



Illinois AmeriCorps Disability Outreach Project Reasonable Accommodation Requests Procedure

Policy Statement:

The Serve Illinois Commission (SIC) shall inform programs and prospective programs about SIC policies and rights to reasonable accommodations for qualified AmeriCorps members; SIC will make reasonable accommodations to qualified members with disabilities who are enrolled in an AmeriCorps*State program, and who make a reasonable request, unless provision of such accommodation would create an undue hardship on SIC or AmeriCorps*State Program. The SIC has partnered with and contracted out the planning, organization and delivery of the AmeriCorps Disability Outreach Project with Kreider Services, Inc.

Definitions:

For the purpose of the Illinois AmeriCorps Disability Outreach Project the following definitions apply, as interpreted to be in conformance with the AmeriCorps Provisions and the Americans with Disabilities Act of 1990 and the Illinois Human Rights Act:

Act means the National and Community Service Act of 1990, as amended (42 U.S.C 12501 *et seq.*)

Corporation means the Corporation for National and Community Service established under section 191 of the Act (42 U.S.C 12651).

Approved National Service Position means a national service position for which the Corporation has approved the provision of a national service education award as one of the benefits to be provided for successful service in the position.

Education Award means an award provided to a member who has successfully completed a required term of service in an approved national service position and who otherwise meets the eligibility criteria of the Act.

Member means an individual:

- a. Who is enrolled in an approved national service position;
- b. Who is a U.S. citizen, U.S. national or lawful permanent resident alien of the United States;
- c. Who is at least 17 years of age at the commencement of service unless the member is out of school and enrolled
 - i. in a full-time, year-round youth corps Program or full-time summer Program as defined in the Act (42 U.S.C 12572 (a) (2)), in which case he or she must be between the ages of 16 and 25, inclusive, or
 - ii. in a Program for economically disadvantaged youth as defined in the Act (42 U.S.C 12572 (a)(9)), in which case he or she must be between the ages of 16 and 24, inclusive; and
- d. Has a high school diploma or an equivalency certificate (or agrees to obtain a high school diploma or its equivalent before using an education award) and who has not dropped out of elementary or secondary school in order to enroll as an AmeriCorps member (unless enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of Higher Education Act of 1965, 20 U.S.C 1091), or who has been determined through an independent assessment

conducted by the Program to be incapable of obtaining a high school diploma or its equivalent.

Program means a national service Program, described in the Act (42 U.S.C 12572(a)).

Grantee means the direct recipient of this Corporation Grant funds. The term sub-Grantee shall be substituted for the term Grantee where appropriate. The Grantee is also responsible for ensuring the Sub-Grantees or other organizations carrying our activities under this award comply with provisions. The Grantee is legally accountable to the Corporation for the use of Grant funds and is bound by the provisions of the Grant.

Sub-Grantee refers to an organization receiving AmeriCorps Grant funds from the Grantee or the Corporation.

Project means an activity of set of activities carried out under a Program that results in a specific, identifiable community service improvement:

- a. That otherwise would not have been made with existing funds; and
- b. That does not duplicate the routine service or functions of the organization to which the members are assigned.

ADA means The Americans with Disabilities Act of 1990 (42 U.S.C 12101).

Auxiliary Aids means a wide range of services and devices for ensuring effective communication.

Direct Threat means a significant risk of substantial harm to the health or safety of any individual that cannot be eliminated or reduced by reasonable accommodation.

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual or when an individual has a record of such an impairment or is regarded as having such an impairment.

Essential Job Functions mean the fundamental job duties of the position the individual with a disability holds or desires. The term “essential function” does not include the marginal functions of the position.

Grievant means an applicant or member with a disability who files an appeal.

Major Life Activities mean functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Physical or Mental Impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine, or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

Qualified Individual with a Disability means an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without accommodation, can perform the essential job functions or such position.

