

Sub-Part 6203 – Office of Civil Rights

Chapter 00100 Americans with Disabilities Act (ADA) Policy Statement

Purpose

- 100 To comply with the requirements of the Americans with Disabilities Act of 1990.
- 101 The Mississippi Department of Transportation will not discriminate against qualified individuals with disabilities in the job applications procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

AMERICANS WITH DISABILITIES ACT (ADA) POLICY STATEMENT

- 200 An individual with a disability is a person who:
- Has a physical or mental impairment that substantially limits one or more major life activities;
 - has a record of such an impairment; or
 - is regarded as having such impairment.
- 201 The Mississippi Department of Transportation will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the agency.
- 202 The Mississippi Department of Transportation strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Any coercion, intimidation, threats, harassment or interference in the exercise of an employee or applicant's rights granted under the ADA, or of the encouragement of someone else's exercise of rights granted by the ADA, is strictly prohibited.
- 203 The Mississippi State Personnel Board has established a separate grievance procedure for any applicant or employee who has reason to believe that they have been unlawfully discriminated against by the Mississippi Department of Transportation on the basis of disability. The separate Americans with Disabilities Act Grievance Procedure is not intended to prohibit an applicant or employee from utilizing the existing grievance procedure and grievant are not required to exhaust either grievance procedure prior to filing a complaint with an applicable federal agency.
- A. Pursuant to Mississippi State Personnel Board regulations, the ADA Grievance Procedure begins with the individual who is filling the grievance preparing and submitting a written statement. The statement should contain the name, address,

and telephone number of the individual or their authorized representative filing the complaint; a brief and specific description of the situation, incident, or condition being grieved and reasons therefore; identity of the grievant; identity of the witnesses, if any; the remedy the individual is seeking; and the signature of the individual filing the grievance properly dated by this individual (appendix B of the Mississippi State Employee Handbook for sample form.)

- B. The grievance should be submitted to the Human Resources Director and/or agency ADA Coordinator within seven working days of when the grievant became aware of the cause of the complaint.
- C. The Human Resources Director and/or ADA Coordinator will then have three working days to provide the grievant a written acknowledgement of the grievance.
- D. The Human Resources Director and/or ADA Coordinator will promptly conduct a review of the issues involved in the grievance. If a resolution of the grievance is mutually agreeable by the parties involved, the Human Resources Director and/or ADA Coordinator will facilitate arrangements of the resolution and make a record of this agreement. If no resolution is possible, the Human Resources Director and/or ADA Coordinator will provide written response to the grievant outlining all of the relevant issues concerning the grievance. This response shall be approved by the agency head or appointing authority and must be completed no later than fifteen working days from the agencies receipt of the grievance.
- E. If a grievance is not presented within the time lines as set forth herein above, it will be considered waived absent an extension by written mutual consent. If the Human Resources Director and/or ADA Coordinator does not answer or acknowledge receipt of the grievance within the specified time lines, the grievant may elect to treat the grievance as denied at that point and immediately appeal the grievance to the Mississippi Employee Appeals Board unless an extension of time is granted to the Human Resources Director and/or ADA Coordinator to respond by written mutual agreement.