

# Department of Emergency Management and Homeland Security



## Policy and Procedure Manual

Policy No. 1.2  
Issued 4/2006

### AMERICANS WITH DISABILITIES ACT OF 1990 POLICY STATEMENT

The Department of Emergency Management and Homeland Security (DEMHS) is firmly committed to compliance with the Americans with Disabilities Act of 1990 (ADA), and will not condone or tolerate any behavior or activity which results in or has the effect of discriminating against any person with a disability.

An individual with a disability is any person who (1) has a physical or mental impairment which substantially limits one or more of that person's major life activities; (2) has a record of such an impairment; or, (3) is regarded as having such an impairment.

The agency shall ensure through every good faith effort that persons with disabilities receive full and equal opportunities in areas that include but are not limited to:

- (a) hiring, compensation, promotion, training, evaluation, or any other term, condition or privilege of employment;
- (b) participation in any service, program, or activity of the agency;
- (c) access to agency offices and all services offered or provided to the public;
- (d) application, examination, enforcement and investigatory or regulatory policies, procedures and practices; and,
- (e) protection from retaliation for exercising their rights or for assisting in any investigation of a complaint filed under the ADA.

The agency and its facilities shall not be used in the furtherance of any discriminatory practice nor shall the agency become a party to any agreement, arrangement, grant, contract, or plan that has the effect of discriminating against persons with disabilities.

Employees must disclose their disability status (nature, severity and expected duration) in order to receive an accommodation. A personnel representative assigned to DEMHS from the Department of Administrative Services' (DAS') Small Agency Resource Team (SMART) is responsible for reviewing and recommending to the DEMHS Commissioner whether to approve any request for accommodation. Accommodation decisions are made on a case-by-case basis, with the final decision made by the DEMHS

Commissioner in consultation with the SMART group. Managers and supervisors cannot grant an accommodation independent of the SMART personnel representative and the DEMHS Commissioner.

Any employee requesting an accommodation may be expected to sign a medical release at the time of such request to enable DEMHS to cooperatively develop a reasonable accommodation under the ADA and relevant state statutes. Failure of the employee to sign such a medical release may result in a delay in processing any accommodation request. The DEMHS personnel representative from SMART is responsible for contacting the employee's physician, when necessary, to obtain the requisite medical documentation to support the employee's request for an accommodation. No medical information is to be requested from the physician, or maintained, by the supervisor or manager.

Where necessary and appropriate, the agency shall make reasonable accommodations for persons with disabilities, and will not permit employees to refuse to work with any individual who has, or who is perceived as having, a disability.

Employees' medical information and other material related to their disability and any accommodation request shall be and shall remain confidential unless release is authorized by the individual or permitted under legal authority. The DEMHS personnel representative from SMART will keep all medical information in locked medical files separate from personnel files.

Any employee who believes that DEMHS has discriminated against them because of their disability with regard to employment or to any program, service or activity at this agency may choose to file a complaint in accordance with the agency's Human Rights Complaint Procedure.

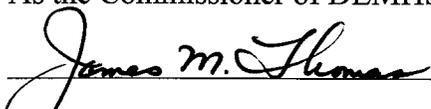
Natalie Shipman, SMART affirmative action representative for DEMHS, will receive and investigate all complaints of discrimination based on disability in accordance with the agency's Human Rights Complaint Procedure. Upon receiving a complaint, the SMART group representative will follow established procedures to determine whether there is evidence to support the allegation. If investigation reveals the presence of discrimination based on disability, the employee or employees behaving in such an inappropriate manner will be subject to progressive discipline.

No employee will be coerced, intimidated, or retaliated against by DEMHS or any employee for performing any of the duties and responsibilities of developing and implementing the agency's affirmative action plan. Any person so aggrieved may file a complaint with the Commission on Human Rights and Opportunities. Furthermore, no employee will be retaliated or discriminated against by DEMHS or any employee for opposing any discriminatory employment practice or for exercising their right to file or participate in the processing of a discrimination complaint.

Any individual requiring additional information on this procedure can contact:

Tim Geary  
SMART Unit, Department of Administrative Services  
165 Capitol Avenue  
Hartford, Connecticut 06106  
Telephone: (860) 713-5110

As the Commissioner of DEMHS, I am fully committed to achieving the goals and intent of the ADA.

  
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JAMES M. THOMAS, COMMISSIONER

3/27/06  
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DATE