

Department of Financial Services

Administrative Policies and Procedures

Title: Americans with Disabilities Act of 1990 (ADA)
Number: 5-17
Section: Bureau of Human Resource Management
Effective Date: December 28, 2010
Approved by: Tammy Teston, Chief of Staff

I. TITLE

Americans with Disabilities Act of 1990 (ADA)

II. AUTHORITY AND REFERENCES

- A. [Public Law 101-336](#)
- B. [Part V Equal Employment Opportunity Commission, 29CFR 1630, Equal-Employment Opportunity for Individuals with Disabilities; Final Rule](#)
- C. [ADA Amendments Act of 2008 \(ADAAA\) S. 3406](#)
- D. Americans with Disabilities Home Page: <http://www.usdoj.gov/crt/ada/adahom1.htm>

III. STATEMENT OF POLICY

It is the policy of the Department of Financial Services (Department) to assure each job applicant and employee a work environment free from any form of unlawful discrimination, which includes unlawful discrimination against qualified individuals with disabilities.

IV. PURPOSE

To prohibit, within the Department, unlawful discrimination against qualified individuals with disabilities.

To ensure employees are aware of the provisions of the Americans with Disabilities Act of 1990 (ADA), in particular Titles I and II and the ADA Amendments Act of 2008 (ADAAA).

V. DEFINITIONS

- A. Disability – The term ‘disability’ means, with respect to an individual:
 - 1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - 2. A record of such an impairment; or
 - 3. Being regarded as having such an impairment.
- B. Major life activities – In general, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- C. Major bodily functions – A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

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VI. RESPONSIBILITIES

Effective July 26, 1992, Title I of the Americans with Disabilities Act prohibits employers from illegally discriminating against qualified job applicants and workers who have disabilities or who become disabled. The job application process, the hiring decision, promotions, training, and wages are all employment areas covered by Title I of the Americans with Disabilities Act.

Under Title I, an individual is classified as being disabled, and therefore covered by the protections of this Act, if she or he has a physical or mental impairment that substantially limits one or more of the individual's major life activities or major bodily functions, or if the individual has a record of a disability, or is perceived to be disabled.

Under Title II, no qualified individual with a disability shall by reason of such disability, be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any such entity. Reasonable accommodation must be made for such disabled individuals, to permit them to participate in such benefits.

Effective September 25, 2008, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) liberalized the definition of "disability" and means that a dramatically larger population will be considered "disabled" and protected by the ADA's prohibitions on discrimination and its reasonable accommodation requirements.

The provisions of the ADA, which prohibit job discrimination, will be enforced by the U.S. Equal Employment Opportunity Commission and the Florida Commission on Human Relations. Individuals who believe that they have been discriminated against based on their disability can file a complaint with either the Equal Employment Opportunity Commission or the Florida Commission on Human Relations. The procedures for processing charges of discrimination under ADA are the same as those under Title VII of the Civil Rights Act of 1964.

Remedies for discrimination may include compensatory and punitive damages, back pay, front pay, restored benefits, attorney's fees, reasonable accommodation, reinstatements, and job offers.

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Individuals may also file a complaint with the Department. Complaints filed with the Department will be processed in accordance with [AP& P 5-24, Sexual Harassment and Other Acts of Unlawful Discrimination](#).

A violation of this policy shall be grounds for disciplinary action and may result in dismissal.

VII. PROCEDURE

All managers and supervisors in the Department must thoroughly review and become knowledgeable of the requirements of ADA and ADAAA as it relates to employment. A copy of the [Equal Employment Opportunity Commission's Technical Assistance Manual](#) for the Americans with Disabilities Act will be maintained in each Division Director's office and with the Department's ADA coordinator. This manual provides an overview of the ADA, gives examples of specific provision requirements and provides answers to questions concerning ADA. In accordance with Title I, [Form DFS-C2-731](#) has been developed to document all accommodation requests. Any individual requesting an accommodation should immediately complete the top portion of the form. When completed, the form should be forwarded to the **Bureau of Human Resource Management**, ADA Coordinator, **Room 112**, Larson Building, Tallahassee. **All questions concerning ADA should be directed to the Department's ADA Coordinator in the Bureau of Human Resource Management, phone 850-413-3182.**