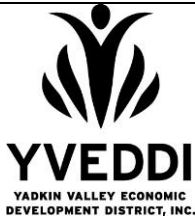




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Policy	ADA / ADAA Procedures
Purpose	<p>The purpose of this document is to provide all employees with a detailed guide on the reasonable accommodation process. There are important steps that must be taken to ensure reasonable accommodations are documented (within the accommodation tracking system), communicated, and provided in a timely fashion. These steps insure equal opportunity for applicants, candidates, and employees with disabilities as well as insure YVEDDI meets its legal obligations.</p> <p>YVEDDI is committed to processing requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in the following procedures. YVEDDI will not discriminate against any disabled person doing business with, working for, receiving services, or visiting YVEDDI for any purpose.</p>
References	<p><u>YVEDDI Human Resources Policies</u> Equal Employment Opportunity page 6 Employee Behavior page 20 Workplace Harassment page 23 Code of Conduct page 28</p> <p><u>NC Department of Labor- www.ncdol.gov</u> Americans with Disabilities Act, Americans with Disabilities Amendment Act <u>www.ADA.gov</u> <u>Federal Register</u> Title II - final rule to implement ADA rules for State and Federal Government Title III - final rule that further clarified a public accommodation's obligation to provide appropriate auxiliary aids and services for people with disabilities</p>
Scope	<p>These procedures applies to all YVEDDI employees, its applicants, candidates, clients, visitors, contractors, vendors and employees with physical or mental conditions that substantially limits one or more major life activities or have a record of such a substantially limiting condition may request reasonable accommodations.</p> <p>Inquiries and Distribution: Any employee wanting further information concerning these Procedures may contact the HR Director.</p> <p>These Procedures shall be available to all employees during new hire orientation and on the company intranet site. They also can be requested from the HR Director. These guidelines will be provided in alternative formats (e.g. large print or Braille) when requested.</p>
Definitions	<p>Americans with Disabilities (ADA) - It is important to remember that in the context of the ADA, "disability" is a legal term rather than a medical one. Because it has a legal definition, the ADA's definition of disability is different from how disability is defined under some other laws.</p> <p>Americans with Disabilities Amendment Act (ADAA) – Amendment 2008.</p>



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	<p>Disability - The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.</p> <p>Chronic Health Condition - A chronic condition is a human health condition or disease that is persistent or otherwise long-lasting in its effects or a disease that comes with time. The term chronic is usually applied when the course of the disease lasts for more than three months.</p> <p>Workplace Reasonable Accommodation - sometimes called workplace adjustments, are any changes in the workplace or the way job duties are customarily performed that provides an equal employment opportunity to an individual with a disability. (This process does not cover requests that would pose an undue hardship or fundamentally change the essential functions of a job.)</p>
Procedures	<p>YVEDDI Procedure for Reasonable Accommodations</p> <p>Most accommodation requests are initiated by the applicant, candidate, or employee. That said, it is important to recognize that company representatives should not assume that because an individual has a physical or mental disability that he or she will necessarily require or want an accommodation. An individual may have a disability that does not limit the employee's ability to perform the essential functions of their job or require a workplace modification. Because each individual's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.</p> <p>In <i>rare</i> instances, when a disability and associated need for an accommodation is obvious (e.g. an applicant is blind and cannot access an applicant tracking system, an employee who uses a wheelchair cannot access a restroom) a hiring manager or manager may initiate the reasonable accommodation process and begin the interactive discussion with the person with a disability.</p> <p>Requesting a Reasonable Accommodation (RA):</p> <p>The process begins when the company becomes aware that an employee may need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a disability or chronic medical condition. Notification may include documentation from the employee directly and/or from the employee's physician. An applicant or employee may request a reasonable accommodation at any time, orally or in writing. A request for an accommodation can also be made by an employee representative (e.g. family member). If the request comes in through a third party, the request should be confirmed with the applicant or employee. Request for Accommodation can be found at: www.yveddi.com Job Related Disabilities Identification and Accommodation request.</p> <p>In most situations, employees or employee representatives should notify the employee's manager directly if they believe they need an accommodation or other workplace adjustment because of a health condition. For complex accommodations or those costing over \$150, the manager should communicate the request immediately to the Executive Director or Human Resources Director within 2 business days.</p> <p>If an employee makes a reasonable accommodation request to someone other than the manager, such as a Human Resources Director, facilities personnel, or information technology staff, these company representatives should also communicate the request to the HR/Executive Director within 2 business days.</p>



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An accommodations request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “ADA.” A request is any communication in which an individual asks or states that the applicant or employee needs a change because of a medical condition. A manager, needs to ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Important Note: It is best for employees to ask for accommodations *before* any work related issues or concerns arise: While an employee does not have to disclose his/her disability until he/she feels they need an accommodation, it is highly recommended that employees not wait until their performance appraisal meeting or during a disciplinary proceeding as YVEDDI does not have to rescind disciplinary actions administered prior to a request for an accommodation.

Once the company receives notice of a need for accommodation, it will provide the employee with the Accommodation Request form which the employee (and/or the employee’s physician) must complete and return as indicated. Accommodation Request form can be found at: www.yveddi.com Job Related Disabilities Identification and Accommodation request.

If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation), no medical documentation will be required. However, a request form still needs to be filled out by the applicant or employee. Whenever the disability or need for accommodation is not obvious, the employee will be asked to sign a release form authorizing the company to secure additional medical information from the employee’s health care provider to provide job relevant information as to the nature of the employee’s medical condition, and/or whether the requested modification/accommodation is necessary.

