
POLICY NUMBER: 103.0

TITLE: Americans with Disabilities Act
(ADA)

EFFECTIVE: October 13, 2022

I. INTRODUCTION AND PURPOSE

The Americans with Disabilities Act (hereafter referred to as ADA) is a federal law that makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process, including recruitment, hiring, advancement, compensation, fringe benefits, job training and other terms, conditions and privileges of employment. The Teachers' Retirement System of Louisiana (TRSL) is fully committed to providing and promoting equal workplace opportunities in accordance with the ADA, and Louisiana laws and regulations. The purpose of this policy is to outline TRSL's standards and procedures for purposes of ADA compliance.

II. APPLICABILITY

This policy applies to all TRSL employees, applicants for employment, and qualified individuals who access a program or service provided by TRSL.

III. POLICY STATEMENT

It is the policy of TRSL to provide and maintain a work environment that promotes equal opportunity for all of its employees and applicants for employment including individuals with disabilities. TRSL adheres to the applicable mandates of the ADA, as well as related Louisiana laws and regulations in its hiring and employment practices, services, activities, and benefits.

IV. REQUIREMENTS

TRSL will comply with all applicable requirements of the ADA, which include:

- 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. Upon request, TRSL shall engage in an interactive process and may approve a reasonable accommodation, unless the Requestor is not a qualified individual, doing so would pose an undue hardship to the

agency; or poses a direct threat to the health or safety of the individual with a disability or others.

- B. **Title II** – Ensures qualified individuals with disabilities have equal access to the full range of programs, services, activities and facilities of the agency. Upon request, TRSL may provide a reasonable accommodation, unless the Requestor is not a qualified individual, doing so would fundamentally alter the nature of the agency's service, program or activity, an accommodation creates an undue burden, or poses a direct threat to the health or safety of the individual with a disability or others.

V. 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 or perceived as having such impairment.
- 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, TRSL's judgment regarding which functions are essential, the time spent performing the function, consequence of not requiring the incumbent to perform the function, whether the reason the position exists is to perform that function, the limited number of employees available to perform that function, the specialization required upon the incumbent to perform the 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, education, physical, medical, safety or other 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 TRSL, 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 TRSL and/or ensure equal opportunity relative to TRSL's programs, services, activities and facilities.
- H. Undue Hardship:** An accommodation that would be significantly difficult, costly, extensive, substantial or disruptive, in light of factors such as the nature and net cost of the accommodation, size of the agency, the resources available, the effect on expenses and resources, location of facilities, composition, structure and function of the agency, impact upon other employees to perform their duties, and the nature of the agency's business operations.

- 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. **TRSL ADA Coordinator:** TRSL's Human Resources Director is the agency's representative responsible for facilitating the interactive, evaluation process relative to any request for accommodation, whose name and contact information is provided below.

Name: **Leigh Anne Faber**
Section: **Human Resources Department**
Address: **P.O. Box 94123, Baton Rouge, LA 70804**
Phone #: **(225) 925-4564**
Email: leigh.faber@trsl.org

VI. REQUESTING A REASONABLE ACCOMODATION

TRSL will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue hardship. TRSL will make reasonable efforts to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. TRSL, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation.

- A. **General information** – It is the responsibility of the qualified individual with a disability to request reasonable accommodation(s) when needed. To do so, the requestor should follow the following procedure:
 1. Make the initial request either verbally or in writing.
 2. Once the request is initiated, complete the *TRSL Request for Accommodation Form*. (If the individual needs assistance to complete the request form, TRSL will provide such assistance.);
 3. Submit the request to the appropriate person for the nature of the accommodation requested (as further explained below); and
 4. Participate in the interactive process (as further described therein).

NOTE: If the accommodation request is from a TRSL employee, they may be required, as part of the interactive process, to provide the TRSL ADA Coordinator with medical documentation from their health care provider describing the nature of the disability and the functional limitations thereof.

