Rhode Island Department of Corrections
POLICY UNIT

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director
Administration

FROM: Ann J. Fortin, Chief/Program Development
Administration

DATE: REVISED 04/22/05

SUBJECT: **3.03-4A DOC; EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION; 04/28/05**

The enclosed policy, effective 04/28/05, **supercedes policy # 3.03-3 DOC** and contains the following revisions (underscore = new language; ~~strikethrough~~ = deleted language).

It was originally issued as # 3.03-4 DOC, with an effective date of 04/11/05. However, the effective date was changed to 04/28/05 in order to comply with the filing requirements of the Administrative Procedures Act for technical policy revisions. Since only technical revisions were made, no public hearing was required.

Staff should destroy all copies of policy # 3.03-4 DOC, effective 04/11/05, and retain this version -- #3.03-4A DOC, effective 04/28/05.

II.C. RIDOC, in accordance with Executive Order ~~93-10~~ 05-01 (~~Equal Opportunity and Affirmative Action Policy~~ Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government), ... on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability or other status protected by law.

III.A. Equal Employment Opportunity~~/Affirmative Action~~ Officer and Americans with Disabilities Coordinator:

Every reference to Equal Employment Opportunity/Affirmative Action Officer was changed to Equal Employment Opportunity Officer/Americans with Disabilities Coordinator (EEOO/ADA Coordinator).

All references to 9.47-1 DOC have been changed to 3.29 DOC, Workplace Conflict/Violence, or a successive policy.

III.A.1. The designated ~~EEO/AA Officer~~ EEOO/ADA Coordinator ~~attends equal opportunity training sessions as required and provided by the State's Equal Employment Opportunity Officer~~ shall annually attend one (1) Equal Employment Opportunity Session (formerly item III.A.3.e.1.)

References to procedures outlining supervisors'/managers'/response to complaints and methods of resolution have been removed from this policy, and can now be found in policy 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence, or a successive policy (formerly found in sections III.F.5.h. and i.).

III.F.6.b.(1)(a) Office of Personnel Administration's Complaint Information Form, RIEOO-03-87 Revised ~~1993~~ 2003 (Attachment ~~3~~ 2), ...

III.F.6.b.(2) ... 180 Westminster Street, 3rd Floor, Providence, Rhode Island, 02903 (401) 222-266~~2~~1.

III.F.6.b.(3) Governor's Commission on Disabilities, 41 Cherry Dale Court, Cranston, Rhode Island, 02920. Telephone number (401) 462-0100, fax number (401) 462-0106, TTY (401) 462-0101.

III.G.1. Americans with Disabilities/Vietnam Era Veterans:

As provided for in the Americans with Disabilities Act of 1990, RIGL § 28-5.1 et seq. ~~Executive Order 92-9~~, ... RIDOC also provides equal and accessible employment services to all persons including ...

III.G.3. Reasonable Accommodations:

It is the policy ... Personnel Rule 3.096 regarding Reasonable Accommodations (Attachment ~~4~~ 3).

III.G.3.b.(1) Requesting Reasonable Accommodations

~~In accordance with Personnel Rule 3.096, Reasonable Accommodations, applicants~~ Applicants who seek ...

The Equal Employment Opportunity/Affirmative Action Interview Guide, formerly Attachment 2, has been deleted from the policy.

Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff are adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

CAO/gah
Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 3.03-4A DOC	EFFECTIVE DATE: 04/28/05	PAGE 1 OF 17
	SUPERCEDES: 3.03-3 DOC and 3.03-4 DOC (eff. 04/11/05)	DIRECTOR:	
SECTION: PERSONNEL		SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION	

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 28-5.1-1 et seq., Equal opportunity and Affirmative Action; § 28-5-1 et. seq., Fair Employment Practices; § 36-4-1 et. seq., State Merit System Law; Americans with Disabilities Act of 1990; Executive Order 05-01, Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government; Veterans' Employment Emphasis Under Federal Contracts 38 U.S.C. § 4212, § 29 U.S.C., § 794, Nondiscrimination under Federal grants and programs; State Personnel Rules and Regulations, PR-3.092 - 3.096; Rhode Island Constitution Article 1, Section 2

REFERENCES: ACA Standards # 3-4053 (Equal Employment Opportunity); 3-4053-1 (Reasonable accommodation); RIDOC policy # 3.06-2 DOC, Selection, Retention, and Promotion; 3.05-4 DOC; Sexual Harassment; 3.22 DOC, Union Representation in Employee Investigatory Interviews; 3.29 DOC, Workplace Conflict/Violence; Executive Order 05-02, Promotion of a Diverse State Government Workforce

INMATE / PUBLIC ACCESS?	X YES
AVAILABLE IN SPANISH?	X NO

I. **PURPOSE:**

To specify guidelines and procedures for administering a program of equal employment opportunity and affirmative action consistent with all governing Federal and State statutes, rules, regulations, and executive orders.

