



RIVER VALLEY RESOURCES  
INCORPORATED

**ACCESSIBILITY PLAN,  
REASONABLE  
ACCOMMODATION and  
COMPLAINT PROCEDURE**

## **SUMMARY**

The Americans with Disabilities Act of 1990 mandates, among other things, accessibility to services, goods, facilities, privileges, advantages, and accommodations for individuals with disabilities in the United States. It is the intention of River Valley Resources, Inc. to comply with the Americans with Disabilities Act in the provision of an accessible facility and safe environment for persons served, staff, visitors and the community.

This plan describes the measures that River Valley Resources, Inc. has taken to identify, remove and prevent barriers for people with or without disabilities who work, use, visit or live in our facilities.

## **DEFINITIONS**

**Barrier** - anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability - physical, architectural, information or communication, attitudinal, technological, a policy or practice.

Any condition that makes it difficult to make progress or to achieve an objective.

### **Disability**

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

### **Preventing New Barriers**

River Valley Resources, Inc. is committed to creating an environment that is accessible to all people, regardless of ability., River Valley Resources, Inc.'s practices, policies, services and programs will be assessed to ensure continuous improvement in accessibility.

River Valley Resources, Inc. staff, through its extensive community network helps connect individuals and families to other services that they may need, such as services related to material aid, addiction recovery, housing, and entry/ re-entry into the workforce.

### **Architectural Design**

There are wheelchair accessible restrooms throughout the RVR service locations as well as wheelchair ramps allowing access to the building as well as a commercial power door opener at the main entrance. River Valley Resources, Inc. facilities are accessible to individuals with disabilities. River Valley Resources, Inc. will continue to evaluate the

premises, including the reception area and first floor offices to ensure needs of individuals with disabilities are met.

Our offices have clear signage to direct persons in the event of an emergency situation. Our facilities have been renovated to comply with requirements and meet the needs of employees and persons served. RVR staff members are charged with the responsibility for evaluating the accessibility needs of those we serve.

### **Environmental**

River Valley Resources, Inc. corporate office is located in downtown Historic Madison, Indiana less than four blocks from the Madison City Police station and approximately 4 miles from the Kings Daughters' Hospital facility.

The interior of RVR Clearinghouse offices will be continually evaluated to ensure that there is a comfort level for the staff and persons served.

### **Attitudinal**

Input from staff and persons served is obtained through satisfaction surveys. Each visitor, person served and/or staff member is to be treated with the same respect and with the same goal of increasing the quality of life for the persons served.

Staff members regularly involve themselves in courses, programs and sensitivity training related to persons serviced. This will assure an environment that respects the privacy of all persons served, regardless of any limitation.

### **Policy, Practice and Procedures**

Improvements to our policies and procedures are continuously being revised to reflect specific changes pertaining to persons served. Our commitment to improving lives for a productive, healthy community focuses on the abilities of individuals, recognizes the role and support of the family and community, and promotes individualized choices by staff, persons served and their families.

### **Transportation**

River Valley Resources, Inc. makes every effort necessary to increase the chances of success for our persons served by helping to identify and correct those transportation barriers that exist within the communities we serve.

## **REASONABLE ACCOMMODATION & COMPLAINT POLICY & PROCEDURE**

River Valley Resources, Inc. (RVR, Inc.) shall provide Reasonable Accommodation to all disabled applicants and employees within the meaning of the Fair Employment and Housing Act (Government Code § 12940) and Title I of the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). To ensure that Reasonable Accommodation is made, whenever possible, River Valley Resources, Inc. will engage in a good-faith interactive process with applicants and/or employees determined to require or request an accommodation.