B. Employment (Title I)

1. Application/Testing Process

A qualified individual with a disability may address an accommodation request relative to the application and/or testing process to the following, dependent upon the Job Type indicated on the vacancy announcement:

- a. For Classified Jobs: Contact State Civil Service (SCS), Testing and Recruiting Office. For more information regarding accommodations, applicants may go to [Civil Service/Job Seekers with Disabilities](#).
- b. For Unclassified Jobs: Contact the TRSL representative identified in the vacancy announcement for the job being sought. The TRSL representative shall notify and collaborate with the TRSL ADA Coordinator to address the accommodation request.

2. Interview Process

If contacted for an interview, a qualified individual with a disability should notify the TRSL hiring contact at that time if an accommodation is needed in order to participate in the interview and, if so, the nature of the accommodation. The TRSL hiring contact shall notify and collaborate with the TRSL ADA Coordinator to address the accommodation request.

3. Performance of Essential Functions

- a. A qualified individual with a disability may request an accommodation related to the performance of the essential functions of a job to the following:
 - i. If needed prior to or at the time of hire for a position, the accommodation request should be submitted to the TRSL hiring contact.
 - ii. If employed by TRSL and needed for the current job held, the accommodation request should be addressed to the Human Resources department or the immediate supervisor. (**NOTE:** TRSL staff members will find procedures for requesting reasonable accommodations in TRSL's *ADA Reasonable Accommodations Request and Complaint Procedures for Staff*.)

b. The TRSL hiring contact, immediate supervisor, or Human Resources staff shall notify and collaborate with the TRSL ADA Coordinator to address the accommodation request.

i. Such requests must include the duties the individual is unable to perform and the accommodation(s) requested.

4. 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 TRSL 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.

NOTE: Guidelines that govern facility standards are based on the date of original construction. Additional guidelines may apply when renovations or alterations are undertaken.

5. Pregnancy, Childbirth, or Related Medical Condition

a. 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.

b. The immediate supervisor shall notify and collaborate with the TRSL ADA Coordinator to address the accommodation request.

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

C. Effective Communication (Title II) - A qualified individual with a speech, hearing or vision impairment may request an accommodation to the TRSL ADA Coordinator and may be furnished with appropriate auxiliary aids and services so that the individual can participate equally in TRSL's programs, services and activities.

NOTE: Anyone who requires an auxiliary aid or service for effective communication should contact the TRSL ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

- D. 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 enjoy TRSL's programs, services and activities should contact the TRSL ADA Coordinator. Such requests should include the specific program, service or facility that the individual is unable to access and the accommodation(s) requested.
1. In connection with current employment at TRSL or the interview process, qualified employees or applicants with disabilities may request accommodations in order to perform essential job functions or to gain access to the hiring process. Such requests should be made to the TRSL Human Resource department, in accordance with the *TRSL ADA Reasonable Accommodations Request and Complaint Procedures for Staff*.
 2. In connection with other programs, services or activities of TRSL, qualified individuals with a disability may request an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service, or activity of TRSL. TRSL will make efforts to comply with such requests, in accordance with the ADA.

VII. INTERACTIVE PROCESS - EVALUATION OF ACCOMMODATION REQUESTS

Upon receipt, the individual to whom an accommodation request was submitted must immediately notify the TRSL ADA Coordinator who shall:

- A.** Document the request, if not submitted in writing by the requestor, on the *ADA Accommodation Request* form;
- B.** Notify the requestor, if requestor is a current TRSL employee, whether a completed *TRSL Medical Inquiry Form* from a health care provider is required;
- C.** Engage in an interactive process involving consultation with the requestor, the treating physician (if applicable), and agency management;
- D.** Where appropriate, discuss any alternative, equally effective accommodations with the requestor, treating physician (if applicable), and agency management;
- E.** Recommend to, and secure approval from, the TRSL Deputy Director as to the final determination of the accommodation request; and
- F.** Notify the requestor, in writing, of the final determination, including information regarding the internal grievance procedure.