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II. POLICY:

A. The Rhode Island Department of Corrections (RIDOC), in accordance with Rhode Island General Law §28-5.1-1 et. seq. has established an Equal Employment Opportunity/Affirmative Action policy. This policy applies in all areas where the Department dollar is spent.

B. RIDOC does hereby reaffirm its policy of equal employment opportunity for all qualified applicants and employees regardless of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability, or other status protected by law. All programs, training, activities, management practices, all phases of employment--including recruitment, selection, retention, placement, salary/wage, leave, lay-offs, transfers, recall from lay-offs, promotions, and discipline--and all other personnel actions by RIDOC are administered in a manner consistent with the intent of this policy.

C. RIDOC, in accordance with Executive Order 05-01 (Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government), reaffirms its commitment to demonstrating positive results in the employment, appointment, and delivery of services to racial/ethnic minorities, women, and the handicapped. In addition, RIDOC continues to strive to prevent and eliminate harassment, sexual harassment, or discrimination by supervisors or co-workers on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability or other status protected by law.

D. All managers and supervisors, and ultimately the Corrections Director, are directly responsible for the implementation of this policy.

III. PROCEDURES:

A. Equal Employment Opportunity Officer and Americans With Disabilities Coordinator:

An Equal Employment Opportunity Officer and Americans with Disabilities Coordinator (hereinafter referred to as EEOO/ADA Coordinator) is appointed by the Corrections Director. S/he reports to the Director or designee. The EEOO/ADA Coordinator assists in the annual development, semi-annual review, and enforcement of RIDOC's Affirmative Action Plan and overall commitment to

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equal employment opportunity/affirmative action. (For specific duties of EEOO/ADA Coordinator, see sections III.C. and D.)

1. The designated EEOO/ADA Coordinator shall annually attend one (1) Equal Employment Opportunity Training Session.

B. State Equal Opportunity Office Liaison:

The State Equal Opportunity Office of the Rhode Island Department of Administration assigns an Equal Opportunity Officer as Liaison to RIDOC. S/he serves as a resource and advisor to RIDOC in all matters pertaining to Equal Employment Opportunity and Affirmative Action, including the development, review, and enforcement of RIDOC's Affirmative Action Plan and overall commitment to equal employment opportunity/affirmative action.

C. Equal Opportunity Advisory Committee:

An Equal Opportunity Advisory Committee (hereinafter referred to as the Committee) is established, consistent with State Equal Opportunity Office policy. The Committee is responsible for assisting in the preparation and review of RIDOC's Affirmative Action Plan, as well as making recommendations to the Director or designee regarding improvements to RIDOC's ongoing equal employment opportunity/affirmative action efforts.

1. Application Process:

a. Membership is voluntary.

b. RIDOC's EEOO/ADA Coordinator informs all managers of the application period. Managers are responsible for disseminating this information to all subordinates.

c. Interested persons complete Equal Opportunity Advisory Committee Application Forms (Attachment 1), available from RIDOC's Office of Human Resources, and forward them to the EEOO/ADA Coordinator.

d. The EEOO/ADA Coordinator sends a consolidated list of Committee applicants to the Director or designee for review and approval.

e. Once approved, the EEOO/ADA Coordinator sends a memorandum to all managers and Committee members informing them of Committee appointments.

2. Membership:

a. The members of this Committee serve 2-year terms.

b. Memberships are not limited to any specific number of terms. Interested employees may reapply for membership as often as they desire.

c. Committee members may be removed by the Corrections Director for reasons including, but not limited to, those found in the Committee's by-laws.

3. Functions/Duties:

a. The EEOO/ADA Coordinator, and the State Equal Opportunity Officer Liaison serve as resources and advisors to the Committee.

b. The Committee confers with the Director or designee, the EEOO/ADA Coordinator, and the State Equal Opportunity Officer Liaison on all matters pertaining to Equal Opportunity and Affirmative Action.

c. The Committee elects a Chairperson, whose duties include maintaining order, assuring fair participation from all members, and ensuring the Committee adheres to the agenda.

d. The Committee elects a Secretary, who is responsible for preparing and distributing an agenda prior to each meeting and maintaining minutes of meetings.

