

**Rhode Island Department of Corrections
POLICY UNIT**

TO: See Distribution

VIA: A.T. Wall, Assistant Director
Administration

ATW

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

DATE: March 19, 1999

SUBJECT: 3.03-2 DOC; EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION; EFFECTIVE 05/24/99

The enclosed policy revision repeals policy # 3.03-1 DOC and contains substantive revisions to section III.F. Formal Grievances/Complaints Regarding Discrimination, and specifically subsection 1. Internal Complaints.

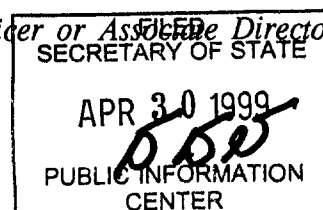
III.F.1.a. addresses verbal internal complaints. Responsibilities of the aggrieved employee, his/her immediate supervisor, RIDOC's EEO/AA Officer and Associate Director of Human Resources are specified.

In summary:

- The aggrieved employee reports the complaint to his/her immediate supervisor.
- The Supervisor, in turn, documents the incident for the record, and provides a copy to RIDOC's EEO/AA Officer by the close of business on the following day. The EEO/AA Officer or Associate Director maintains the EEO/AA Complaint Log. In addition, s/he interviews all parties and/or requests written reports about the incident; convenes meetings and attempts to resolve the complaint to the grievant's satisfaction.
- If resolution is not reached, the Supervisor documents all efforts made and forwards the entire packet to RIDOC's EEO/AA Officer or Associate Director of Human Resources, with a copy to the Director.
- If resolution is achieved, the Supervisor documents all efforts made and forwards the complaint packet to the EEO/AA Officer or Associate Director of Human Resources. S/he documents the findings, and the matter is deemed closed.

Section III.F.1.b. addresses written internal complaints. The aggrieved employee may opt to submit written complaints to any of the following individuals:

- His/her immediate Supervisor, Unit Manager, RIDOC's EEO/AA Officer, or the Director.
- All written complaints are forwarded to the EEO/AA Officer or Associate Director of Human Resources by the end of the following business day.



- *S/he enters the complaint on a log of such complaints. The log includes the name of the complainant, the date, the Manager who was first notified, and a summary of the allegations, as well as each administrative action taken. S/he also contacts the grievant telephonically to schedule an interview. If after two working days, s/he fails to speak to the grievant, a memo is sent to the grievant requesting that s/he schedule an appointment as soon as possible.*
- *Once the allegations are clearly defined, the EEO/AA Officer directs the Unit Manager to gather written reports. These reports are submitted within four working days of the request. Upon receipt of all relevant reports, the EEO/AA Officer or Associate Director of Human Resources convenes an investigatory meeting with Associate Director of Human Resources, Chief Legal Counsel, and Assistant Director of Administration (or their designees). The group meets, reviews all reports, and discusses the merits of the grievance allegation.*

If the group finds there is no probable cause to sustain the complaint of discrimination, these findings are documented by the EEO/AA Officer with a copy to the Director, and the case is deemed closed.

If, on the other hand, the group determines there is probable cause of discrimination, the EEO/AA Officer documents the findings to the Director with a recommendation for action. S/he also sends a letter to the Complainant documenting that the Department continues to pursue the complaint.

The Director may order a pre-discipline hearing for the individual or individuals alleged to have acted in a discriminatory manner. The imposition of progressive discipline, up to and including termination is also an option. The Director may assign a Corrections Inspector to obtain additional facts. If, however, the complaint is made against a member of the Inspector's Unit, the Director may assign the Assistant Director of Administration or designee to obtain additional facts. Whether or not the Director determines there is probable cause for discrimination, s/he directs the EEO/AA Officer to document the findings to the grievant unless additional facts are presented.

Please ensure obsolete versions of this policy are removed from policy manuals, insert this revision, and bring its contents to the attention of appropriate staff within your units.

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

This policy IS approved for inclusion in the inmate law library.

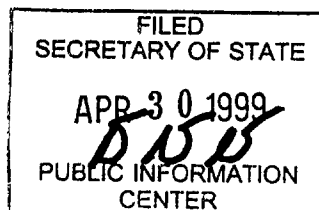
AJF/gah
Enclosure

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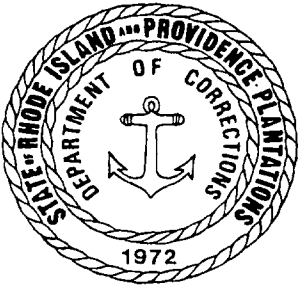
Director (original), Assistant Directors (for distribution to affected personnel, including Wardens), Food Services Unit, Legal Counsel, Marshal, Parole Board, Policy Unit, Training Academy

cc: G. Truman
B. Levin

CA:PERSONNEL\3.03-2 DOC\DISMEM



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



POLICY NUMBER:
3.03-2 DOC

EFFECTIVE DATE:
05/24/99

PAGE 1 OF 19

REPEALS:
3.03-1 DOC

DIRECTOR:

SECTION:
PERSONNEL

SUBJECT:
EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), 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 95-11, Sexual Harassment in the Workplace; Executive Orders 96-11, Re: Equal Opportunity and Affirmative Action; 93-1, Affirmative Action Policy Statement; 91-39, Sexual Harassment; Veterans' Employment Emphasis Under Federal Contracts 38 U.S.C. § 4212, § 29 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 Standard # 3-4053 (Equal Employment Opportunity); RIDOC policy # 3.06-1 DOC, Selection, Retention, and Promotion; 3.05-2 DOC; Sexual Harassment (filing complaints)

INMATE ACCESS THROUGH LAW LIBRARY? X YES

I. PURPOSE:

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

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 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 without regard to race, color, religion, age, sex, national origin or ancestry, physical or mental handicap, sexual orientation, 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 93-1 (Equal Opportunity and Affirmative Action Policy), 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 by supervisors or co-workers on the basis of race, color, religion, age, sex, national origin or ancestry, physical or mental handicap, sexual orientation, or other status protected by law.
- D. All managers and supervisors, and ultimately the Corrections Director, are directly responsible for the successful application of this policy.

III. PROCEDURES:

A. Equal Opportunity/Affirmative Action Officer:

An Equal Opportunity/Affirmative Action Officer (hereinafter referred to as EO/AA Officer) is appointed by the Corrections Director. S/he reports to the Director or designee. The EO/AA Officer assists in the annual development, semi-annual review, and enforcement of RIDOC's Affirmative Action Plan and overall commitment to equal opportunity/affirmative action. (For specific duties of EO/AA Officer, see sections III.C. and D.)

- 1. The designated EO/AA Officer attends at least one (1) State Equal Opportunity training session annually.

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 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 opportunity/affirmative action efforts.

1. Application Process:

- a. Membership is voluntary.
- b. RIDOC's EO/AA Officer 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 EO/AA Officer.
- d. The EO/AA Officer sends to the Director or designee a consolidated list of Committee applicants for review and approval.
- e. Once approved, the EO/AA Officer sends a memorandum to all managers and Committee members informing them of Committee appointments.

2. Membership:

- a. The members of this Committee serve on a rotating basis for a period of two (2) years.

- 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 Associate Director of Human Resources or designee, the EO/AA Officer, 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 Department's EO/AA Officer, State Equal Opportunity Officer Liaison, and the Associate Director of Human Resources or designee 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, within five (5) working days after each meeting.
- e. The Committee convenes at least once per month, or more often 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, Associate Director of Human Resources or designee, and EO/AA Officer 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 EO/AA Officer, in consultation with the Associate Director of Human Resources (or designee) and 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 EO/AA Officer, in consultation with the Associate Director of Human Resources (or designee), 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/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.

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 EO/AA Officer in the development of goals and timetables for affirmative actions.

- 2. The responsibility for coordinating the overall Affirmative Action Plan (AAP) rests with the EO/AA Officer, in consultation with the Associate Director of Human Resources (or designee) and Equal Opportunity Advisory Committee. These offices will provide for a viable active commitment to Affirmative Action Plan goals and objectives. S/he will:
 - a. Develop a policy statement and Affirmative Action Plan 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 Plan 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 opportunity/affirmative action efforts.
- 3. The Committee convenes at least once per month, and more often as required, to develop the Department's Affirmative Action Plan in accordance with RIGL §28-5.1-3 and State Equal Opportunity Office guidelines.
 - a. The Department's EO/AA Officer, the Associate Director of Human Resources or designee, and the State Equal Opportunity

Office Liaison regularly attend Committee meetings and serve in a resource and advisory capacity.

4. Once the Affirmative Action Plan is developed, the Committee Chairperson submits a draft of the Affirmative Action Plan to the Director or designee for review and approval.
 - a. The Director retains ultimate responsibility for the contents of the Plan 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 Affirmative Action Plan 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 Plan is forwarded to the Speaker of the House's Office, as directed annually by the State Equal Opportunity.
 - a. In accordance with RIGL §28-5.1-3, the Evaluation portion of the Affirmative Action Plan 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 Affirmative Action Plan for the previous fiscal year.
 6. The Committee continues to meet at least once per month, and more often as required, to prepare and submit a progress report every three (3) months to the Director or designee on the attainment of goals/objectives stated in the Affirmative Action Plan.
- F. Formal Grievances/Complaints Regarding Discrimination:

RIDOC accepts complaints and employee grievances regarding issues of discrimination that are based on race, sex, age, national origin, religion, color, sexual orientation, and sexual harassment. It is an employee's or applicant's prerogative to file **either** an internal (RIDOC) complaint or one with an appropriate external agency.