### **Definitions**

- A. **Direct Threat:** No accommodation is required if the accommodation request would place the employee/applicant in imminent and substantial danger, or if the accommodation would place others in substantial danger and no Reasonable Accommodation exists that would remove or reduce the danger.
- B. **“Disability”** - Definition on page 1 of this RVR Accessibility, Accommodation and Complaint Procedures plan.
- C. **Eligible Persons:** Persons eligible for Reasonable Accommodation and therefore covered by this policy are applicants for employment, employees (regular, at will, or by employment contract) as well as individuals who work under the control of the employer (temp. agency help).
- D. **“Essential Functions:** Essential functions are the basic job duties that an employee must be able to perform, with or without Reasonable Accommodation. Factors to consider in determining if a function is essential include: whether the reason the position exists is to perform that function, the number of other employees available to perform the function or among whom the performance of the function can be distributed, and the degree of expertise or skill required to perform the function.
- The employer’s judgment as to which functions are essential, and a written job description prepared before advertising or interviewing for a job will be considered as evidence of essential functions. Other kinds of evidence that will be considered include the actual work experience of present or past employees in the job, the time spent performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement.
- E. **“Good Faith”** Federal courts have provided an interpretation of “good faith,” essentially stating that the organization and the applicant or employee must communicate directly with each other to determine essential information and that neither party can delay or interfere with the process. To demonstrate good-faith engagement in the interactive process, the organization should be able to point to cooperative behavior that promotes the identification of appropriate accommodation.

F. **“Interactive Process** for this purpose is defined as an “interactive process” between the organization and the applicant or employee with a known disability. This includes: consulting with the individual to ascertain the precise job-related limitations and how they could be overcome with a Reasonable Accommodation, and identifying potential accommodations and assessing their effectiveness.

Whenever possible, face-to-face interaction is preferred and recommended.

Although the preferences of the individual in the selection of the accommodation should be considered, the accommodation implemented should be one that is most appropriate for both the employee and the employer.

G. **“Medical Condition”** Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic. A “genetic characteristic” can be a scientifically or medically identifiable gene or chromosome or an inherited characteristic that could statistically lead to increased development of a disease or disorder. For example, women who carry a gene established to statistically lead to breast cancer are protected under state law.

H. **“Not a Reasonable Accommodation”** An employer is not required to lower quality or production standards, provide personal use items (such as glasses), create a new position, displace (lay-off or bump) other employees. No accommodation is required if the Essential functions of the job cannot be performed, if the employee poses a direct threat to him/herself or co-workers or if the accommodation would create an undue hardship for River Valley Resources, Inc.

I. **“Reasonable Accommodation”** Reasonable Accommodation is any appropriate measure that would allow the applicant or employee with a disability to perform the essential functions of the job. It can include making facilities accessible to individuals with disabilities or restructuring jobs, modifying work schedules, buying or modifying equipment, modifying examinations and policies, or other accommodations. For example, providing a keyboard rest for a person with carpal tunnel syndrome may qualify as a Reasonable Accommodation. A person with asthma may require that the lawn care outside of the offices worked be rescheduled for a non-business day.

J. **Timely:** It is the goal of the RVR, Inc. to adhere to this the decision making timeline of 15 to 20 days to make the decision. Although this is only an internal guideline, it is the goal of the RVR, Inc. to adhere to this timeline whenever possible.

K. **Undue Hardship:** Undue hardship is a significant difficulty or expense caused by accommodation, such as the:

1. Nature and cost of the accommodation needed
2. Overall financial resources of the facility making the Reasonable Accommodation
3. Effect on expenses and resources of the facility
4. Impact of the accommodation on the operation of the facility

## **Employee's/Applicant's Request for Reasonable Accommodation**

Before providing Reasonable Accommodation to an eligible party, RVR, Inc. shall require the eligible individual to certify that they qualify as a Disabled person as defined previously in this document (page 1) The following specific protocols have been developed to assist with individual eligible type requests. The following protocols must be adhered to uniformly.

- 1. Applicant Request for Reasonable Accommodation:** The organization will require all applicants requesting Reasonable Accommodation to complete and submit to Human Resources **RVR's Applicant Request For Accommodation Form** at least two (2) workdays before the examination. All requests for examination modifications will also be required to submit certification of disability status from a health care provider at the applicant's own expense.

