**Policies and Procedures Group Activity**

**Instructions:**

In groups of 5-6, read through the scenario below. Review the questions to consider below, and work together to develop policies and procedures related to the situation described. Groups will present a summary of the policies and procedures at the conclusion of the exercise.

**Scenario 1:**

A couple of months into the term, AmeriCorps member Rey serving with Galaxies for Good, verbally disclosed to her site supervisor that she is struggling with a mental health disability, and that she is having a hard time continuing to serve. The site supervisor mentioned the concern to program staff. The program staff told the site supervisor to continue to support the member, but did not get involved or offer any other guidance. The site supervisor and program staff did not do anything to document the issue, or ask the member if she needed a reasonable accommodation. After the winter holidays, the member contacted the site supervisor to let her know that she will not be returning to her site. The program had to exit the member for cause due to exiting prior to her hours being completed, and leaving before the end date in her MSA.

**Questions to Consider:**

* How would you have handled this situation differently?
* What policies and procedures were potentially not in place that would have helped prevent this situation from occurring?
* If you knew this situation were to occur one year from now, how would you have better prepared for it?

**Assignment:**

Work together to develop a draft of policies and procedures that would be useful to the program in this situation. Groups will present a summary of the policies and procedures they develop. Please see attached applicable grant requirements related to the scenario.

**Scenario 1:**

**Applicable Grant Requirements:**

***2015 Terms and Conditions for AmeriCorps State Grants:***

***IV.*** ***Member REcruitment, Selection, and Exit***

***3. Reasonable Accommodation.***

*Programs and activities must be accessible to persons with disabilities, and the grantee must provide reasonable accommodation to the known mental or physical disabilities of otherwise qualified members, service recipients, applicants, and staff. All selections and project assignments must be made without regard to the need to provide reasonable accommodation. See the FAQ for more information:*

***AmeriCorps State and National Policy Frequently Asked Questions (FAQs) C. 72.*** *Where can I find out about creating reasonable accommodations for people with disabilities? When does an accommodation become not reasonable? The vast majority of accommodations are inexpensive. For those cases where reasonable accommodations are more costly, there is a limited amount of money available through state commissions to provide accommodations for service members. The Office of Disability Employment Policy operates a toll-free, confidential, free resource for employers on reasonable accommodation requirements and options for accommodating employees at (800) 526-7234 (voice/TTY), e-mail at JAN@jan.icdi.wvu.edu, or website at www.jan.wvu.edu. Accommodations that impose an undue financial or administrative burden on the operation of the program or fundamentally alter its nature are not reasonable accommodations. However, the grantee must document and prove any undue burden. Similarly, a person who poses a direct threat to the health or safety to himself or herself or to others, where the threat cannot be eliminated by reasonable accommodation, is not a qualified individual with a disability. In such instances the grantee must document and prove the direct threat. In a few cases, you may receive requests for accommodations that you believe are unduly disruptive to your program or are too expensive. Under the Rehabilitation Act and the 28 terms of your grant or agreement with the Corporation, you must provide accommodation, upon request by a qualified individual with disabilities, unless doing so is an undue financial or administrative burden to your program. This is a very high standard. Not being easily achievable does not meet this standard. Being difficult to achieve, time-consuming, or costly, do not meet this standard. In addition, there are many factors that go into evaluating the obligation to provide accommodations. Undue administrative burden means the accommodation will alter the fundamental nature of your program. For example, adjustment of hours is often a form of reasonable accommodation. However, you must carefully consider the circumstances and the legal requirements when adjusting hours for participants. AmeriCorps State and National programs have statutory requirements regarding service hours, and changes to hours that violate these requirements alter the fundamental nature of the program. Therefore, these changes are not required for reasonable accommodation and providing them may violate the Corporation’s statute. You must determine if your program has consistently applied these requirements to all your participants. Strict adherence to the legal requirements to deny a person an accommodation for his or her disability when flexibility is allowed for others is discrimination because of disability. How does a member file a disability discrimination claim? Every grantee of the Corporation is required to have a grievance procedure for resolving disputes by participants. Except for AmeriCorps VISTA, your grievance procedure may include or exclude discrimination claims (failure to provide reasonable accommodation is a discrimination claim, and AmeriCorps VISTA excludes all discrimination claims from its grievance process). Regardless of your decision in this regard, any participant may file a discrimination claim with the Corporation’s Office of Civil Rights and Inclusiveness. That Office can be reached at (202) 606-7503, (202) 606-3472 (TTY), (202) 606-3465 (FAX), or eo@cns.gov. If you choose for all discrimination claims to be filed under your grievance procedure, it is recommended that you call upon the expertise of colleagues in the disability community to assist you in evaluating grievances.*