1. Internal:

The complainant may file either a verbal or written grievance through the appropriate chain of command. If a complainant is an applicant, however, the procedure outlined in III.F.1.b. should be utilized.

a. Verbal:

- (1) The aggrieved employee reports the complaint to the immediate supervisor.
- (2) Upon receiving verbal notification of the complaint, the supervisor:
 - (a) Documents the alleged discriminatory behavior for the record, and provides a copy to the EEO/AA Officer no later than the end of the next working day (following initial receipt).
 1. Upon receipt of the complaint, the EEO/AA Officer or Associate Director enters this complaint on the EEO/AA Complaint Log, pursuant to Paragraph b(2)(a) below. The EEO/AA Officer maintains contact with the supervisor on a weekly basis to track and record progress on the resolution of the case.
 - (b) Interviews all parties involved and requests written reports about the incident, as needed, in order to conduct a thorough investigation of the allegations.
 - (c) Convenes meetings with the parties involved and attempts to resolve the complaint to the grievant's satisfaction.
 - (d) If resolution is not possible, the supervisor documents all efforts made and forwards the complaint packet to the Department's EEO/AA Officer or to the Associate Director, Human Resources, copy to the Director.
 1. Upon receipt of the complaint, the EEO/AA Officer or Associate Director follows the action steps in paragraph b.(2) below.
 - (e) If resolution is achieved, the supervisor documents all efforts made including the conditions of the resolution, and forwards the complaint packet to the

Department's EEO/AA Officer or to the Associate Director, Human Resources.

1. Upon receipt of the resolution, the EEO/AA Officer documents these findings on the EEO/AA Complaint Log; this matter will be deemed closed.

b. Written:

- (1) The aggrieved employee may submit a written complaint to any of the following: immediate supervisor, unit manager, the Department's EEO/AA officer or the Director. In all cases, when a written complaint is received, it will be given to the EEO/AA Officer or the Associate Director, Human Resources, **by the end of the next working day (following initial receipt).**
- (2) Upon receiving the complaint, the EEO/AA Officer (or Associate Director, Human Resources):
 - (a) Enters the complaint on a log of discrimination complaints, in order to track the course of investigation towards resolution. The log is updated twice monthly and distributed to the Director, Assistant Directors, Office of Legal Counsel and Associate Director, Human Resources. The EEO/AA Complaint Log includes the name of the complainant, the date, the manager who was first notified of the complaint, and a summary of the allegations, as well as each administrative action taken towards the resolution of the complaint.
 - (b) Contacts the grievant telephonically to schedule an interview to confirm the complaint, reviews the allegations and begins the investigation. **Telephonic contact must be made no later than two (2) working days after receipt of the complaint; the interview location and time will be scheduled at the convenience of the grievant. Successful attempts or failures to contact the grievant telephonically are recorded in the EEO/AA Complaint Log. If after two (2) working days, the EEO/AA Officer fails to speak to the grievant, the EEO/AA Officer sends a memo**

to the grievant requesting that s/he schedule an appointment at the earliest possible opportunity.

- (c) Once the allegations are clearly defined, the EEO/AA Officer directs the unit manager to gather written reports from all individuals allegedly involved. **These reports are to be submitted to the EEO/AA Officer within four (4) working days of the request.**

1. If witness(es) are unavailable or unable to submit such reports in the time allotted, the unit manager documents that fact and continues to follow up with the individual(s) in a timely fashion, as needed.

- (d) Upon receipt of all relevant reports, the EEO/AA Officer (or Associate Director, Human Resources) convenes an investigatory meeting with the Associate Director, Human Resources, or designee, Chief Legal Counsel or designee, and Assistant Director, Administration or designee. This meeting is to be held no later than five (5) working days after the receipt of all reports.

1. Once convened, the investigative group:

- a. Reviews all reports and discusses the merits of the grievant's allegation.
- b. If there is a determination that there is no probable cause to sustain the complaint of discrimination, the EEO/AA Officer documents these findings to the complainant, copy to the Director. The case will be deemed closed unless additional facts are presented.
- c. If the investigative group determines that there is probable cause of discrimination, the EEO/AA Officer documents the findings to the Director with a recommendation for action.