(1) The Secretary sends meeting minutes to all Committee members, the State Equal Opportunity Office, and Corrections Director.

e. The Committee convenes as required to develop an Affirmative Action Plan in accordance with RIGL § 28-5.1-1 et seq. and State Equal Opportunity Office guidelines, evaluate the progress of the

goals/objectives stated in the Plan, and discuss any other equal opportunity issues within RIDOC which may impact the Affirmative Action Plan. (See section III.E., Affirmative Action Plan.)

D. Comprehensive Equal Opportunity/Affirmative Action Program:

RIDOC's Affirmative Action Committee and EEOO/ADA Coordinator are responsible for developing, implementing, and monitoring a comprehensive Equal Opportunity and Affirmative Action Program. In accordance with State Merit System Law and Personnel Rules and Regulations, and in keeping with the goals/objectives of the Affirmative Action Plan, RIDOC takes affirmative steps to recruit and refer members of protected groups for Departmental vacancies.

1. The EEOO/ADA Coordinator, in consultation with the Equal Opportunity Advisory Committee, is responsible for developing RIDOC's Affirmative Action Plan, as described in section III. E., below.

2. In addition, the EEOO/ADA Coordinator is also responsible for:

   a. Posting notices of training sessions and encouraging employees to participate.

   b. Publicizing internally the State's policy and procedures for processing discrimination grievances.

   c. Investigating discrimination complaints and following them through to satisfactory resolutions.

   d. Counseling employees regarding their equal employment opportunity/affirmative action rights and responsibilities under governing Federal and State statutes, as well as RIDOC policies and procedures.

   e. Serving as a resource for employees regarding upward mobility/career ladders.

   f. Notifying the State Equal Opportunity Office Liaison of all job vacancies.

g. Reviewing Federal and State equal opportunity laws, rules and regulations to ensure compliance in all phases of employment activities.

h. Communicating/reporting weekly, monthly, and quarterly to the State Equal Opportunity Office, R.I. Department of Administration, regarding personnel actions, including persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within the Department.

E. Affirmative Action Plan:

1. RIDOC prepares an annual Affirmative Action Plan (AAP), in accordance with the criteria and deadlines set forth by the State Equal Opportunity Office, R.I. Department of Administration.

   a. All managers and supervisors are responsible for working with the Department's Equal Opportunity Advisory Committee, Office of Human Resources, the State Equal Opportunity Liaison, and the EEOO/ADA Coordinator in the development of goals and timetables for affirmative actions.

2. The responsibility for coordinating the overall AAP rests with the EEOO/ADA Coordinator and Equal Opportunity Advisory Committee. S/he will:

   a. Develop a policy statement and AAP based on the current work force analysis, which is provided by the Office of Human Resources.

   b. Implement and monitor the AAP.

   c. Monitor and evaluate the AAP on an ongoing basis for attainment of goals/objectives.

   d. Make suggestions to the Director or designee regarding possible improvements to the Department's equal employment opportunity/affirmative action efforts.

3. The Committee convenes as required to develop the Department's AAP in accordance with RIGL §28-5.1-3 and State Equal Opportunity Office guidelines.

a. The Department's EEOO/ADA Coordinator and the State Equal Opportunity Office Liaison regularly attend Committee meetings and serve in a resource and advisory capacity.

4. Once the AAP is developed, the Committee Chairperson submits a draft of the AAP to the Director or designee for review and approval.

   a. The Director retains ultimate responsibility for the contents of the AAP and may override the Committee's recommendations/decisions at any time.

5. In accordance with RIGL §28-5.1-3 and State Equal Opportunity Office guidelines, the Department's AAP for the upcoming fiscal year is submitted to the State Equal Opportunity Office and the State House Fiscal Advisor. In addition, a copy of the AAP is forwarded to the Speaker of the House's Office, as directed annually by the State Equal Opportunity Office.

   a. In accordance with RIGL §28-5.1-3, the Evaluation portion of the AAP contains sufficient data so as to enable the State Equal Opportunity Office and the House Fiscal Advisor to determine whether RIDOC has attained the hiring goals contained in its AAP for the previous fiscal year.

6. The Committee continues to meet as required to prepare and submit (a) progress report(s) to the Director or designee on the attainment of goals/objectives stated in the Affirmative Action Plan.

F. Formal Grievances/Complaints Regarding Discrimination:

1. RIDOC accepts complaints and employee grievances regarding issues of harassment, sexual harassment, or discrimination that are based on race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability, or other status protected by law.

