

# To All Department of Education Employees and Applicants

This brochure provides information concerning your rights and responsibilities under the Department of Education's (DOE) Requests for Reasonable Accommodations due to a Disability from Disabled Employees and Job Applicants.

The DOE is an equal opportunity employer committed to a workplace that practices respect, celebrates diversity, and is free of any form of illegal discrimination.

Should you have any questions, or for further assistance, please contact the DOE's Civil Rights Compliance Office ("CRCO").

## Responsibilities of the Department of Education

The Department of Education shall provide reasonable accommodation(s) to a qualified applicant or employee with a disability, who makes a request for reasonable accommodation and it is determined that reasonable accommodations are available, unless to do so would impose an undue hardship or fundamentally alter the nature or operation of the work.

This policy applies to all employment practices and actions, which include but are not limited to: recruitment, examination and testing, hiring, training, disciplinary action, rate of pay and other forms of compensation, advancement, reclassification, transfer, reallocation, promotion, demotion, benefits, and any other terms and conditions of employment.

The obligation to provide reasonable accommodation is a form of non-discrimination and is determined on a case-by-case basis. All state, complex, and school level administrators of the DOE are responsible for implementing reasonable accommodations approved by the CRCO, and ensuring equal opportunities for qualified applicants and employees with disabilities.

## Terms Defined

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

**"Disability"** means a physical or mental impairment that substantially limits one or more of the person's major life activities, a record of such impairment, or being regarded as having such impairment. Major life activities may include hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working as compared to the average person in the general population.

**"Essential job functions"** means tasks that are fundamental and necessary for the position and must be performed with or without an accommodation (this may include the time spent on a task or duty). Essential functions do not include incidental duties.

**"Reasonable accommodation"** means any change to the work environment or the way things are usually done that allows an individual with a disability to enjoy equal employment opportunities. Examples of reasonable accommodations include but are not limited to: job restructuring; parking; modified work schedules; modification or purchase of equipment; and modifications of examinations and training materials or policies.

**"Undue hardship"** means significant difficulty or expense incurred by an employer with respect to the provision of an accommodation. Significant difficulty can mean accommodations that are unduly extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business, or would impact upon collective bargaining agreements or civil service laws.

**"Direct threat"** means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

## *Procedure for Requesting Reasonable Accommodation*

1. An individual, or individual's representative who is requesting the reasonable accommodation, must inform the DOE of the need for an adjustment or change at work or application process. The Request for Accommodation under the Americans with Disabilities Act (Form RA-1) and the Authorization for Release of Medical Information for Disability Accommodations (Form RA-3) are available for an employee to fill out and submit to the CRCO.
2. The CRCO will inform the employee's or applicant's worksite administrator of the request. The CRCO will obtain any relevant medical information concerning the requestor's physical and/or mental disability in order to make a determination.
3. The CRCO will initiate the interactive process between the employee or applicant and immediate supervisor to discuss the limitation resulting from the disability and potential reasonable accommodations that could overcome those limitations. The CRCO will communicate the determination of whether a reasonable accommodation is possible and the identified accommodation to the employee.

### *What kind of reasonable accommodations can be provided?*

Examples of reasonable accommodations include but are not limited to: job restructuring; parking; modified work schedules; modification or purchase of equipment; and modifications of examinations and training materials or policies.

### *Where else can a discrimination complaint be filed?*

Discrimination complaints may be filed with the CRCO. Complaints need to be filed within 300 days from the last alleged date of discrimination. Please provide all relevant documentation and/or information with your complaint. A complaint form can be downloaded from the DOE's website or you may call the CRCO for a copy.

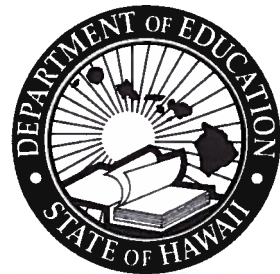
### Contact Information:

Department of Education  
Civil Rights Compliance Office  
P.O. Box 2360  
Honolulu, HI 96804  
Phone: (808) 586-3322 or via relay  
FAX: (808) 586-3331  
Email: [CRCO@notes.k12.hi.us](mailto:CRCO@notes.k12.hi.us)

Anne Marie Puglisi, Director  
Beth Schimmelfennig - ADA/504  
Krysti Sukita - ADA/504

*For Employees and Applicants*

**DEPARTMENT OF EDUCATION  
STATE OF HAWAII**



*Responsibilities and Procedures for Addressing  
Requests for Reasonable Accommodations  
Due to a Disability*