individuals with disabilities that do not result in undue hardship on its business operations. Examples of some of the factors to be considered in determining whether a proposed accommodation creates an undue hardship are:
 - The nature and cost of the accommodation;
 - The overall financial resources of the facility and the Agency at which the reasonable accommodation is necessary;
 - The number of persons employed at that facility;
 - The overall financial resources of the BFP FOA. Other factors also can have bearing on whether an accommodation would create an undue hardship.
 3. The Executive Director of the respective agency, and appropriate immediate leadership in conjunction with the HR Manager will make the determination of whether an accommodation creates an undue hardship.
 4. Every BFP FOA job description includes essential job functions which are listed on the document. Annually, and/or as positions are filled job descriptions are reviewed to ensure that essential functions of a position are kept up-to-date and accessible.
 5. All employees shall comply with safety rules at all times. The BFP FOA make every effort to place applicants and employees in positions for which they are qualified. However, employees and job applicants are not placed in positions where, with or without a reasonable accommodation, they would create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct safety or health threat must be confirmed by an opinion in writing from a physician or other appropriate professional.
 6. Any applicant or employee who believes that there has been a violation of the BFP FOA's procedure or any applicable law relating to Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act of 1990 should immediately contact the FOA Human Resources Manager assigned to the agency location who serve as the EEO Officers for the BFP FOA. Complaints may be registered within 180 days of the incident. Your report may be made orally or in writing. Employees may use the Employee Grievance Process identified in HR2805. A prompt, confidential (to the extent practicable) and impartial investigation of the alleged discriminatory conduct will be undertaken. If the agency finds that inappropriate conduct occurred, prompt, corrective action will be taken



against all responsible individuals. This will be done at the sole discretion of the agency and may include discipline up to and including termination.

7. No employee shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing for opposing alleged unlawful discriminatory practices prohibited by state and federal laws.
8. Additionally, any consumer who believes that he or she has been discriminated or retaliated against in violation of Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act of 1990 may file a complaint by writing or calling: The Contract and Compliance Manager or designee with BFP serves as the ADA Coordinator for the BFP FOA . Consumers may also contact the Department of Children & Families Office of Civil Rights, 1317 Winewood Blvd., Bldg. 1, Room 101 Tallahassee, FL 32399-0700. The telephone number is (850) 487-1901. Contact may also be made with DCF's Central Region's ADA/504 Coordinator at (850) 717-4567.
9. Complaints can also be filed with the United States Equal Employment Opportunity Commission (EEOC) at 2 South Biscayne Blvd, One Biscayne Tower, Suite 2700, Miami FL 33131 or by calling (800) 696-4000 or with the Health and Human Services hotline at 1-800-368-1019 (voice) or 1-800-537-7697 (TDD) or via e-mail at: orcmal@hhs.gov.
10. In addition, any person who believes that he or she has been discriminated or retaliated against in violation of this procedure, may contact the Department of Health and Human Services, Attn: Office of Civil Rights within 180 days of the incident at Sam Nunn Atlantic Federal Center Suite 3B70, 61 Forsyth Street SW, Atlanta, Georgia 32303-8909 or by telephone at (404) 562-7886.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

MR. PHILIP J. SCARPELLI
 Chief Executive Officer
 Brevard Family Partnership Family of
 Agencies

APPROVAL DATE: [1/18/2020](#)