2. It is an employee's or applicant's prerogative to file **either** an internal (RIDOC) complaint or one with an appropriate external agency.

3. For procedures relating to complaints of sexual harassment, please see policy 3.05-4 DOC, Sexual Harassment, or its successor.

4. For procedures relating to complaints that do not relate to status in a protected class, please see policy 3.29 DOC, Workplace Conflict/Violence, or its successor.

5. Internal Complaints

   a. The aggrieved employee may opt to submit a written complaint to:

      (1) his/her immediate supervisor; or

      (2) next level in the chain of command (if complaint is against immediate supervisor); or

      (3) Department's EEOO/ADA Coordinator.

   b. Applicants (i.e., persons not already employed by the RIDOC) must file (internal) complaints with RIDOC's EEOO/ADA Coordinator.

   c. While initial notification may be verbal, written reports are required of all complainants and witnesses, as soon as practicable.

   d. Any supervisor or manager who receives a complaint must take preventive or corrective action without delay, to include recommending disciplinary action.

   e. The supervisor/manager who receives such a complaint notifies the facility/unit manager(s) unless that manager is the accused.

   f. The Associate Director of Human Resources, the Executive Counsel, and/or their designees assist supervisors/managers, as requested.

   g. The supervisor/manager shall conduct an investigation into the alleged incident/conduct.

      (1) Reference policy 3.22 DOC, Union Representation in Employee Investigatory Interviews or a successive policy.

      (2) Reference policy 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict, and/or Violence or a successive policy.

6. External Complaints

a. Once a complainant files a formal complaint with an external agency (such as the RI Commission for Human Rights), that external agency notifies RIDOC of the complaint, and RIDOC cooperates with the external agency in an attempt to resolve the issue. The external agency is the higher authority relative to the final legal resolution of the complaint. Any communications relative to the filing of external complaints shall be forwarded to RIDOC's Office of Legal Counsel.

b. Said complaint may be filed formally with any one of the following agencies external to the Department:

(1) The Rhode Island Department of Administration's State Equal Opportunity Office, One Capitol Hill, Providence, Rhode Island, 02908 within ten (10) working days from the knowledge of the alleged incident of discrimination, unless the discrimination is ongoing.

(a) Complainant files by completing the Office of Personnel Administration's Complaint Information Form, RIEOO-03-87 Revised 2003 (Attachment 2), available from the State Equal Opportunity Office or the Department's Office of Human Resources.

(2) The Rhode Island Commission for Human Rights, 180 Westminster Street, 3rd Floor, Providence, Rhode Island, 02903 (401) 222-2661.

(a) Complainant contacts the Commission for Human Rights via telephone. An Information Officer takes the complaint over the telephone and forwards a Discrimination Questionnaire to the complainant.

(3) Governor's Commission on Disabilities, 41 Cherry Dale Court, Cranston, Rhode Island, 02920. Telephone number (401) 462-0100, fax number (401) 462-0106, TTY (401) 462-0101.

(4) The Federal Equal Employment Opportunity Commission (EEOC), Boston Area Office, JFK Federal Building, Room 475, Boston, Massachusetts, 02203 (617) 565-3200 or 1-800-669-4000.

(a) Complainant may file charge(s) in person, by mail, or by telephone.

G. Americans with Disabilities/Vietnam Era Veterans:

1. As provided for in the Americans with Disabilities Act of 1990, RIGL §28-5.1 et seq. , and the Veterans' Employment Emphasis Under Federal Contracts, the Department is further firmly committed to equal opportunity/affirmative action concepts for qualified persons with disabilities, disabled veterans, and Vietnam Era Veterans. RIDOC also provides equal and accessible employment services to all persons including persons with disabilities.

2. Recruitment of Individuals with Disabilities and Vietnam Era Veterans:

RIDOC continues to take affirmative steps in the recruitment of individuals with disabilities and Vietnam Era Veterans, in accordance with State Merit System Law and State Personnel Rules and Regulations, by sending all job postings to agencies and organizations which serve these populations.

3. Reasonable Accommodations:

It is the policy of the RIDOC to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment in accordance with Personnel Rule 3.096 regarding Reasonable Accommodations (Attachment 3).

a. The Director of the Rhode Island Department of Corrections shall designate an EEOO/ADA Coordinator. The EEOO/ADA Coordinator is responsible for the implementation of Personnel Rule 3.096 within the Department.

b. Requesting Reasonable Accommodation

(1) Applicants who seek reasonable accommodation during the interview and selection process must contact RIDOC's EEOO/ADA Coordinator and explain their need for

accommodation at least five (5) business days prior to the interview or other activity at which they would need the accommodation. (See policy #3.06-2 DOC, Selection, Retention, and Promotion, or a successive policy.)