Reasonable Accommodation means a modification or adjustment to the job application process and the work environment that enable qualified applicants or members with disabilities to be considered for a position, to perform the essential functions of a position in the manner or circumstances under which the position held or desired is customarily performed, and to enjoy equal benefits and privileges of AmeriCorps program. Reasonable accommodation requests may arise any time the member's or applicant's disability or job changes.

Substantially Limits means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major live activity.

Undue Hardship means with respect to the provision of an accommodation, significant difficulty or expense incurred by the AmeriCorps program or ICVCS when considered in light of various factors set forth by law such as unduly costly, extensive, substantial, or disruptive.

Provisions:

For the purpose of the Illinois AmeriCorps Disability Outreach Project the following interpretations are to be in conformance with the AmeriCorps Provisions and the Americans with Disabilities Act of 1990 and the Illinois Human Rights Act:

- I. The Grantee may select as AmeriCorps members only those individuals who are eligible to enroll in AmeriCorps. In order to be eligible, an individual must meet the statutory requirements of the definition of the member (see Definitions). The Grantee is responsible for obtaining and maintaining adequate documentation to demonstrate the eligibility of members.
- II. The Grantee must seek to recruit Program members from the community in which the project is conducted, as well as members of diverse races, ethnicities, genders, ages, socioeconomic backgrounds, education levels, and mental and physical capabilities, unless and to the extent that the approved Program design requires emphasizing the recruitment of staff and members who share specific characteristic or background. In no case may a Grantee violate the non-discrimination and non-displacement rules governing member selection.
- III. The Grantee is responsible for establishing the minimum qualification for membership in the Program, selecting members who meet those qualifications, and assigning members to projects that are appropriate to their skill level. The Grantee must select members in a fair, non-partisan, non-political and non-discriminatory manner, without regard to member's need for reasonable accommodation of a disability or childcare, without displacing paid employees, and in accordance with its approved application.
- IV. Programs and activities must be accessible to persons with disabilities, and the Grantee must provide a reasonable accommodation process to the known mental or physical disabilities of otherwise qualified members, service recipients, applicants, and program staff. All selections and project assignments must be made without regard to the need to provide reasonable accommodation.
- V. Accommodations that impose an undue financial or administrative burden on the operation of the program or fundamentally alter its nature are not reasonable accommodations. However, the Grantee must document and prove any undue burden. Similarly, a person who poses a direct threat to the health or safety to himself or herself or to others, where the

threat cannot be eliminated by reasonable accommodation, is not a qualified individual with a disability. In such instances the Grantee must document and prove the direct threat.

- VI. AmeriCorps members are not employees of the Program or of the federal government. The definition of “participant” in the National and Community Service Act of 1990 as amended applies to AmeriCorps members. As such, “ a participant (member) shall not be considered to be an employee of the Program in which the participant (member) is enrolled”(42 U.S.C 12511(17) (B)). Moreover, members are not allowed to perform an employee’s duties or otherwise displace employees.

Procedures:

- I. Nothing in this directive shall preclude an AmeriCorps member from pursuing grievance in accordance with applicable AmeriCorps Provisions, and/or State or Federal statutes or regulations.
- II. A reasonable accommodation is provided to an otherwise qualified person with a disability to enable that member to perform essential job functions. A person with a disability is qualified for a position if the member’s knowledge and experience, as reflected in the Position Description allows the member to perform the essential job functions, with or without reasonable accommodations. Essential job functions vary with individual job descriptions and would include those physical, mental, and interpersonal activities necessary to achieve effective job performance.
- III. The Serve Illinois Commission will inform programs and members on how to initiate a reasonable accommodation request in all position and recruitment efforts, and provide any and all reasonable accommodations in the most cost-effective manner available.
- IV. The Serve Illinois Commission is not required to provide an accommodation, which would cause undue hardship on the Commission, or be a direct threat to the safety, security, or health of any persons, or which would fundamentally alter the nature or operation of the Illinois AmeriCorps programs.
- V. The determination of what accommodation, if any, is appropriate shall be made on a case-by-case basis. Action taken to reasonably accommodate one applicant or member shall not constitute a precedent for another applicant or member. Some types of accommodations need not be provided on an individual basis if available at the site, or if used by two or more individuals and sharing will not impede job performance.
- VI. Requests will be reviewed based on the following criteria:
 - a. Whether the person meets the definition of a qualified individual with a disability as defined in the Definitions Section of this directive.
 - b. Relationship between the accommodation and the essential job functions;
 - c. Necessity;
 - d. Cost effectiveness (relating only to when a choice between two or more appropriate accommodations must be made after considering preference of the individual with disability);
 - e. Compatibility with existing equipment (when applicable); and
 - f. Undue hardship or direct threat to the health and/or safety of him/herself or others.
- VII. When the disability or need for an accommodation is not obvious, SIC, before providing a reasonable accommodation, may require that the individual with a disability provide a **Physician’s Medical Review** form to demonstrate medical documentation of the need for accommodation.

