**OVERVIEW**

The Americans with Disabilities Act and its Amending Act of 2008 (collectively ADA) are comprised of various Titles within the Code of Federal Regulations (CFR). As public entities, Louisiana state agencies are subject to the following:

* **Title I**: Requires private employers, state and local governments, employment agencies, and labor unions to provide reasonable accommodation(s) to qualified applicants and/or employees with a disability unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the applicant/employee or others in the workplace (29 CFR § 1630.1 – 1630.16).
* **Title II**: Requires State and local governments, regardless of size, to ensure individuals with disabilities have equal accessibility to the full range of programs, services, activities and facilities of the governmental entity (such as employment, social services, voting and public meetings) (28 CFR § 35.101 – 35.190).

**BEST PRACTICES**

It is the responsibility of each state agency to adopt a policy or policies, as appropriate, to implement the provisions of the ADA, based on its business needs, organizational structure, and any federal requirements related to the programs and services administered by the agency. This may include having separate policies for each facility/location; separate policies for employees versus clients; combining ADA with the agency’s Equal Employment Opportunity policies and protocols; etc.

The best practices identified below are intended to assist agencies in ensuring their ADA policy(s) appropriately addresses the full provisions of the law. To illustrate the best practices, a sample, all-inclusive policy has been developed and is cross-referenced in the chart below.

| **BEST PRACTICES** | **REFERENCE** | **SAMPLE POLICY** |
| --- | --- | --- |
| 1. COMMITMENT: Affirm full commitment to complying with the ADA.
 | ------------- | Section I. |
| 1. PUBLIC NOTICE: Post notice of the ADA’s provisions for employees, clients, and the public by making the policy accessible on the agency’s public website (not just intranet) and a notice posted conspicuously for access by the public in each of the agency’s facilities.
 | Required by 28 CFR § 35.106 | Section IX. |
| 1. ADA COORDINATOR: Designate an ADA Coordinator, including name, office, address, email and telephone number, as the individual responsible for coordinating the agency’s ADA accommodation efforts. For consistency, it is recommended this responsibility be centralized with one individual per agency or facility.
 | Required by 28 CFR § 35.107 (a) | Section IV., J. |
| 1. DEFINITIONS: Include definitions for key terms of the ADA, including disability, impairment, substantially limits, major life activities, essential functions, qualified individual, reasonable accommodation, undue hardship and direct threat.
 | Addressed in 29 CFR § 1630.2 | Section IV. |
| 1. PROCEDURES: Outline procedures for requesting various types of reasonable accommodations and to whom such requests should be addressed.
 | ------------- | Section V. |
| 1. AUXILIARY AIDS: Include reference to furnishing appropriate auxiliary aids and services when needed to ensure an individual with a vision, hearing, or speech disability can effectively communicate with, receive information from, and convey information to the agency.
 | Required by 28 CFR § 35.160(b)(1) | Section V.,B. |
| 1. PREGNANCY-RELATED ACCOMMODATIONS: Include notice regarding availability of reasonable accommodations for pregnancy, childbirth, or related medical conditions, and protection from discrimination related thereto.
 | Required by La. R.S. 23:341-342 (Act 393 of 2021 Regular Session) | Section V., A., 5. |
| 1. GRIEVANCES: Include an internal grievance procedure for prompt resolution of complaints regarding disposition of accommodation requests or asserting any action that would be prohibited by the ADA. For an equitable review process, the designee for grievance investigation/resolution should be different from the individual responsible for deciding on requests for accommodation.
 | Required by 28 CFR § 35.107(b) | Section VII. |
| 1. PROTECTIONS: Prohibit discrimination, retaliation, harassment, coercion, interference or intimidation towards any individual related to exercising, or aiding in the exercise of, ADA rights; or for having a relationship or association with an individual with a known disability.
 | Required by 29 § CFR 1630.8, 1630.12; and 28 CFR § 35.130(g), 35.134 | Section VIII. |
| 1. MEDICAL DOCUMENTATION: Maintain medical documentation in a separate, confidential file. Limit requests for medical documentation to such cases where the employee’s disability and need for accommodation are not obvious. Medical documentation cannot be requested from non-employees.
 | Required by 29 CFR § 1630.14 | Section XI. |

Agency ADA Coordinators are encouraged to periodically review and evaluate whether revisions to their existing ADA policy(s) are warranted in consideration of the above best practices.

**FURTHER ASSISTANCE**

For further assistance regarding ADA matters, feel free to contact Rikki Nicole David, State ADA Coordinator, at (225) 342-1243 or rikki.david@la.gov.