(2) Applicants who seek a reasonable accommodation and who have been extended a "conditional offer of employment" by the Department, when accepting that offer, shall be given a "Reasonable Accommodation Request Form" (CS-388A) (Attachment 4) by Human Resources Support Staff to complete and return to the Human Resources Support Staff member. (See policy #3.06-2 DOC, Selection, Retention & Promotion, or a successive policy.) Human Resources Support Staff forward the completed request to the Department's EEOO/ADA Coordinator and place a copy of this form in the position work file.

(3) Current employees who seek reasonable accommodation, including those collecting Workers' Compensation benefits, may obtain a "Reasonable Accommodation Request Form" (CS-388A), from the Department's EEOO/ADA Coordinator or from the Department's Personnel Office. The completed form must be returned to the EEOO/ADA Coordinator for processing. A copy is placed in the employee's medical file.

(4) Current employees who are/or have been collecting Workers' Compensation benefits and wish to return to work and need a reasonable accommodation must obtain a "Reasonable Accommodation Request Form" (CS-388A), from the Department's EEOO/ADA Coordinator or Personnel Office. The employee must return the completed form to the Department's EEOO/ADA Coordinator or to the Department's Personnel Office. Human Resources Support Staff forward the completed request to the Department's EEOO/ADA Coordinator and place a copy of the completed form in the employee's medical file.

c. Procedures to Determine Reasonable Accommodation

(1) The EEOO/ADA Coordinator and the employee's immediate supervisor (or applicant's prospective immediate supervisor)

meet, look at the particular job involved, and determine the job's purpose and its essential functions.

(2) The employee/applicant identifies, to the agency's EEOO/ADA Coordinator and supervisor, his/her specific abilities and limitations as they relate to the essential job functions, identifies the barriers to job performance, and assesses how these barriers could be overcome with an accommodation.

(3) In consultation with the employee/applicant, the agency's EEOO/ADA Coordinator and supervisor identify potential accommodations and assess how effective each would be in enabling the employee/applicant to perform the essential job functions. If this consultation does not identify an appropriate accommodation, it is the responsibility of the EEOO/ADA Coordinator to contact the Department of Human Services' Office of Rehabilitative Services, 40 Fountain Street, Providence, RI, to seek technical assistance.

(4) <u>If there are several effective accommodations</u> that would provide equal employment opportunity, the EEOO/ADA Coordinator must consider the preference of the employee/applicant and select the accommodation that best serves the needs of both the employee/applicant and the Department.

(5) <u>If more than one accommodation would be effective</u>, or if the employee/applicant would prefer to provide his/her own accommodation, the EEOO/ADA Coordinator may give the employee/applicant's preference first consideration. However, the State is free to choose among effective accommodations and may choose one that is less expensive or easier to provide.

(a) Should the employee/applicant for any reason be unable or unwilling to continue to provide the accommodation, s/he shall notify the Department's EEOO/ADA Coordinator or Human Resources Support Staff, who will notify the Department's EEOO/ADA Coordinator. The EEOO/ADA

Coordinator shall initiate discussion with the employee/applicant and the immediate supervisor to determine reasonable accommodation to be provided by the Department.

d. Purchase of Equipment or Devices (Auxiliary Aids)

If the accommodation requires obtaining equipment or devices (auxiliary aids), the EEOO/ADA Coordinator:

(1) Contacts the Governor's Commission on the Handicapped (Central ADA Equipment Pool) to determine if equipment in the pool meets the need of the employee/applicant. If the equipment is available, the EEOO/ADA Coordinator arranges to have that equipment assigned to the employee/applicant.

(2) Determines the cost of purchase or modifying the equipment. If the cost is more than the Department is authorized to spend, the EEOO/ADA Coordinator forwards a request, in writing, to obtain or modify equipment/devices to the Chairperson, ADA Equipment Subcommittee, Governor's Commission on the Handicapped. The Equipment Subcommittee reviews the request with all concerned persons: the employee/applicant; appropriate agency personnel; and the Office of Rehabilitative Services. If there is agreement by all parties, the ADA Equipment Subcommittee arranges for its purchase. The state Central ADA Equipment Pool (and not the Department) obtains or modifies equipment or devices.

