

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

April 29, 2015

Policy Number 3.31

AMERICANS WITH DISABILITIES ACT

POLICY

The Honolulu Police Department shall afford people with disabilities the same access to programs, services, and employment provided to all other citizens. No employee shall unlawfully discriminate against persons with disabilities.

PROCEDURE

I. DEFINITIONS

- A. Disability: A physical or mental impairment that substantially limits an individual's ability to perform one or more of the major life activities.
- B. Qualified individual: An individual with a disability who meets job requirements and can perform the essential functions of the job, with or without reasonable accommodation.
- C. Reasonable accommodation: A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to enjoy an equal opportunity.
- D. Undue hardship: The accommodations that would be unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business.

II. BACKGROUND

- A. The Americans with Disabilities Act (ADA) makes it unlawful to discriminate in employment practices against qualified individuals with disabilities, those regarded as having a disability, and those who associate with someone who has a disability.
- B. The act also prohibits discrimination in services, programs, or activities. (This includes arrests, incarcerations, and contacts in the field.)

III. RESPONSIBILITIES

A. General Responsibilities

- 1. It is incumbent on all employees to be aware of the characteristics of various disabilities and the needs of people who have them.
- 2. Employees must take steps necessary to assist people with disabilities in accessing the full range of immediate and follow-up services, programs, and activities provided by this department.
- 3. Employees must take steps necessary to make reasonable accommodation for those qualified individuals with disabilities who need the accommodation for purposes of employment, application for employment, or physical access.

B. Supervisory Responsibilities

- 1. The supervisor represents management to subordinate employees. Each supervisor is held accountable for the proper conduct of all employees under his or her supervision to include preventing discrimination prohibited by the ADA and taking measures to stop any discrimination that occurs.
- 2. Failure by a supervisor to maintain proper control over ADA discrimination may be cause for disciplinary action against the supervisor.

C. Individual Responsibilities

1. All employees should ensure that people with disabilities are afforded all rights, privileges, and access to the department provided to those without disabilities.
2. All employees should be trained to recognize the characteristics of various disabilities, including symptoms and physical reactions.
3. All employees should recognize that responses of people with certain disabilities may resemble those of people who are abusing substances (e.g., alcohol or drugs).
4. All officers should be trained to identify and apply appropriate responses to a person with a disability, such as emergency medical aid and protecting and calming the individual.
5. All officers should be trained to identify and apply appropriate restraint to a person with a disability, if needed to facilitate an arrest.

IV. PROCEDURES

- A. If a qualified employee with a disability feels that he or she is being discriminated against in regard to employment practices or departmental programs, practices, or services, the employee should report the discrimination to his or her supervisor orally or in writing. If the supervisor is responsible for the discrimination, the discrimination should be reported to the supervisor at the next higher level.
- B. If the complaint is not resolved satisfactorily from the complainant's point of view, it may be reported in writing to the following:
 1. The department's ADA Officer (Human Resources Officer) or the Chief of Police; or
 2. The city's Equal Employment Opportunity Officer; or

3. The Hawaii Civil Rights Commission (HCRC) within 180 days of the date of the alleged discrimination, unless the time for filing is extended by the HCRC for good cause; or
 4. The federal's Equal Employment Opportunity Commission (EEOC) within 300 days of the date of the alleged discrimination, unless the time for filing is extended by the EEOC for good cause.
- C. The following information is necessary when reporting violations of the ADA:
1. Complaining employee's name, element, and position title;
 2. Name, assignment, and position title of the person committing the discrimination;
 3. Type of discrimination (e.g., employment practices), description of factors involved, and date(s) of occurrence; and
 4. Whether such discrimination was reported previously and, if it was, on what date and to whom.
- D. All complaints shall be thoroughly investigated. Complaints made to a supervisor shall be investigated by that supervisor. Complaints made to the department's ADA Officer or the Chief of Police shall be investigated by the Human Resources Division.
1. Investigations shall be completed within a reasonable period of time.
 2. The goal of each specific investigation will be to determine the following:
 - a. Whether the complainant is a "qualified person with a disability" who can perform the essential functions of the job;

- b. Whether a reasonable accommodation can be made for this person to resolve the complaint; and
- c. Whether the department is operating within the provisions of the ADA.

The investigation is also intended to provide details for any disciplinary action that may be warranted.

- 3. All investigations shall be documented (to include disciplinary action taken, counseling, and follow-up assessments) and forwarded to the department's ADA Officer.
- 4. When warranted, appropriate corrective action shall be taken.
- 5. The ADA Officer shall discuss the results of all investigations with the complainant.

V. NONRETALIATION FOR REPORTING DISCRIMINATION


There shall be no retaliation against an employee who exercises his or her rights under this act. Such retaliatory conduct is illegal and constitutes a separate violation of laws and rules. Any retaliatory action should be reported by the employee to his or her supervisor and the department's ADA Officer or the Chief of Police. Retaliatory action shall be dealt with promptly and severely by management.

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VI. VIOLATIONS AND CONSEQUENCES

Any act by any employee (including supervisory and management personnel) that is discriminatory under the ADA shall be cause for disciplinary action, which may include termination.


LOUIS M. KEALOHA
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
March 29, 2002

April 29, 2015
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REFERENCES

Americans with Disabilities Act, Titles I-V.

City and County of Honolulu Administrative Directive 184-4,
Non-Discrimination on the Basis of Disability.