

1078.0.0 AMERICANS WITH DISABILITIES ACT

1078.1.0 Purpose

It is the policy of the Arkansas Department of Human Services that a Qualified Person with a Disability will not be excluded from participating in any program or be denied benefits of any program or be subjected to discrimination under any program, service, activity or employment opportunity in violation of the Americans with Disabilities Act of 1990 (ADA), as amended, or the Rehabilitation Act of 1973, as amended.

1078.2.0 Definitions

1078.2.1 ADA - means the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009.

1078.2.2 DHS - The Arkansas Department of Human Services, its divisions, offices and programs.

1078.2.3 DHS ADA Coordinator - Person appointed by the DHS Director as the administrator of ADA compliance activities.

1078.2.4 Division ADA Coordinator - A person selected by each division or office of DHS to serve as a liaison between the Department ADA Coordinator and the public and division employees regarding ADA issues. Designees may also be assigned for institutional programs or county offices.

1078.2.5 Qualified Individual with a Disability - An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this policy, consideration shall be given to the hiring official's judgment as to what functions of a job are essential, and if the hiring official has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

1078.3.0 Employment

1078.3.1 DHS does not discriminate on the basis of disability against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

1078.3.2 DHS will conduct medical examinations and inquiries as required by the ADA.

1078.3.3 DHS will make reasonable accommodations for qualified individuals with disabilities, if the reasonable accommodation does not create an undue hardship.

1078.3.4 DHS will conduct an interactive process for employees in accordance with the ADA.

1078.3.5 If the response to the request for a reasonable accommodation does not, in the opinion of the requesting party, satisfactorily resolve the issue, the requesting party may initiate a complaint in accordance with the complaint procedures set out in Attachment A.

1078.4.0 Program Accessibility

1078.4.1 DHS does not deny the benefits of its programs, activities and services to individuals with disabilities because its facilities are inaccessible whether owned, leased or utilized by DHS. The facilities must comply with the Handicapped Accessibility Standards developed by Arkansas State Building Services.

1078.4.2 DHS may not take actions related to program accessibility if it can demonstrate that to do so would result in a fundamental alteration to the nature of its programs or activities or cause an undue financial and administrative burden.

1078.5.0 Communications

1078.5.1 DHS will make appropriate auxiliary aids and services available when necessary to ensure effective communication.

1078.5.2 When an auxiliary aid or service is required, DHS will provide an opportunity for individuals with disabilities to request the auxiliary aid and service of their choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program or activity or cause an undue financial and administrative burden.

1078.6.0 Contracting and Licensing

1078.6.1 DHS does not discriminate on the basis of disability in contracting for the purchase of goods and services.

1078.6.2 DHS does not discriminate on the basis of disability in its licensing certification and regulatory activities.

1078.7.0 Self-Evaluation Plan

The DHS ADA Coordinator shall, in conjunction with the Division ADA Coordinators, maintain and periodically update a self-evaluation plan. This plan is considered a part of DHS's ongoing program for monitoring DHS' activities and is an assessment of current policies and practices

1078.8.0 Complaint Procedure

Anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, benefits, employment opportunity, or employment by DHS shall use the complaint procedure outlined in Attachment A.

1078.9.0 Originating Section/Division Contact

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