(3) Purchases or modifies equipment that will cost less than the Department is authorized to spend.

e. Use of the Auxiliary Aid (Equipment or Devices)

(1) The auxiliary aid is used by the employee while the employee/applicant is employed by the Department, or until the employee's job can no longer be accommodated with that auxiliary aid.

(2) If the auxiliary aid was purchased by the Department (and not the State Central ADA Equipment Pool) and the employee

transfers to another state job, not under the control of the Department which purchased the auxiliary aid, the purchasing agency arranges for the auxiliary aid to be declared "surplus property" in accordance with state surplus property regulations and transfers title of that auxiliary aid to the new employing agency. The original agency is reimbursed by the new employing agency for the current value of the auxiliary aid.

(3) If the auxiliary aid was purchased by the state Central ADA Equipment Pool (and not the Department) and the employee transfers to another job in another state agency, the Department's EEOO/ADA Coordinator notifies the Governor's Commission on the Handicapped's Central ADA Equipment Pool that the employee and the auxiliary aid have been transferred to the new agency.

(a) The EEOO/ADA Coordinator makes arrangements with the new employing agency's EEOO/ADA Coordinator to physically transfer the auxiliary aid.

(4) If the auxiliary aid was purchased by the state Central ADA Equipment Pool and the employee leaves state employment, the Department's EEOO/ADA Coordinator arranges to have the auxiliary aid transferred to the Central ADA Equipment Pool.

(5) If the auxiliary aid was purchased by the Department and the employee leaves state employment, the EEOO/ADA Coordinator arranges for the auxiliary aid to be declared "surplus property" and transfers title of that auxiliary aid to the Central ADA Equipment Pool.

f. Alteration of Facilities for Reasonable Accommodation

(1) If the accommodation requires making facilities "readily accessible to and usable by" the employee/applicant and costs more than the amount the Department is authorized to purchase through a direct purchase order, the State Handicapped Accessibility Renovation Program (and not the agency) makes those renovations or alternations. The

EEOO/ADA Coordinator requests such in writing to the Chairperson, Standing Committee on Accessibility, and Governor's Commission on the Handicapped.

(2) If the accommodation requires making facilities "readily accessible to and usable by" the employee/applicant and costs less than the amount the agency administrator is authorized to purchase through a direct purchase order, the Department (and not the State Handicapped Accessibility Renovation Program) makes those renovations or alterations. The EEOO/ADA Coordinator is responsible for coordinating and purchasing such alterations.

g. Consultation with Collective Bargaining Unit Representatives

(1) If the accommodation requires restructuring a job by reallocation or redistribution of marginal job functions; OR altering when or how an essential job function is performed; OR reassignment to a vacant position within the control of the agency; AND a collective bargaining agreement would be affected by that reasonable accommodation, the Department's EEOO/ADA Coordinator and the employee shall consult with representatives of the affected collective bargaining unit before implementing the accommodation.

(a) The EEOO/ADA Coordinator or designee notifies the Department of Administration's Office of Labor Relations of any reasonable accommodations that affect existing collective bargaining agreements.

h. Process to Resolve Disagreements With Regard to the Provision of Reasonable Accommodation

(1) Applicants and employees who disagree with the EEOO/ADA Coordinator's recommendations regarding the type of reasonable accommodation to be provided may appeal the EEOO/ADA Coordinator's decision.

(a) If and when the EEOO/ADA Coordinator determines that no agreement will be reached to the

applicant/employee's satisfaction, or upon the applicant/employee's request, the EEOO/ADA Coordinator provides the applicant/employee with form CS-388B, "Reasonable Accommodation Appeal Form" (Attachment 5). The applicant/employee returns the completed CS-388B to the EEOO/ADA Coordinator. The EEOO/ADA Coordinator contacts the Administrator of the Office of Rehabilitative Services, Department of Human Services, to arrange for a job analysis to be performed by the Office of Rehabilitative Services or their approved vendor. The results of that job analysis are presented to the applicant/employee within sixty (60) calendar days of the appeal of the EEOO/ADA Coordinator's decision by the Office of Rehabilitative Services (DHS).

1. If the results of the job analysis demonstrate that the EEOO/ADA Coordinator's recommendation would not enable the employee to perform the essential functions of the job, the EEOO/ADA Coordinator arranges for the reasonable accommodation recommended by the Office of Rehabilitative Services or their vendor.