NOTE: All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis. Persons with disabilities are encouraged to suggest accommodations based upon their own life and/or work experiences. Such requested accommodations may be considered. Nonetheless, TRSL reserves the right to select an equally effective accommodation that may be less expensive or impactful on business operations. TRSL may confer with the Louisiana Rehabilitation Services and/or Job Accommodation Network (JAN), as deemed appropriate, to help evaluate the availability of accommodation options and resources related thereto.

VIII. INTERNAL COMPLAINT PROCEDURE

The following grievance 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: TRSL employees may file an internal grievance using the *TRSL Grievance Form* and in accordance with *TRSL Policy No. 111.0 Grievances*, and elevate the complaint directly to Step 3 – TRSL Director or Designee.

B. Applicants or General Public: Complaints regarding the application/testing/interview process or accessibility of a program, service or activity of TRSL may be addressed to the TRSL Director, by writing to: PO Box 94123, Baton Rouge, LA 70804.

IX. PROTECTIONS

No individual shall be discriminated or retaliated against, coerced, intimidated, threatened, harassed or interfered with for:

- Making an accommodation request;
- Opposing any act or practice made unlawful by the ADA;
- Filing a charge, testifying, assisting, or otherwise participating in an investigation, proceeding, or hearing to enforce any provision of the ADA;
- Aiding or encouraging another individual in the exercise of any right granted or protected by the ADA; or
- Having a family, business, social, or other relationship or association with an individual with a known disability.

X. COMMUNICATION AND PUBLIC NOTICE

TRSL's ADA policy and associated forms (*TRSL Request for Accommodation Form*, *TRSL Medical Inquiry Form*) will be available to all employees in the TRSL Human Resources department, on the Intranet, or by request to the TRSL ADA Coordinator.

To ensure accessibility by all interested persons, this policy shall be made available on TRSL's public website located at www.trsl.org, as well as a notice posted conspicuously in the Retirement Systems' Building in the 2nd and 3rd floor lobbies for access by the public.

XI. CONFIDENTIALITY

TRSL will only request such information about an individual's disability as is necessary for those TRSL representatives making an accommodation decision to determine the need for and the manner in which the disability may reasonably be accommodated.

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.

XII. ADDITIONAL RESOURCES

For additional resources, individuals with disabilities may contact the State ADA Coordinator at (225) 342-1243.

Individuals may also contact or file a complaint with the following:

- U.S. Equal Employment Opportunity Commission (EEOC) pursuant to Title I (29 CFR § 1630.1 – 1630.16) at 1-800-669-4000, 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).
- Louisiana Commission on Human Rights pursuant to La. R.S. 23:323 et seq at 225-342-6969; or
- U.S. Department of Justice (DOJ), Civil Rights Division, pursuant to Title II (28 CFR § 35.101 – 35.190) at 202-514-3847 or 202-514-0716 (TTY for Deaf/Hard of Hearing callers only).

Be advised that strict time limitations apply for filing complaints with these governmental agencies.

XIII. EXCEPTIONS

There are no exceptions to this policy unless required by state or federal law, mandate or agreement.

XIV. QUESTIONS

Questions regarding the interpretations and enforcement of this policy should be directed to the TRSL Human Resources Department.

XV. AUTHORITY/APPLICABLE LAW

Federal Law: Americans with Disabilities Act (ADA) of 1990; ADA Amendments Act (ADAAA) of 2008

State Law: Act 103 of the 2022 Regular Legislative Session (La. R.S. 46:2594-2597)
La. R.S. 23:341-342

XVI. HISTORY

Adopted: 11/10/1994

Revised: 06/23/2014; 10/13/2022

XVII. RELATED REFERENCES, POLICIES AND PROCEDURES

- TRSL Policy No. 203.0 Family and Medical Leave Act (FMLA)
- TRSL Policy No. 207.0 Transitional Return to Duty Program
- TRSL Policy No. 101.0 Equal Employment Opportunity (EEO)
- TRSL EEO Discrimination Complaint Procedures/related form(s)
- TRSL ADA Reasonable Accommodations and Complaint Procedures for Staff/related form(s)

