

LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER

POLICY NUMBER: AgCenter PS-23A

EFFECTIVE DATE: January 1, 2004

REVISION DATE: October 1, 2022

VERSION: 2

RESPONSIBLE OFFICE: AgCenter Human Resource Management

CATEGORY: Administrative

Americans with Disabilities Act (ADA)

I. Purpose:

In accordance with La. RS 46:2594, the purpose of this policy is to outline LSU AgCenter standards and procedures to ensure compliance with the Americans with Disabilities Act (ADA).

II. Policy:

The LSU AgCenter is fully committed to fostering an environment to support persons with disabilities as well as meeting the requirements of the ADA including both:

- A. **Title I:** Prohibits discrimination against qualified individuals with disabilities in all employment practices, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions, and privileges of employment.
- B. **Title II:** Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities, and facilities of the agency.

In both instances and upon request, the LSU AgCenter will engage in an interactive process and make every effort to offer a reasonable accommodation, unless the Requestor is not a qualified individual; doing so poses an undue hardship to the agency; or poses a direct threat to the health or safety of the individual with a disability or others.

III. Definitions:

- A. Disability: Under the ADA, an individual with a disability is a person who
 1. Has a physical or mental impairment that substantially limits one or more major life activities;
 2. Has a record of such impairment; or
 3. Is regarded as having such impairment as described in item #1 above.
- B. Impairment: Any physiological, mental or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.

- C. **Substantially Limits:** An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).
- D. **Major Life Activities:**
1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working; and
 2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
- E. **Essential Functions:** The fundamental and primary job duties of a position. Considerations in determining whether a function is essential include such factors as the written job description; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; and the degree of expertise required to perform the function.
- F. **Qualified Individual:**
1. Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).
 2. Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by State Agency, with or without reasonable accommodation(s).
- G. **Reasonable Accommodations:**
1. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:
 - a. Participate in the testing, application and/or interview process;
 - b. Perform the essential functions of the job; or
 - c. Provide equal opportunity to the benefits and privileges of employment.
 2. Under Title II, a modification that permits an individual with a disability to effectively communicate with the LSU AgCenter and/or ensure equal opportunity relative to the LSU AgCenter's' programs, services, activities and facilities.
- H. **Undue Hardship:** An accommodation that would be unduly costly, extensive, substantial or disruptive, in light of factors such as the size of the agency, the resources available and the nature of the agency's business operations. Denial of an accommodation request due to undue hardship must be approved by the Vice President for Agriculture or his designee.
- I. **Direct Threat:** A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.
- J. **ADA Coordinator:** The LSU AgCenter representative(s) responsible for facilitating the interactive, evaluation process relative to any request for accommodation, whose name and contact information is provided is in Appendix A of this policy

IV. Procedure:

It is the responsibility of the qualified individual with a disability to request a reasonable accommodation(s) when needed. To do so, the individual:

- Should initiate a request either verbally or in writing. If in writing, the qualified individual with a disability may complete the Request for Accommodation Form. If the individual needs assistance to complete the request form, the LSU AgCenter will provide such assistance;
- Must submit the request to the appropriate person for the nature of the accommodation requested (as explained below); and
- Must timely and cooperatively participate in the interactive process (as described below).

If the accommodation request is from an LSU AgCenter employee, he/she may be required, as part of the interactive process, to provide the ADA Coordinator with medical documentation from their health care provider describing the nature of the disability and the functional limitations thereof.

Employment (Title I)

- A. Application/Testing Process: A qualified individual with a disability may address an accommodation request relative to the application and/or testing process to the contact person identified in the vacancy announcement of the job being sought. The LSU AgCenter representative shall notify and collaborate with the ADA Coordinator to address the accommodation request.
- B. Interview Process: If contacted for an interview, a qualified individual with a disability should notify the hiring manager at that time if an accommodation is needed to participate in the interview and the nature of the accommodation. The hiring manager shall notify and collaborate with the ADA Coordinator to address the accommodation request.
- C. Performance of Essential Functions: A qualified individual with a disability may address an accommodation request related to the performance of the essential functions of a job to the following:
 - a. If needed prior to or at the time of hire for a position, the accommodation request should be submitted to the person with whom the individual interviewed or via email to ADACoordinator@agcenter.lsu.edu.
 - b. If employed by LSU AgCenter and needed for the current job held, the accommodation request should be addressed to the immediate supervisor.

The interviewer or immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such requests must include the duties the individual is unable to perform, and the accommodation(s) requested. Such accommodations may include job restructuring, use of accrued paid leave (or once exhausted, unpaid leave), modified work schedules, acquisition of equipment, or possible reassignment.

- D. Benefits and Privileges of Employment: An employee seeking an accommodation related to the benefits and/or privileges associated with employment should notify the immediate supervisor. The immediate supervisor shall notify and collaborate with the ADA

Coordinator to address the accommodation request. Such requests should include the benefits and/or privileges of employment in which the individual is unable to participate, and the accommodation requested. Such accommodations may include adjusting work areas, lunchrooms, break rooms, training rooms and restrooms to make them available or more accessible to all employees.

