

OFFICE OF STATE AID ROAD CONSTRUCTION STANDARD OPERATING PROCEDURES			S.O.P. NO. SA I-3-27 Page 1 of 3
Subject: S.O.P. AMERICANS WITH DISABILITIES ACT			Distribution A, B, C, D, E
EFFECTIVE July 1, 2005	ISSUED July 1, 2005	SUPERSEDES Page 1 of 3 S.O.P. NO. SA I-3-27 EFFECTIVE: November 15, 2001	APPROVED J. Brooks Miller, Sr. STATE AID ENGINEER

PURPOSE: To establish a policy for complying with the Americans with Disabilities Act.

ADA POLICY STATEMENT:

The Office of State Aid Road Construction does not discriminate on the basis of disability in the admission to, access to, and operations of its programs, services, and activities; or in its hiring and employment practices.

The Americans With Disabilities Act of 1990 requires state agencies to make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities who are applicants or employees, provided such accommodations do not cause undue hardships to the agency's operations. Qualified individuals with disabilities are persons with disabilities who meet the job-related requirements of an employment position and who can perform the essential functions of the position with or without reasonable accommodations. A person with a disability is considered to be an individual with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Questions, concerns, complaints, or requests for additional information regarding the ADA should be made to the agency's ADA Officer. Individuals who need accommodations are invited to make their needs and preferences known to the ADA Officer.

ADA OFFICER
412 Woodrow Wilson Avenue
Jackson, MS 39216-4509
or
Post Office Box 1850
Jackson, MS 39215-1850
(601) 359-7133

J. Brooks Miller, Sr.
State Aid Engineer

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AUTHORITY AND RESPONSIBILITIES:

The Personnel Officer is designated as the ADA Officer to ensure ADA compliance throughout the agency. In this capacity, the Personnel Officer will represent the agency, provide advice to supervisors, and also be available for consultation with any employee who has questions or problems that may be related to the ADA.

Applicants for initial employment or for promotions have the right not to be questioned about disabilities, either obvious or latent. Any supervisor responsible for interviewing applicants should contact the ADA Officer regarding questions concerning the ADA.

Any injury or illness suffered by an employee, whether or not work related, may give rise to protection under the ADA, and all supervisors are expected to be alert for any situation to which the ADA might be applicable. Any illness or injury which lasts or is anticipated to last thirty (30) calendar days or more should definitely be considered to be a potential ADA case. The supervisor is responsible for making the situation known to the ADA Officer. The agency will make reasonable accommodations as outlined under the ADA for an injured or ill employee so that he/she can return to work.

It is the desire of the agency to meet all reasonable needs or accommodations of a disabled employee during his/her rehabilitation interval. Monitoring of an employee accommodation shall be the responsibility of the supervisor. Periodical (quarterly) updates and medical certification as to employee's ability to return to his/her regular duty may be requested.

Any time a supervisor becomes aware that an employee may have suffered an illness or injury that could possibly be under ADA protection, the following procedures shall be followed:

- 1) A determination must be made as to whether the illness or injury is covered by the ADA. Since the individual situations vary, the ADA Officer will be consulted. In the event that the supervisor and the ADA Officer do not concur with the applicability of the ADA to the situation, the State Aid Engineer will make the final decision.
- 2) Once it has been determined that the ADA may be applicable, the essential functions of the job held by the employee must be identified. At this time an audit will be conducted by the ADA Officer. This audit will include, but not limited to, the inspection of the employee's Job Content Questionnaire and interviews with the employee and immediate supervisor. It is not anticipated that the audit will reveal that all functions performed by the employee are essential.

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- 3) The results of the audit must then be compared to the functions the employee can perform. The comparison should include a discussion with the employee as to what functions he/she is able to perform. The agency may request a doctor's statement, including examinations at the agency's expense, explaining the limitations and abilities of the employee. However, failure of the doctor to provide such a statement will not be grounds for disciplining the employee for insubordination.

- 4) The agency may be under an obligation to accommodate the employee either to perform the functions of his/her job, if feasible, or to perform the functions of another position within the agency in which the employee meets all prerequisites for performing the essential functions of the other vacant position. This accommodation may include purchase of special equipment, rearranging duties, temporary or permanent transfer to other jobs which may be open, and other reasonable action suggested by the employee, his/her doctor, physical therapist, consultant, etc. It is not a requirement that a position be created for the individual or that another employee be discharged or involuntarily transferred to create a vacancy for the disabled employee.

Since State law allows the agency to extend Leave Without Pay only for a period of one year, supervisors should be cognizant of cases in which that limitation is approaching. When an employee has been on Leave Without Pay for a period of ten (10) months, the supervisor is under an obligation to begin the process of attempting to provide accommodation.

All parties will work on a close basis with the Safety Coordinator to ensure that any situation resulting in serious injury will be abated to the extent possible.

Alcoholism and drug addiction, under certain circumstances, may be classified as disabilities under the ADA. All persons in supervisory or other relevant positions should be cognizant of this fact and ensure that every employee is aware of the agency's Employee Assistance Program. Before any adverse action is taken against any employee who is suspected of having an alcohol or drug problem, the ADA Officer should be consulted.