XVIII. RESPONSIBLE POSITION/DEPARTMENT

TRSL Human Resources department

TRSL REQUEST FOR ACCOMMODATION FORM

SECTION 1: REQUESTOR INFORMATION

Requestor's Name: _____

Requestor is (*check only one*): Employee Job Applicant Visitor / Public

Requestor's Email: _____

Requestor's Address: _____

Requestor's Phone #: _____

If Requestor is an employee, also provide:

Job Title: _____

Division/Unit: _____

Supervisor's Name _____

SECTION 2: REQUESTED ACCOMMODATION (*Attach a separate sheet if additional space is needed*)

A. Please describe the nature of your disability and the functional limitations resulting therefrom.

B. Check the type of accommodation requested. Use the blank space provided to the right to further explain reason for the requested accommodation.

	Accommodation Type:	Reason for Accommodation Request:
1.	<input type="checkbox"/> Application/Testing Process Explain the specific application/testing requirement for which accommodation is requested: (→)	
2.	<input type="checkbox"/> Participating in a Job Interview Identify the Date/Time/Location of the job interview for which an accommodation is requested: (→)	
3.	<input type="checkbox"/> Performance of Essential Functions of Your Job Explain the job duties for which accommodation is requested: (→)	
4.	<input type="checkbox"/> Benefits/Privileges of Employment Explain the benefits or privileges of employment for which accommodation is requested: (→)	
5.	<input type="checkbox"/> Pregnancy, Childbirth or Related Condition Explain how pregnancy, childbirth or a related condition affects your ability to perform your job: (→)	
6.	<input type="checkbox"/> Effective Communication Identify the Date/Time/Location for which an auxiliary aid is requested: (→)	
7.	<input type="checkbox"/> Access to Programs, Services or Facilities Identify the specific program, service or facility for which access is needed: (→)	

C. Describe the accommodation(s) requested. (*Identify specific auxiliary aid requested, if applicable*)

Requestor's Signature: _____ Date: _____

SECTION 3: TO BE COMPLETED BY TRSL ADA COORDINATOR

a. Process Tracking:

1. Date the Request for Accommodation was prepared/signed by Requestor: _____
2. Date the Request for Accommodation was received by TRSL ADA Coordinator: _____
3. Date of initial contact with Requestor (*initiate interactive process*): _____
4. Date(s) of follow-up contact with Requestor: _____
5. Date the Request for Accommodation was discussed with TRSL Deputy Director: _____
6. If applicable, date the alternative accommodation(s) was discussed with Requestor: _____
7. Date Requestor was notified of final accommodation determination: _____
8. Date Requestor was notified of internal grievance procedure: _____

b. Is there an equally effective accommodation(s), other than the one requested, that would satisfy the request? (Consult with www.askjan.org or Louisiana Rehabilitation Services, if necessary) Yes No

If Yes, please identify:

c. Was an accommodation granted? Yes (*Proceed to section d. below*) No (*Proceed to section e. below*)

d. Accommodation Granted:

Was the accommodation granted the same as the one requested? Yes No

If an alternative, equally effective accommodation was granted, explain the reason this option was selected rather than the one requested. (*Reason for alternative accommodation should be fully documented.*)

e. Denial of Accommodation:

Check reason for denial **and** provide further explanation below. (*Denials should be fully documented.*)

ADA Title I (for employees / applicants)

- Requestor is not a "qualified individual" (See Definition in agency policy)
- Accommodation would pose an undue hardship to the agency
- Accommodation would not eliminate direct threat of substantial harm to safety of individual or others

ADA Title II (for visitor / public)

- Requestor is not a "qualified individual" (See Definition in agency policy)
- Accommodation would fundamentally alter the nature of the agency's service, program or activity
- Accommodation would not eliminate direct threat of substantial harm to safety of individual or others

Explanation:

TRSL ADA Coordinator's Signature: _____

Date: _____