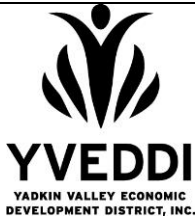
Note that the health care provider should be provided with information as to the essential duties of the individual’s job, in order to have an informed opinion as to any accommodations that will both meet the job requirements, and help to maintain positive health.

The Manager may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the Manager may ask the individual requesting accommodation to sign a limited release form permitting the Manager to contact the provider for additional information. The Manager may also elect to have the medical information reviewed by a doctor of the organization’s choosing, at company expense.)

Employees are obligated to cooperate with this process. A failure to do so could result in delayed consideration of a request or in its denial.

Initiation of the Interactive Process (IP):

After a request for accommodation has been made, and if need be, confirmed by a health care provider, the next step is to begin the interactive process to determine what, if any, accommodation should be provided. For complex accommodations or those costing over \$150, the Manager will contact the applicant or employee as soon as feasible but no longer than 10 days after establishing the need for the accommodation. It is expected that in the case of accommodations for applicants or candidates the process would be an especially high priority and begin immediately upon request and receipt by the Manager so that the individual does not lose out on the opportunity to compete for the job.



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During the interactive process, the individual requesting the accommodation and the manager, with or without support from the Human Resources Director, will need to clearly discuss key aspects with each other including:

- the nature of the job related challenge that is generating the request
- confirming that a disability is prompting the need for an accommodation
- the accommodation solution(s) that may be effective in meeting an individual's needs to successfully meet the requirements of the job

All accommodation requests are handled on a case by case basis. A robust IP frequently requires input from the department manager, an HR/Executive Director, the employee and/or the employee's physician. Other departments, a third party vendor, as well as outside disability-related organizations, may be consulted depending on the type of request sought.

Time Frame for Processing Requests and Providing Reasonable Accommodations

YVEDDI will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **30 business days from the date the request is made**. This 30-day period includes the 10-day time frame in which the Manager must contact the requestor after the request for Reasonable Accommodation is made.

Note: the time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the Manager. **Therefore, everyone involved in processing a request should respond as quickly as possible.** This includes referring a request to the Human Resources Director, contacting a health care provider if medical information or documentation is needed, and receiving technical assistance from outside parties.

If the Manager must request medical information or documentation from a requestor's health care provider, the time frame will stop on the day that the Manager makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the Manager. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the company's inquiry.

Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- **to enable an applicant to apply for a job.** Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- **to enable an employee to attend a meeting scheduled to occur soon.** For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.
- To address a safety related concern in the workplace



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Extension of the Timeframe for Providing an Accommodation:

An extension of the time frame for providing an accommodation will be considered in extraordinary circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond YVEDDI's ability to control**. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. In such circumstances the requestor, manager and other need to know individuals will be informed as to the reason for the delay and anticipated delivery of solution.

Determination:

Once the Manager receives all of the medical and other information deemed necessary, they will determine in consultation with others on a need-to-know basis whether the workplace modification / accommodation sought will be granted, or, whether an alternative modification / accommodation is appropriate. The Human Resources Director will first inform the employee's manager or, the department Director. The Human Resources Director and/or manager will then communicate the decision to the employee and discuss the employee's questions/concerns, if any, about that decision and steps for implementation.

When YVEDDI **grants an accommodation**, the manager will give the "Approval of Request" letter to the requestor, and discuss implementation of the accommodation. A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. If the manager or HR Director offers an accommodation other than the one requested, but the alternative accommodation is not accepted by the employee, the manager or HR Director will record the individual's rejection of the alternative accommodation on the "Approval" letter.

Medical information will be disclosed ONLY on an "as need to know" basis. Accommodations may be provided without informing the employee's manager or supervisor without disclosing the employee's diagnosis or disability.

Note: An individual's receipt or denial of an accommodation does not preclude the individual from making another request at a later time if circumstances change and they believe that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). It is important to note that company representatives cannot refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

Temporary Trial of Accommodations:

Many accommodations are implemented long-term, while some accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the individual's limitations, restrictions, specific accommodation needs, and the impact the accommodation will have on job performance and business operations.

Implementing a temporary change offers the opportunity to evaluate an accommodation for effectiveness before making the decision to implement the change long-term and also demonstrates good faith.

Situations that can warrant provision of a temporary or trial accommodation may include, *but are not limited to:*



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- when time is needed to research a permanent accommodation solution, to acquire equipment, arrange a service, or identify an alternative vacancy;
- when it is necessary to test an accommodation to determine if it is effective;
- when the medical impairment is temporary but sufficiently severe enough to entitle the employee to accommodation;
- when it is necessary to avoid temporary adverse conditions in the work environment; or
- when an accommodation can currently be provided, but may eventually pose an undue hardship if provided long-term.

Monitoring an Accommodation:

It is the obligation of the manager to monitor the effectiveness of the accommodation. This monitoring should occur outside of the YVEDDI Performance Appraisal process. While employees with disabilities must be able to perform essential functions of their job with or without accommodation, it is also the responsibility of the manager to insure an accommodation is effective for the employee. If an accommodation is no longer effective, then the interactive process should be revisited.

Accommodation Request Denial:

If YVEDDI **denies a request for accommodation**, the manager or HR Director will give the "Denial" letter to the requestor and discuss the reason for the denial. The form will explain both the reasons for the denial of the individual's specific requested accommodation and the process for appealing this decision.

Appeals Process:

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Human Resources (HR) Director or other individual designated for Reasonable Accommodation appeals by the company to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the "Denial" letter

Information Tracking and Recordkeeping for Audit Purposes:

In order for YVEDDI to ensure compliance with these Procedures, the ADA, and Section 503 of the Rehabilitation Act, the manager or HR Director will complete the "Reasonable Accommodation Information Reporting" form **within 5 business days** of issuing the decision.