

Boston Housing Authority Guidelines to Reasonable Accommodation In Employment For Persons with Disabilities

Introduction

It is the policy of the Boston Housing Authority to provide reasonable accommodation in employment for job applicants and employees with disabilities where reasonable accommodation is needed to perform the essential functions of a job and to provide an equal employment opportunity. This Guide will provide you with information about this policy, how it works, and how to obtain a reasonable accommodation.

Who is a Person with a Disability?

A person with a disability is an individual with a physical or mental impairment which substantially limits one or more major life activities. You can also be considered disabled if you have a record of a physical or mental impairment or if people regard you as having such an impairment.

A physical impairment is a disorder or condition that affects one or more body systems. A physical impairment can be caused by illness, disease, a birth defect, injury, age or anything else which disrupts a person's physical ability to perform a major life activity. Some examples of physical disabilities are blindness, hearing loss, or inability to walk.

A mental impairment is a mental, psychiatric or psychological disorder. Some examples are mental illness, mental retardation or specific learning disabilities.

You may be considered a person with a disability if your physical or mental condition substantially limits your ability to perform a major life activity. Examples of major life activities are walking, hearing, seeing, and talking.

Factors which will be considered in determining whether you are disabled include the nature and severity of the impairment, the duration or expected duration of the impairment, and the expected long-term impact of or resulting from the impairment.

Under some circumstances alcoholism or a history of drug addiction may be considered a disability. Current users of illegal drugs or casual alcohol users are *not* considered disabled.

Who is an “Otherwise Qualified Person with a Disability?”

A person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job the person holds or desires.

What is a “reasonable accommodation”?

A reasonable accommodation is a request by an otherwise qualified job applicant or employee with a disability for any adjustment or modification in the terms or conditions of employment (or to the job application procedure) to allow the person with a disability to perform essential job functions or to use the job application process. Any accommodation considered by the BHA cannot result in an undue hardship to the BHA or create a fundamental change in its program, or to the particular job function. For example it might be reasonable to communicate with a job applicant through audio-cassette materials, permit an employee to modify job hours to attend disability-related treatment, or for the BHA to adapt job-required equipment. Each situation must be reviewed on its own facts, with consideration given to the effect of the disability on the individual, the essential requirements of the job, and whether the accommodation will pose an “undue hardship” to the BHA.

How do I Request a “reasonable accommodation”?

Job Applicants:

If you need an accommodation in order *to apply* for employment with the BHA, you should complete a Request for Reasonable Accommodation in Employment Process Form and present it to the Human Resources Department at 52 Chauncy Street, 9th floor, Boston, MA. You can make a request for a Form by calling the BHA 24 Hour Civil Rights Hotline – 617-695-3531 or the Reasonable Accommodation Coordinator at 617-988-4383 (TDD 1-800-545-1833 ext. 420) or the Human Resources Department (617-988-4090). The form is also available on the BHA Web Site at www.Bostonhousing.org and on the BHA’s internal intranet. If you need assistance in completing the Form or in communicating with the BHA in an alternative format, ask a Human Resources staff person or the Reasonable Accommodation Coordinator for help. Please see further information on the process of applying for and determination of a reasonable accommodation in the rest of this brochure. Some examples of the types of accommodation that might be needed include large print or audio-cassette materials, adapted computer equipment, or a different interview time or location.

Job Applicants and Current Employees:

To request an accommodation other than assistance in completing the employment application process (see above), you must complete a Request for Reasonable Accommodation in Employment Form:

- 1) Complete a “Request for Reasonable Accommodation in Employment Form.” Forms are available on the BHA Intra-Net and BHA Web Site at www.Bostonhousing.org as well as at BHA development management offices and in the Civil Rights and Human Resources offices at 52 Chauncy Street. You can make a request for a Form by calling the Reasonable Accommodation Coordinator at 617-988-4383 (TDD: 1-800-545-1833 ext. 420). If you need assistance in completing the form, ask a BHA staff member for help. If necessary the BHA will provide a reader or sign language interpreter. The form will ask questions about what changes you are requesting as a result of your disability.

You may be asked to provide confirmation about your disability from a medical professional or qualified service provider. The medical professional or qualified service provider may also be asked to certify and explain how the accommodation you have requested is related to your disability and will be effective in accommodating your disability. It is important that you meet any deadlines for information requests. Failure to respond in a timely manner may result in your request being delayed or denied. If you need more time to respond, let the Reasonable Accommodation Coordinator or Human Resource staff know.

- 2) Submit your Request Form and any supporting information to the Human Resources Department, or the Reasonable Accommodation Coordinator. During the process of evaluating your request, you or BHA staff may request a meeting to discuss the requested accommodation. The meeting will be held at a location that is accessible to you. You may have a union representative, friend or advocate (if you are not an employee in a BHA union) with you at the meeting. You may also request a reader or sign language interpreter and one will be provided by the BHA. If you are unable to come to the meeting site for a reason related to your disability, the meeting may be held by telephone, or if you are an employee, at your job site.