- VIII. The Commission reserves the right to request an independent examination, at the Commission's expense, if questions remain with regard to the member's or applicant's disability or need for reasonable accommodation, or to assist in determining the provision of an appropriate accommodation.
- IX. A member with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, he or she will not be considered to be an otherwise qualified individual with a disability.
- X. Reasonable accommodation may include:
 - a. Making facilities used by members and applicants readily accessible to, and usable by persons with disabilities.
 - b. Job restructuring, modified work schedules, acquisition or modifications of equipment or devices, appropriate adjustment or modifications or examinations, training materials or policies, the provision or qualified readers to interpreters, an other similar accommodations for individuals with disabilities.
- XI. Reasonable accommodations may be categorized as follows:
 - a. Restructuring or Modification Accommodations- These include, but are not limited to, removal of nonessential tasks, job modifications, rearrangement of office furniture, removal of desk drawers, and flexible time to allow for transportation or medical schedules;
 - b. Technologies and Accessibility Accommodations- These include, but are not limited to, dictating machines, voice-activated equipment, push-button telephones, opticaons, TTY, hand controls for dictating devices, speaker phones, telephone amplifiers, typewriters, Braille writers, orthopedic desk chairs, and other adaptive office furniture and audio-looping systems as well as architectural modifications, and
 - c. Assistive Care, Accommodations- These include, but are not limited to, readers, drivers, interpreters, and assistants.
- XII. Upon return from either a service-connected or non-service-connected disability leave, if a member presents a medical restriction, he or she will be informed of his or her right to file reasonable accommodation request in accordance with this directive. All requests will be reviewed on a case-by-case basis. Members may return to service if he or she is deemed able to perform the essential functions of the job, with or without reasonable accommodation. Any inquires should be directed to the SIC Program Officer.

Requests for Reasonable Accommodations:

- I. The applicant or member is responsible for initiating a written request for reasonable accommodation using a **Request for Reasonable Accommodation** form and submitting it to the interviewing officer or supervisor. The request shall include, among other items, medical documentation of the need for accommodation when the disability is not obvious on a **Physician's Medical Review** form.
- II. The interviewing officer or supervisor shall:
 - a. Take prompt action to accommodate an applicant or member with a disability to ensure equal opportunity in the application process or employment, including appropriate adjustment or modifications of examinations, if:
 - i. The need for accommodation is obvious;
 - ii. The accommodation can be made at minimal or no cost;
 - iii. The appropriate accommodation is readily identifiable;
 - iv. The accommodation would not pose an undue hardship;

- v. The member or applicant does not impose a direct threat to the health and/or safety of him/herself or others.

When an accommodation was provided for an obvious disabling condition, the interviewing officer or supervisor will provide written confirmation to the SIC Program Officer detailing the type of accommodation provided for reporting purposes within five business days of the provision of the accommodation.