2. If the results of the job analysis demonstrate that the EEOO/ADA Coordinator's recommendation would provide an effective accommodation that would provide equal employment opportunity, the EEOO/ADA Coordinator arranges for that reasonable accommodation.

i. Establishing Job-Related Qualification Standards

(1) The ADA does not restrict an employer's authority to establish needed job qualifications, including requirements related to:

(a) Education;

(b) Skills;

(c) Work experience;

(d) Licenses or Certification;

(e) Physical and mental abilities;

(f) Health and safety; or

(g) Other job-related requirements, such as judgment, ability to work under pressure and interpersonal skills.

(2) An employer may establish physical or mental qualifications that are necessary to perform specific jobs (for example, jobs in the transportation and construction industries; police and firefighter jobs; security guard jobs) or to protect health and safety. However, as with other job qualification standards, if physical or mental qualification standards screen out an individual with a disability or a class of individuals with disabilities, the employer must be prepared to show that the standard is:

(a) job-related; and

(b) consistent with business necessity.

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Rhode Island Department of Corrections
EQUAL OPPORTUNITY ADVISORY COMMITTEE

APPLICATION FORM

The Equal Opportunity Advisory Committee is dedicated to establishing the Rhode Island Department of Corrections as an area of equal opportunity for all employees.

The Committee appreciates and values your interest in the future of this Department.

Be advised that as a Committee member, you will be asked to attend Committee meetings in addition to submitting reports to the Committee at various times.

Please complete the information listed below. You will be notified when to attend a Committee meeting.

INFORMATION

NAME:_____ DATE:_____

POSITION:_____

WORK TELEPHONE #:_____

Please give a brief description of reason(s) why you desire to become a Committee member:

_____

_____

_____

_____

Contact Person: George Truman
Associate Director, Human Resources
39 Howard Avenue
462-5122

DEPARTMENT OF ADMINISTRATION
DIVISION OF HUMAN RESOURCES
Office of Personnel Administration
Equal Opportunity

COMPLAINT INFORMATION FORM

1. **Complainant Information:**
   State your name and address:

   _____

   _____

   _____
   City State Zip Code

   Telephone Number (s):
   Work: _____
   Home: _____

2. **Name of Department:**

   _____

3. **Name of Immediate Supervisor:**

   _____

4. **Respondent Information:**
   Name and address of agency involved:

   _____

   _____

   _____
   City State Zip Code

5. **Name and Title of person(s) charged:**

   _____

6. **Date of Alleged Violation:**

   _____

7. **Place of Alleged Violation:**

   _____

8. **Basis of Alleged Complaint:**
   ____Race/Color: Specify _____

   ____Sex: ____Male ____Female
   ____Age: Date of Birth _____
   ____National Origin: Specify

   _____

   ____Religion: Specify _____
   ____Sexual Harassment
   ____Sexual Orientation
   ____Gender Identity or Expression

9. **Nature of Charge:**
   ____*Hiring*
   ____*Compensation*
   ____*Job Classification*
   ____*Discharge/Termination*
   ____*Promotion*
   ____*Training*
   ____*Demotion*
   ____*Qualification/Testing*
   ____*Layoff*
   ____*Recall*
   ____*Seniority*
   ____*Intimidation/Reprisal*
   ____*Harassment*

(_____)
Case Number

COMPLAINT INFORMATION FORM

(Continued)

10. Explain as briefly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case.

11. Why do you believe these events occurred?

12. Have you brought this charge to anyone else's attention?

13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.

Complainant Signature | Date | Interviewing Officer

3.096 REASONABLE ACCOMMODATION RULE

I. STATEMENT OF PURPOSE

It is the policy of the State of Rhode Island to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. The State of Rhode Island will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity to qualified persons with disabilities. Reasonable accommodations shall be provided in a timely and cost-effective manner.

II. REQUESTING A REASONABLE ACCOMMODATION

(a) For applicants who are seeking a reasonable accommodation during the interview and selection process, they contact the agency's appointing authority, personnel officer, or ADA Coordinator and explain their need for an accommodation at least five (5) business days prior to the interview or other activity at which they would need the accommodation.

(b) For applicants who have been extended a "conditional offer of employment" by the state, when accepting that offer, shall complete the "Reasonable Accommodation Request" Form (CS-388A) and return it to the appointing authority, or her/his designee who will forward it to the agency's ADA Coordinator.

(c) For current employees (including those collecting workers compensation benefits), they contact their agency's ADA Coordinator and complete the "Reasonable Accommodation Request" Form (CS-388A). The ADA Coordinator may assist the employee complete this form.

III. PROCEDURES FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

State agencies must follow the procedures for determining the appropriate accommodation and implementing that accommodation contained in the State of Rhode Island Personnel Policy Manual.