- (1) The report may recommend either a formal pre-discipline hearing and/or further investigation by the Office of Inspections or the Rhode Island State Police.
 - d. The EEO/AA Officer sends a letter to the complainant documenting that the Department continues to pursue the complaint.
- (3) Upon receipt of the investigatory group's recommendation, the Director may:
 - (a) Direct the Assistant Director, Administration, or designee, to conduct a pre-discipline hearing for the individual(s) alleged to have acted in a discriminatory manner.
 1. Impose progressive discipline up to and including termination for discriminatory acts, according to the findings of the Hearing Officer, in consultation with the Department's Legal Counsel.
 - (b) Assign a Corrections Inspector to obtain supplemental facts surrounding the complaint, as required.
 1. Alternatively, the Corrections Director may assign the Assistant Director, Administration or designee, to obtain the facts surrounding a complaint against a member of the Inspector's Unit, or in any case deemed appropriate.
 2. Upon receipt of the Inspector's findings, the Corrections Director may take action as noted in Paragraph (a) above, or s/he may determine there is no probable cause for discrimination. In the latter case s/he will direct the EEO/AA Officer to document these findings to the grievant, and the case will be deemed closed unless additional facts are presented.

2. External:

- a. Once an employee or applicant 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 attempts to resolve the issue with the aggrieved employee or applicant consistent with the external agency's established procedures. The external agency is the higher authority relative to the final legal resolution of the complaint.
- 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, 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 1993 (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.
 - (3) The Federal Equal Employment Opportunity Commission, Boston, Massachusetts.

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. Executive Order 92-9, 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 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 State Office of Personnel Administration has designated RIDOC's Human Resources Coordinator as ADA Coordinator. The ADA Coordinator is responsible for the implementation of Personnel Rule 3.096 within the Department.

b. Requesting Reasonable Accommodation

(1) In accordance with Personnel Rule 3.096, Reasonable Accommodations, applicants who seek reasonable accommodation during the interview and selection process must contact RIDOC's 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 #3.06-1 DOC, Selection, Retention, and Promotion.)

(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 the Human Resources' Personnel Aide to complete and return to the Personnel Aide (See policy #3.06-1 DOC, Selection, Retention & Promotion.) The Personnel Aide forwards the completed request to the Department's ADA Coordinator and places 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 ADA Coordinator or from the Department's Personnel Office. The completed

form must be returned to the 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 ADA Coordinator or Personnel Office. The employee must return the completed form to the Department's ADA Coordinator or to the Department's Personnel Office. The Personnel Aide forwards the completed request to the Department's ADA Coordinator and places a copy of the completed form in the employee's medical file.

c. Procedures to Determine Reasonable Accommodation

- (1) The 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 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 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 ADA Coordinator to contact the Department of Human Services' Office of Rehabilitative Services, 40 Fountain Street, Providence, RI, to seek technical assistance.
- (4) If there are several effective accommodations that would provide equal employment opportunity, the 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) If more than one accommodation would be effective, or if the employee/applicant would prefer to provide his/her own accommodation, the 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 ADA Coordinator or Personnel Aide, who will notify the Department's ADA Coordinator. The 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 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 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 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 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 ADA Coordinator makes arrangements with the new employing agency's 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 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 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 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 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 ADA Coordinator, the Associate Director of Human Resources or designee, and the employee shall consult with representatives of the affected collective bargaining unit before implementing the accommodation.
 - (a) The Associate Director 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 ADA Coordinator's recommendations regarding the type of reasonable accommodation to be provided may appeal the ADA Coordinator's decision.
- (a) If and when the ADA Coordinator determines that no agreement will be reached to the applicant/employee's satisfaction, or upon the applicant/employee's request, the ADA Coordinator provides the applicant/employee with form CS-388B, "Reasonable Accommodation Appeal" (Attachment 5). The applicant/employee returns the completed CS-388B to the ADA Coordinator. The 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 ADA Coordinator's decision by the Office of Rehabilitative Services (DHS).
1. If the results of the job analysis demonstrate that the ADA Coordinator's recommendation would not enable the employee to perform the essential functions of the job, the ADA Coordinator immediately 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 ADA Coordinator's recommendation would provide an effective accommodation that would provide equal employment opportunity, the ADA Coordinator immediately 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 or 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.

**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: Barry S. Levin
Human Resources Coordinator
39 Howard Avenue
462-5121

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
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)

3.03-2 DOC
Attachment 2
Page 2 of 2

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.

REASONABLE ACCOMMODATION REQUEST FORM

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

3.03-2 DOC
Attachment 4
Page 1 of 2

Name: _____ Day Phone # (VOICE) _____
Please print - Last Name, First Name, M I (TDD/TT) _____
Soc Sec 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 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 _____

Description of Approved Reasonable Accommodation

3.03-2 DOC
Attachment 4
Page 2 of 2

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)

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, R.I. 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

Social Security Number: _____ (TDD/TT) _____

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) _____

FILED
SECRETARY OF STATE
APR 30 1999
DOB
PUBLIC INFORMATION
CENTER

Attach this form to the Reasonable Accommodation Request Form.