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**State of Oregon**  
**LEGISLATIVE BRANCH PERSONNEL RULES**

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**Legislative Branch Personnel Rule 8: Americans with Disabilities Act (ADA)**

**APPLICABILITY:** This rule applies to all members of the Legislative Assembly and all Legislative Branch employees, where not in conflict with an applicable collective bargaining agreement or law.

(1) The Legislative Branch shall continue to seek ways to provide universal access and services according to the provisions of the Americans with Disabilities Act (ADA). In support of this effort, the Legislative Branch shall:

- (a) Identify and support an ADA coordinator who will complete an ADA self-evaluation of policies and procedures and manage ADA compliance within the Capitol.
- (b) Identify programmatic barriers that limit accessibility.
- (c) Provide employment-related informational materials in multiple formats when needed.
- (d) Provide a notice to participants, applicants and employees regarding the rights and protections afforded by Title II of the ADA (42 U.S.C. 12131 to 12165) and ORS ch 659A.

(2) Reasonable Accommodations.

(a) For purposes of this rule, “reasonable accommodation” ~~means the following may include:~~

- (A) Acquisition or modification of equipment or devices;
- (B) More frequent or longer break periods or periods of rest;
- (C) Assistance with manual labor; ~~or~~
- (D) Modification of work schedules, locations or job assignments; or
- (E) Assistance evacuating the building in case of an emergency.

(b) Reasonable accommodation does not include:

- (A) Modifications or adjustments that cause an undue hardship to the branch;
- (B) Providing items such as hearing aides or service animals that a person uses both on and off the job; or
- (C) Lowering production standards, promoting or assigning employee to higher-paying job, creating a position or assigning essential job duties to another worker.

(3) Notice - employee. An employee shall submit a written request for a reasonable accommodation to Employee Services. Employee Services shall acknowledge in writing the employee’s request within seven calendar days from receipt.

(4) Interactive process. The duty to provide a reasonable accommodation is ongoing. The branch and the employee must engage in the interactive process and continue to do so until resolved. The branch may deny the accommodation request if the accommodation is not effective, proves to be an undue hardship or finds the accommodation creates an imminent harm or risk.

(5) Notice – employer. The branch shall post written notice of employees’ employment protections under ORS ch 659A and also provide a copy of the notice to:

- (a) A new employee at the time of hire;
- (b) Existing employees within 180 days after the effective date of this rule; and
- (c) An employee who informs the employer of the employee’s pregnancy, within 10 days after the employer receives the information. An appointing authority or direct supervisor shall immediately provide employee’s notice to Employee Services.

(6) Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or was previously accommodated under the ADA.

(7) Nothing in this rule precludes any person from pursuing administrative remedies with the Bureau of Labor and Industries or the federal Equal Employment Opportunity Commission.

APPROVED: ~~1-26-2022~~ DRAFT

(Renumbered Rule 5a on 6-23-2016 )