- b. If an accommodation is not provided pursuant to Section II above, submit a recommendation to the SIC Program Officer within five (5) business days of receipt of the request after reviewing the **Request for Reasonable Accommodation** form if:
 - i. The need for accommodation is not obvious;
 - ii. The appropriate reasonable accommodation is not readily identifiable or appears to impose an undue hardship; or
 - iii. The member or applicant appears to pose a direct threat to the health or safety of him/herself or others.
- c. Ensure that each request is appropriately documented and all information is treated as a confidential medical record and maintained in a secure manner, apart from personnel files with access restricted to designated personnel on a need-to-know basis.

III. The Serve Illinois Commission Disability Coordinator shall:

- a. Review the requests and supporting documentation
- b. Analyze the particular position involved and determine its essential functions.
- c. Ascertain the precise position-related limitations imposed by the individual's disability and, if so, how those limitations could be overcome with a reasonable accommodation. When necessary, this is accomplished in consultation with the member, supervisor, and other sources as needed.
- d. Identify potential accommodations and assess their effectiveness in enabling the individual to perform the essential functions of the position.
- e. Consider the preference of the individual to be accommodated and recommend the accommodation that is most appropriate for both the individual and program.
- f. Make a decision within thirty (30) business days after receipt of request.
- g. Notify the applicant or member, supervisor and Program Director of the final decision. The notification shall include appropriate instructions for filing an appeal if the applicant or member is not satisfied with the decision. Applicants or members shall be advised of the appeals procedures set forth in this directive.
- h. Ensure that each request is appropriately documented and all information is treated as a confidential medical record and maintained in a secure manner, apart from personnel files with access restricted to designated personnel on a need-to-know basis.
- i. If additional information is requested of the member or applicant, the information should be forwarded directly to the Serve Illinois Commission. If a program evaluation is required, SIC will secure needed evaluation services. The evaluation report will be submitted directly to SIC. Such activities continue the interactive process and may extend the time in which a final decision can be reached. Failure to submit additional requested information on the member's part will result in an initial decision based on the original information provided to SIC.

Appeals:

- I. Appeals shall be made by the member or applicant in writing using an **Appeal of Denial of Reasonable Accommodation Request** form, within ten (10) business days of notification of the decision. The form must be complete, to the extent known, in order to be given prompt consideration. The appeal shall include:
 - a. The program position the applicant or member with a disability desires or holds,
 - b. Date(s) of the request for, and denial of, reasonable accommodation,
 - c. Alternative accommodations which may provide accessibility , and
 - d. Any other supporting materials.
- II. Applicants or members should file appeals with the Serve Illinois Commission (SIC).
- III. The SIC shall appoint an appropriate designee to review the appeal.
- IV. The appropriate designee shall:
 - a. Review the Appeal of Denial of Reasonable Accommodation Request form and provide written response on the initial request,
 - b. Consider additional evidence submitted by the individual,
 - c. Conduct interviews and seek advice as deemed appropriate, and
 - d. Make a recommendation to the SIC in writing within forty-five (45) business days of receipt of appeal.
- V. SIC may approve, disapprove, or modify the recommendations. SIC written decision shall be sent to the individual who filed the appeal, the grievant's program, and the SIC Disability Coordinator. SIC decision is final.
- VI. Any external charges of discrimination can be filed with the Illinois Department of Human Rights, Equal Employment Opportunity Commission, or both, as well as with any other state or federal agency having appropriate jurisdiction.

Follow up on Reasonable Accommodation:

It is the primary responsibility of the Program Director to follow up on the implementation of the member's approved reasonable accommodation request. The Program Director is responsible for completing the **Reasonable Accommodation Monitoring Report**, and forwarding it within thirty (30) business days following implementation of the reasonable accommodation to the SIC Disability Coordinator. The Reasonable Accommodation Monitoring Report also requires a six month follow up to be completed by the Program Director and submitted to the SIC Disability Coordinator. A Reasonable Accommodation Monitoring Report will also be sent to the member's attention to receive input on the effectiveness of the accommodation. This will be submitted to the SIC Disability Coordinator. On an annual basis, the SIC Disability Coordinator will review the effectiveness of member accommodations.