If the applicant is determined to be disabled, the request will be processed and a decision made as to the reasonableness of the applicant's request. If the applicant is determined not to be disabled or the request can not be fulfilled, the applicant will be contacted by Human Resources, and discussion will occur relating to the specifics of the organization's determination.

Disabled applicants who complete the application process, and are being considered for employment, will be provided with Reasonable Accommodation through a good-faith interactive process.

- 2. Employee Request for Reasonable Accommodation:** Any employee or temporary agency employee that believes they are a qualified disabled eligible and in need of Reasonable Accommodation(s) are to inform their RVR supervisor for such need orally and in writing. Once verbally expressed, the supervisor will notify RVR's Human Resources personnel to ensure that the employee has been provided with a copy of this policy and necessary forms. The employee is then to provide the supervisor/Human Resources with a completed **RVR Employee Request for Reasonable Accommodation/Medical Certification Form**. The employee can request assistance from department personnel to complete the required form.

The employee assumes the cost of obtaining the certification unless the employee's department, in conjunction with Human Resources, determines that a Fitness-For-Duty examination is required to obtain the needed information. In that case, all costs of the examination will be paid by the employee's department and/or River Valley Resources, Inc.

If it is determined that the employee is a qualified disabled employee then the employee will be engaged to determine all possible options to provide Reasonable Accommodation.

- 3. Perception of an Employee/Applicant as Disabled:** If an employee/applicant is perceived to need Reasonable Accommodation by others, the employer must take steps to

determine if engaging in the interactive process with the employee/applicant is necessary. If the employee's supervisor and manager believe that the employee may be disabled then a meeting is to be scheduled with the employee to determine if the employee is disabled and in need of Reasonable Accommodation. A Fitness-For-Duty examination may be scheduled to obtain the necessary certification to determine if the employee is disabled.

**4. Disability and Disciplinary Interconnection:** Employee conduct resulting from a disability is part of the disability and not a separate basis for termination or discipline. If an employer is aware of a disability or perceives an employee to have a disability that may be contributing to a performance issue, the employer must address the possible connection. This is done by engaging with the employee to determine if they have a protected disability. If so, the supervisor is to engage with the disabled employee to ascertain if any accommodations are possible that might mitigate the negative behavior/actions.

### **Interactive Process Discussion**

After receipt of medical certification determining an employee/applicant is disabled, RVR, Inc will arrange for a discussion or multiple discussions, in person or remotely with the employee, and his or her representatives, if any. The purpose of the discussion is to work timely and in good faith to fully discuss all feasible potential Reasonable Accommodations. During the meeting, **RVR's Reasonable Accommodation Assessment Form** will be completed by the participants, and the completed form sent to Human Resources for maintenance in the employee's medical personnel file.

1. Applicants requesting Reasonable Accommodation will engage with the Human Resources Department in the interactive process. Participants in the process will include, but are not limited to:
  - a. Disabled employee/applicant
  - b. Disabled employee/applicant representative(s) of choice
  - c. Immediate supervisor of employee/position
  - d. Risk management for all workers' compensation injuries/disabilities
  - e. Human resources for all requests
  - f. Facilitator for meeting

The above participants are expected to be present and/or participate before any decisions are made regarding the ability to provide Reasonable Accommodation.

2. Employees requesting Reasonable Accommodation will engage first with their immediate supervisor. The supervisor will complete the organization's **Reasonable Accommodation Assessment Form** and submit their recommendation for Reasonable Accommodation to RVR HUMAN RESOURCES. Human Resources will notify the employee of the final determination for River Valley Resources, Inc.

## Providing Reasonable Accommodation

Reasonable Accommodation is any appropriate measure that would allow the applicant or employee with a disability to perform the essential functions of the job. It can include making facilities accessible to individuals with disabilities or restructuring jobs, modifying work schedules, buying or modifying equipment, modifying examinations and policies, or other accommodations.

Three Reasonable Accommodation options ought to be considered with each request. These are:

1. **Offer of modified work:** Disabled employee/applicant is accommodated into their current classification (or position being applied for) through modifications to facilities or schedule, equipment purchases, modifying examinations, changing policies, etc., that allow the employee/applicant to perform 100% of the Essential Functions of the position.

