



MISSOURI DEPARTMENT OF MENTAL HEALTH



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.145

MARK STRINGER, DEPARTMENT DIRECTOR

CHAPTER Human Resources	SUBCHAPTER	EFFECTIVE DATE 12/7/16	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Reasonable Accommodations		AUTHORITY 630.050 RSMo		HISTORY See Below
PERSON RESPONSIBLE Director, Office of Human Resources			Sunset Date: 7/1/20	

PURPOSE: To define the department’s policy with regard to the reasonable accommodation process. Guidelines for employees and job applicants who wish to apply for reasonable accommodations with DMH are provided.

APPLICATION: Applies to all employees of the department and job applicants.

(1) The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The department complies with the ADA and as such, qualified job applicants and employees with disabilities shall be provided reasonable employment-related accommodations when necessary, unless the accommodation would impose an undue hardship.

(2) As used in this DOR, the following terms shall mean:

(A) "Disability," means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(B) "Major life activities," functions including, but not limited to:

- Caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Operations of major bodily functions.

(C) "Essential Functions," job duties an employee must be able to perform with or without a reasonable accommodation.

(D) "Qualified individual with a disability," an individual with a disability who meets legitimate qualifications of the position and can perform the essential functions of said position with or without a reasonable accommodation.

(E) "Reasonable Accommodations"

- Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position desired;
- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or



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- Modifications or adjustments that enable a covered entity's qualified employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

(F) "Undue Hardship," an action requiring significant difficulty or expense, when considered in light of:

- the nature and cost of the accommodation needed;
- the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

DMH is not obligated to make an accommodation that would cause an "undue hardship."

(3) Employees and applicants may request an accommodation by completing DMH's Accommodation Request Form and submitting both the employee and medical provider portions of the form to Human Resources upon completion. Requests may also be made verbally; however, Human Resources may refer the employee to the Accommodation Request form in order to obtain all necessary information from both the employee and medical provider. Medical documentation is required as part of the accommodation process.

(4) Supervisors and managers who have observed or who have been made aware of the need for an employee accommodation are to contact Human Resources immediately in order to initiate the accommodation process.

(5) Once Human Resources has been made aware of the need for an accommodation for a current employee,

- The employee will be contacted in order to discuss the requested accommodation and how the accommodation will allow the employee to perform the essential functions of the position;
- The supervisor will be contacted in order to discuss what is considered to be essential functions of the employee's position;



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- Potential accommodations will be identified and evaluated for feasibility. Information obtained from the Accommodation Request Form along with additional suggestions provided by both the supervisor and employee will be taken into account. If multiple accommodations exist of equal effectiveness, DMH has the right to select the accommodation that has less of a financial impact and/or is easier to provide.

(6) Human Resources will process requests as quickly as possible and will provide a determination to current employees. The determination will indicate if an accommodation could be offered or if doing so would create an undue hardship for the department.

(7) A job applicant is to inform Human Resources of the need for an accommodation in order for potential accommodations to be identified and evaluated. Applicants will be notified in writing by Human Resources of what, if any, accommodation(s) could be offered in order to perform the essential job duties.

(8) Employees and applicants have the right to refuse an accommodation offered under this DOR; however, the expectation to perform all essential job functions with or without an accommodation will still exist. An employee's inability to meet the expectations of the position may be subject to disciplinary action, up to and including discharge.

(9) The accommodation process may also be utilized in circumstances in which the following DOR's apply:

- DOR 6.142 - Family Medical Leave
- DOR 6.143 - Military Family Medical Leave
- DOR 6.155 - Temporary Modified Duty
- DOR 6.530 - Essential Functions

(10) This accommodation process may also be utilized in circumstances in which pregnancy applies. Please contact your Human Resources office if you need a pregnancy accommodation.

History: Original DOR effective December 7, 2016.