CS-388A

REASONABLE ACCOMMODATION REQUEST FORM

(Please forward initially to the ADA Coordinator of your Agency)

Name: _____ **Day Phone # (VOICE)** _____ _____
Please print-Last Name, First Name, MI **(TDD/TT)** _____ Social Security Number

Current Title in State Government (if applicable): _____

Classification Title (Offered): _____

I am an applicant/employee for the position named above and may require a "reasonable accommodation" to perform the essential function(s) of the job. I hereby request that the ADA Coordinator and/or other individuals identified in the Reasonable Accommodation Policy of the State of Rhode Island contact me regarding this need for reasonable accommodations and authorize them to verify this request. I do hereby waive my rights of confidentiality of information (medical/personnel or otherwise) so that pertinent information will be forwarded to other departments for processing. I understand that I have a right to appeal the decision of the ADA Coordinator noted below. Upon appeal, a job analysis by the Office of Rehabilitative Services or its designated vendor, will be completed and a recommendation made within 60 calendar days of the receipt of such request.

PLEASE DESCRIBE BELOW THE ACCOMMODATION YOU MAY NEED: _____

_____

_____

I AUTHORIZE _____ TO RELEASE MY MEDICAL RECORDS TO VERIFY MY NEED FOR
(Health Professional's Name) A REASONABLE ACCOMMODATION DUE TO MY DISABILITY.

Health Professional's Name: _____ Phone #: _____
Address: _____
_____

_____ _____
Applicant/Employee Signature Date

_____ _____
Union Official's Signature/Title (if necessary) Date

DO NOT WRITE BELOW THIS LINE

1. **Agency ADA Coord./Appt. Auth. Response:** _____ **Approved** _____ **Not Needed** _____ **Denied**

_____
_____
_____ _____ _____
Authorized Name (Print) Authorized Signature Date

2. **Office of Rehabilitative Services Response:** _____ **Approved** _____ **Not Needed** _____ **Denied**

_____
_____
_____ _____ _____
Authorized Name (Print) Authorized Signature Date

3. **ADA Equipment Committee Response:** _____ **Approved** _____ **Not Needed** _____ **Denied**

_____
_____
_____ _____ _____
Authorized Name (Print) Authorized Signature Date

4. **If Workers' Compensation Disability:**
Workers' Compensation Response: _____ **Approved** _____ **Not Needed** _____ **Denied**

_____
_____
_____ _____ _____
Authorized Name (Print) Authorized Signature Date

PLEASE COMPLETE REVERSE SIDE ONCE ACCOMMODATION HAS BEEN APPROVED

Description of Approved Reasonable Accommodation

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

APPROVED BY:
Appointing Authority

_____ _____
Name (Please Print) **Agency (Please Print)**

_____ _____
Signature **Date**

ACCEPTED BY:
Employee/Applicant

_____
Name (Please Print)

_____ _____
Signature **Date**

_____ _____
Union Official Signature/Title (if necessary) **Date**

Forward a copy of the Approved Reasonable Accommodation Form to:
State ADA Coordinator
Governor's Commission on the Handicapped
555 Valley Street, Bldg. 51
Providence, RI 02908-5686

EACH SIGNATORY MUST RECEIVE A SIGNED ORIGINAL

Agency ADA Coordinator shall retain the signed original in a confidential file

REASONABLE ACCOMMODATION APPEAL FORM

Name: _____ *Day Phone #:* (VOICE)_____
Please print-Last Name, First Name, Middle Initial (TDD/TT)_____
Social Security Number: _____
Current Classification Title (If Applicable): _____
Classification Title (Offered): _____

I wish to appeal the decision rendered by the ADA Coordinator concerning my need for reasonable accommodation(s) to perform the essential functions of the class identified herein. It is my request that a Job Analysis be undertaken, by the Office of Rehabilitative Services (ORS) or its designated vendor, to determine the appropriate accommodation.

_____ _____
Applicant / Employee Signature Date

_____ _____
Union Official Signature / Title (if necessary)

---------- **DO NOT WRITE BELOW THIS LINE** ----------

Office of Rehabilitative Services / Vendor:
Job Analysis Results: (additional sheets may be attached)

_____
_____
_____
_____

Accommodation Suggested: (additional sheets may be attached)

_____
_____
_____
_____

_____ _____ _____
Analyst Name (please print) **Analyst Signature** **Date**

_____
Agency / Vendor Name (please print)

Attach this form to the Reasonable Accommodation Request Form.