

**CHAPTER 6**  
**AMERICANS WITH DISABILITIES ACT**  
**REVISED NOVEMBER 2021**  
**TABLE OF CONTENTS**

<u>AMERICANS WITH DISABILITIES ACT</u> .....	6-3
<u>GUIDELINES</u> .....	6-3
Site Accessibility .....	6-3
Recruitment Materials .....	6-3

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 6

### AMERICANS WITH DISABILITIES ACT

1. AMERICANS WITH DISABILITIES ACT. The Americans with Disabilities Act (ADA) is federal legislation, signed into law on July 26, 1990, prohibiting discrimination against persons with disabilities. This legislation against discrimination extends to virtually all aspects of today's society, including employment, public services and transportation, public accommodations, and telecommunications.
2. GUIDELINES.
  - a. Site Accessibility. In order to eliminate any potentially discriminatory activities, recruitment staff should ensure that all recruitment facilities are accessible to all persons.
  - b. Recruitment Materials. Although the Department currently does not produce recruitment materials in accessible formats for persons with disabilities, (e.g., Braille or large print for persons with visual impairments), the ADA requires materials produced for use by the general public also be available in accessible formats for persons with disabilities. If unable to produce the requested material using the resources at the recruiter's disposal, they should contact Personnel and Training Division, Selection Standards and Examinations Section (SSES), at (916) 843-3820 for assistance.
    - (1) Written Materials. If a request for recruitment material in an accessible format is received, the recruiter(s) should first determine whether it would suffice to simply read the material to the requesting party. If not, the next step would be to determine what type of format would best accommodate the requesting person (e.g., Braille, large print, or recording the information in an electronic format).
    - (2) Visual/Audio Presentations. If the recruitment event includes personal presentations or information presented by videos or films, the information should be interpreted for individuals who are deaf or hard of hearing. Access to American Sign Language (ASL) interpreters can usually be made through the college, high school, or organization hosting the event. However, when the Department is hosting the event, the recruiter should determine if an ASL interpreter has been requested and contract for one using the Department's X Number process.

**NOTE: RECRUITMENT MATERIALS SHOULD NEVER BE DENIED TO A PERSON BASED UPON THEIR PERCEIVED DISABILITY**, nor should individuals be dissuaded from taking such material based upon an assumption

they would not qualify. Recruitment materials should be distributed to all interested individuals.

(3) Reasonable Accommodation. In compliance with state and federal law, it is the policy of the CHP to provide qualified employees and applicants with reasonable accommodations. The procedure to process a reasonable accommodation request is contained in Highway Patrol Manual 10.12, Equal Employment Opportunity Manual, Chapter 5, Reasonable Accommodation, and requires the completion of a CHP 163, Reasonable Accommodation Request.

(a) If questioned about reasonable accommodations, for both uniformed and nonuniformed classifications, recruitment personnel should indicate that it is the policy of the Department to provide reasonable accommodations to all qualified persons with disabilities that will allow them to perform the essential functions of the job.

(b) With regard to the examination process for Cadet, CHP, recruiters should advise the candidate to indicate the need for a reasonable accommodation on their application.

1 Candidates should complete the CHP 163 when asked if they are in need of a reasonable accommodation.

2 Cadet Hiring and Recruitment Section (CHRS), Cadet Hiring Unit, will contact the Office of Equal Employment Opportunity (OEE0) when the candidate submits the CHP 163. The OEE0 will consult with CHRS and determine whether or not the candidate's request is approved, and make the appropriate arrangements, justifications, and notifications.

(c) With regard to the examination process for nonuniform candidates, recruiters should advise the candidate to indicate the need for a reasonable accommodation on their application.

1 Candidates should complete a CHP 163 when asked if they are in need of a reasonable accommodation.

2 Personnel and Training Division, SSES, will contact OEE0 when the candidate submits the CHP 163. The OEE0 will consult with SSES and determine whether or not the candidate's request is approved and make the appropriate arrangements and notifications.

(4) Medical Inquiries. In order to comply with federal and state law, which protect the privacy of all individuals and require an application process free of

discrimination, recruitment staff should not inquire into a candidate's medical condition. If questioned as to any physical requirements of a classification, whether uniformed or nonuniformed, recruitment staff should refer to those physical requirements listed on the job specification sheets. Those requirements have been validated and deemed essential to the performance of the position.

(5) Illegal Drug Users. Under the ADA, persons addicted to drugs, but who are no longer using drugs illegally, and are receiving treatment for drug addiction, or have been rehabilitated successfully, are protected by the ADA from discrimination on the basis of past drug addiction.

(a) While recruitment staff should indicate that drug testing will be conducted during the selection process, they should not dissuade persons who admit to having used illegal drugs from applying for the cadet examination. Although persons who meet the aforementioned criteria may be disqualified from employment as a peace officer, their suitability as a cadet will be decided later in the application process.

(b) Recruiters should be familiar with the automatic disqualification criteria for the position of Cadet, CHP. This will prevent both candidates and recruiters from expending time unnecessarily. Recruiters shall not disclose the disqualification criteria but may advise candidates when personal history may result in disqualification. For further assistance, the candidate should be referred to the CHRS, Cadet Hiring Unit, at (916) 843-3760.

THIS PAGE INTENTIONALLY LEFT BLANK