This option should be exhausted before the other two options are explored. If modified work is offered, options 2 and 3 typically need not be explored. However, if an employee/applicant disagrees that they can perform the offer of modified work; it is recommended that options 2 and 3 below are discussed before a final recommendation is made by the supervisor to Human Resources.

2. **Offer of an extended leave of absence:** An employee with a disability is often entitled to FMLA and other paid and unpaid leaves. Disabled employees must be afforded these leaves. Besides, it may be “reasonable” to consider offering a leave (unpaid) over what is required through law or RVR policy. It may at times be reasonable to modify existing policies for disabled employees when the change would assist in the return to work of the employee.

Any extension of a leave of absence above legal or policy requirements would only be done if the employee’s medical condition is expected to improve and leave would facilitate a return to work in a specified period. This option is not reasonable for a person who is permanently disabled and is not expected to see medical improvement.

3. **Offer of alternate work/reassignment:** Disabled employee is placed into a vacant position that is open and budgeted. Reassignments must not violate any contractual provisions. Also, the employee must meet the minimum qualification of the position and it can not be a promotion. If multiple positions meet the above criteria, the [ ] will consider the employee’s preference before making a placement decision. An employee will serve a promotional period for any assignment that they have not yet held permanency in.

## Length of Reasonable Accommodation

Eligible persons may be provided with short-term or long-term accommodation periods



depending on the medical certification listing the need. Any accommodation, regardless of the length of time it has been provided, can be revisited should the eligible person or the [] believe that the accommodation is no longer effective or safe.

#### A. Short-Term Disabilities:

Employees/applicants who are temporarily disabled may be provided with temporary accommodation through modifications to their current assignment or through a temporary assignment into alternate work. A temporary assignment does not constitute any right to the temporary assignment permanently. Employees who are provided with temporary accommodation must sign the **Temporary Duty Agreement Form**. An employee who refuses to sign will not be provided with Temporary Duty and will be placed on the appropriate leave of absence following other RVR Inc. policies and contractual agreements.

#### B. Long-Term/Permanent Disabilities:

When an employee/applicant provides medical certification that they need permanent or long-term accommodation the [] will provide Reasonable Accommodation within the guidelines of the applicable laws. Depending on the circumstances the [] may provide temporary accommodation to allow time to review the effectiveness of a permanent/long-term accommodation. In all assignments, no permanently disabled employee/applicant will be provided with accommodation unless the accommodation would allow them to perform all of the essential functions of the position and in doing so there is not a created undue hardship or direct threat to the RVR, Inc. employee/applicant or staff.

### Case-by-Case Determination

RVR, Inc. determines in its sole discretion, whether Reasonable Accommodation(s) can be made, and the type of accommodation(s) to provide. The organization will not provide accommodations(s) that would pose an undue hardship upon RVR's finances or operations, or that would endanger the health or safety of the employee or others. The organization will inform the employee of its decision as to Reasonable Accommodation(s) in writing.

### Required Forms

#### A. Applicants:

Applicants must complete the **"Applicant Request for Reasonable Accommodation Form"** up to two (2) workdays before the examination date to be considered.

#### B. Employees

Employees requesting reasonable accommodation must submit their request in writing to their RVR supervisor. The supervisor will consult with Human Resources. Employees must submit a completed **"Employee Request for Reasonable Accommodation and Disability Certification Form"** to their supervisor

### C. Management/Human Resources

The RVR supervisor must complete the RVR “**Reasonable Accommodation Assessment Form**” during the interactive meeting with the employee. Departments completing this form must submit a completed form to Human Resources before any decision is finalized with eligible employees. Human Resources staff must completely review each applicant request for reasonable accommodation in the recruitment processes and follow-up with all candidates verbally and in writing.

### **Communication of the Plan**

This accessibility plan will be available upon request and is posted on the organization's website. River Valley Resources, Inc. will explore other accessible formats and alternative communication strategies to distribute future accessibility plans.