Who can I go to if I have questions?

The BHA has a Reasonable Accommodation Coordinator who can be consulted at any time in the process. The Reasonable Accommodation Coordinator can be reached at 617-988-4383 in the BHA Office of Civil Rights. The TDD number is 1-800-545-1833 ext 420.

The Reasonable Accommodation Coordinator can help determine what kinds of accommodation are reasonable and would work best. If you have questions about information that is requested from you, if you don't understand the procedures, or you are not sure what kind of accommodation might be available for your situation, you should call the Reasonable Accommodation Coordinator.

How is my request processed?

For Current Employees:

- 1) After you submit your request, Human Resources will review your request with your supervisor and Department Head and then forward it to the Reasonable Accommodation Coordinator. The Reasonable Accommodation Coordinator will gather all pertinent information currently available relative to your request and present it to the Employment Reasonable Accommodation Committee (ERAC). Members of the ERAC consist of the Reasonable Accommodation Coordinator, Worker's Compensation Manager, Director of Civil Rights, Director of Property Management, Assistant Director of State Housing Program, Director of Human Resources or their designees. If the ERAC determines that additional information is needed, you will be notified in writing. You will have a reasonable length of time, not less than 20 days, to respond. After all information is received, a decision will be issued in writing within 30 days.
- 2) If the decision is to deny your request, you will be notified in writing, indicating the reason.
- 3) If your request is approved, or the decision is to provide an accommodation different from the one requested, a notification letter will include a description of the accommodation to be made and a time frame for implementation.

For Job Applicants:

All job applicants must be able to perform the essential functions of the job if a reasonable accommodation is provided.

After you submit your request, the Director of Human Resources will review your Request for Reasonable Accommodation in Employment. If additional information is needed, you will be notified in writing. You will have a reasonable length of time, not less than 20 days, to respond. After all information is received, a decision will be issued in writing within 30 days. It is important that you meet any deadlines for information requests. Failure to respond in a timely manner

may result in your request being delayed or denied. If you need more time to respond, you should call the Human Resources staff person or the Reasonable Accommodation Coordinator (at 617-988-4383 or TDD # 1-800-545-1833 ext. 420).

The decision on your request will be made by the Director of Human Resources. The Director has 30 days to make a decision from either the date of receipt of the request or when all the information needed to make a decision is received. Whether your request is approved or denied, you will be notified in writing. Should your request be denied, you have the right to appeal the decision to the Director of Civil Rights, Boston Housing Authority, 52 Chauncy St., Boston, MA 02111.

Information about the request for reasonable accommodation will be kept as confidential as possible. Information about the reasonable accommodation will only be shared with those on a “need to know” basis.

Some things to keep in mind

- The BHA considers each request for reasonable accommodation to be a separate request. Each decision will be made on a case-by-case basis with the understanding that each person’s needs and circumstances are unique (just because one person’s accommodation request is approved or denied does not mean that all similar requests will be treated in the same way). Any job applicant or current employee requesting a reasonable accommodation must still be able to perform the essential functions of her/his job with the reasonable accommodation.

- Under the law, the BHA has the right to select an alternative means of accommodation, provided it is reasonable. The decision on whether an alternative accommodation is approved will be based on verification that the alternative accommodation will be effective in reducing the barriers to equal employment opportunity and on whether or not it involves a fundamental change to the BHA housing program or creates an undue financial and administrative burden for the BHA.

- The BHA will periodically review approved reasonable accommodations to determine whether the accommodation will continue. This review will take place in a manner comparable to the initial reasonable accommodation process.

Other Remedies

If at anytime you feel your request is not being processed appropriately, you may file a complaint with the Director of Civil Rights or the BHA’s General Counsel.

In addition, you have a right to seek assistance from your union (if applicable), the United States Equal Employment Opportunity Commission, the United States Department of Housing & Urban Development, and the Massachusetts Commission Against Discrimination.

Important Phone Numbers

BHA Reasonable Accommodation Coordinator – 617-988-4383
TDD: 1-800-545-1833 ext. 420

BHA 24 Hour Civil Rights Hotline – 617-695-3531

U.S. Equal Employment Opportunity Commission
JFK Federal Building, Room 475
Government Center
Boston, MA
Phone: 617-565-3200
TDD: 617-565-3204
TTY: 1-800-669-6820 or 617-565-3204

U.S. Department of Housing and Urban Development (HUD)
Fair Housing and Equal Opportunity
10 Causeway Street
Boston, MA 02222
Phone: 617-565-5308
TTY: 1-800-927-9275 or 617-565-5453

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Room 601
Boston, MA 02108
Phone: 617-727-3990
TTY: 617-720-6054

Architectural Access Board
One Ashburton Place
Room 1310
Boston, MA 02108
Voice and TTY 617-727-0660 or 1800-828-7222
(for accessibility issues)