- E. Pregnancy, Childbirth or Related Medical Condition: In accordance with La. R.S. 23:341-342, an applicant or employee with limitations arising from pregnancy, childbirth or related medical conditions may request an accommodation to the immediate supervisor. The immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such accommodations may include but are not limited to providing more frequent, compensated break periods; providing a private place, other than a bathroom stall, for purposes of expressing breast milk; modifying food or drink policy; and other accommodations that permit the individual to reduce or eliminate the need for leave.

NOTE: Accommodation requests and information collected during the associated interactive process shall be limited to only those individuals with a business need-to-know.

Effective Communication (Title II)

A qualified individual with a speech, hearing or vision impairment may request an accommodation to the appropriate program contact and/or the ADA Coordinator and will be furnished with appropriate auxiliary aids and services so that the individual can participate equally in the LSU AgCenter's programs, services and activities. Such auxiliary aids may include qualified sign language interpreters, documents in Braille and other ways of making information and communication accessible. Anyone who requires an auxiliary aid or service for effective communication should reach out to the program contact or ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

Modifications to Policies, Procedures, or Facilities (Title II)

A qualified individual with a disability seeking modifications to policies, procedures or facilities for equal opportunity to participate in AgCenter programs, services and activities should contact the appropriate program contact and/or the ADA Coordinator. Such requests should include the specific program, service or facility that the individual is unable to access and the accommodation(s) requested.

V. Interactive Process & Evaluation of Accommodation Requests

Upon receipt, the individual to whom an accommodation request was submitted must notify the ADA Coordinator. The ADA Coordinator shall:

- Document the request, if not submitted in writing by the Requestor, on the Request for Accommodation Form;
- Notify the Requestor, if he/she is a current LSU AgCenter employee, whether a completed Medical Certification Form from a health care provider is required;
- Engage in an interactive process if needed involving consultation with the Requestor, the treating physician (if applicable) and agency administration;

- Confer with the Louisiana Rehabilitation Services and/or Job Accommodation Network (JAN), if needed and deemed appropriate, to help evaluate the availability of accommodation options and related resources;
- If needed, discuss any alternative, equally effective accommodations with the Requestor;
- Recommend to, and secure approval from, the Department Head, Regional Director, or their designee as to the final determination of the accommodation request; and
- Notify the Requestor, in writing, of the final determination, including information regarding the internal grievance procedure.

Individuals with disabilities are encouraged to suggest accommodations based upon their previous experiences. Such requested accommodations will be duly considered. The LSU AgCenter reserves the right to select an effective accommodation that may be less expensive or impactful on operations. Accommodation requests will be evaluated thoroughly and objectively on an individual basis.

VI. Complaint Procedure:

The following procedures are available to individuals with disabilities for resolution of complaints regarding the disposition of an accommodation request or asserting any action that would be prohibited by the ADA:

A. Employees: LSU AgCenter employees may file an internal grievance in accordance with AgCenter Policy Statement 20, Grievances, and elevate the complaint directly to Step 2.

B. Applicants or General Public: Complaints regarding the application/testing/interview process or accessibility of a program, service or activity of the LSU AgCenter may be addressed to the AgCenter Human Resources Director via email to HRMHelp@agcenter.lsu.edu, by writing to the HR Director at 103 Efferson Hall, Baton Rouge, LA 70803, or calling (225) 578-2258.

VII. Protections

No individual shall be harassed, discriminated or retaliated against for exercising or aiding in the exercise of Americans with Disabilities rights or for having a relationship or association with another individual with a disability.

VIII. Documentation and Training

The Request for Accommodation Form or the Medical Inquiry Form associated with this policy are available at www.lsuagcenter.com/ADA or by request to the ADA Coordinator. Also, employees who supervise others must comply with the ADA training requirements set forth in La. RS 46:2595 which requires training within 90 days of hire or appointment as a supervisor and every three years thereafter.

IX. Confidentiality

All documentation obtained as part of an accommodation request, including medical and other relevant information, shall be maintained as confidential records, separate from the employee's personnel file, and subject to disclosure only as allowed by law or with the individual's permission.

X. Additional Resources

For additional resources, individuals with disabilities may go to [Office of State ADA Coordinator - Louisiana Division of Administration \(la.gov\)](#) or contact the Office of the State ADA Coordinator at (225) 342-1243.

Related Policies:

[LSU Permanent Memorandum 55](#)

LSU AgCenter PS-23

APPENDIX A

LSU AgCenter ADA Coordinator Contact Information

FOR EMPLOYMENT RELATED NEEDS:

- Ms. Denise Fontenot
Assistant Director of Human Resource Management
ADACoordinator@agcenter.lsu.edu
(225) 578-8685
- Ms. Rebecca Smelley
Human Resource Manager
ADACoordinator@agcenter.lsu.edu
(225) 578-4643

FOR PROGRAM RELATED NEEDS:

4-H & Youth Development Programs

- Dr. Toby Lepley
Associate Vice President for Youth Development
TLepley@agcenter.lsu.edu
(225) 578-4161
- Mr. Hilton Waits
Extension Agent (4-H)
HWaits@agcenter.lsu.edu
(337) 898-4335

Food & Nutrition Programs

- Carla Verbois
Extension Associate
cverbois@agcenter.lsu.edu
225-578-0485
- Courtney Pitts
Extension Associate
cpitts@agcenter.lsu.edu
225-578-3329
- Mia Baker
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