

Americans with Disabilities Act (ADA) Compliance

Internal Audit Report
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Linda J. Lindsey, CPA, CGAP, Senior Director
Alpa H. Vyas, CIA, CRMA, Internal Auditor

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EXECUTIVE SUMMARY

Why We Did This Audit

Our objective was to determine whether the district's Americans with Disabilities Act (ADA) activities are in compliance with district policies and procedures, and ADA laws and regulations.

This audit was included in the 2018-2019 Annual Audit Plan.

Observations and Conclusion

Audit Results at a Glance			
	Risk/Impact Rating		
Results and Observations	Significant	Moderate	Minor
IA - Internal Audit or M - Management	-	-	IA - 1
D - Deficiency or O - Opportunity	-	-	O - 1

Overall, the district's ADA activities are in compliance with the ADA rules and regulations.

Results and Recommendations

The ADA program is efficient as we noted that:

- ADA rules and regulations are followed by the staff;
- ADA procedures are established and maintained properly;
- ADA requests are reviewed and analyzed in a timely manner;
- ADA request documents are sufficient to support the decision for the reasonable accommodation;
- ADA confidential and sensitive data are maintained in a secured manner;
- ADA related documents are maintained and retained properly; and,

- ADA related communications are in an effective manner.

We noted one opportunity for improved effectiveness in that not all job announcements contain the paragraph regarding the district providing reasonable accommodation to qualified individuals with disabilities if individuals request an accommodation.

This report has been discussed with management and they have prepared their response which follows.

DEFINITIONS:

Risk / Impact Ratings

Minor	Low risk with a financial impact of less than one percent and/or an isolated occurrence limited to local processes (low impact and low likelihood)
Moderate	Slight to moderate risk with a financial impact between one and five percent and/or a noticeable issue that may extend beyond local processes (low impact and high likelihood or high impact and low likelihood)
Significant	High risk with a financial impact greater than five percent and/or a significant issue that occurs in multiple processes (high impact and high likelihood)

Observations Categories

Deficiency	A shortcoming in controls or processes that reduces the likelihood of achieving goals related to operations, reporting and compliance
Opportunity	A process that falls short of best practices or does not result in optimal productivity or use of resources

Criteria for Observations Sourced to Management

- Internal audit was informed of the issue prior to starting detailed testing
- Management identified, evaluated, and communicated the issue to appropriate levels of the district
- Management has begun corrective action with clear, actionable plans and targeted completion dates

None of the observations resulting from this audit were sourced to management.

We noted an opportunity for improved effectiveness with minor risk.

BACKGROUND:

The Orange County Public Schools (OCPS) District provides reasonable accommodations to qualified individuals with disabilities to allow them to perform the essential functions of their job when such individuals request an accommodation.

The Americans Disabilities Act (ADA) requires employers to consider a reasonable accommodation if an individual requests an accommodation at work or at the employer's facilities. Reasonable accommodation could also be any modification or adjustment to a job or to the work environment that assists an applicant or employee with a disability to participate in the application process or to perform essential job functions.

If an employee or applicant disagrees with the decision of reasonable accommodation, an employee or applicant can file a written appeal in a timely manner. If an employee or applicant believes that he or she been the victim of discrimination or harassment based upon disability, an employee or applicant can submit a complaint to an Equal Employment Opportunity (EEO) Officer.

There are three types of accommodations related to the district's ADA program. Requested and approved reasonable accommodation is provided at work and/or during job hours or employer's facilities:

- 1) For an applicant or employee with disability
- 2) For an employee with sincerely held religious belief
- 3) For a member of the public with disability

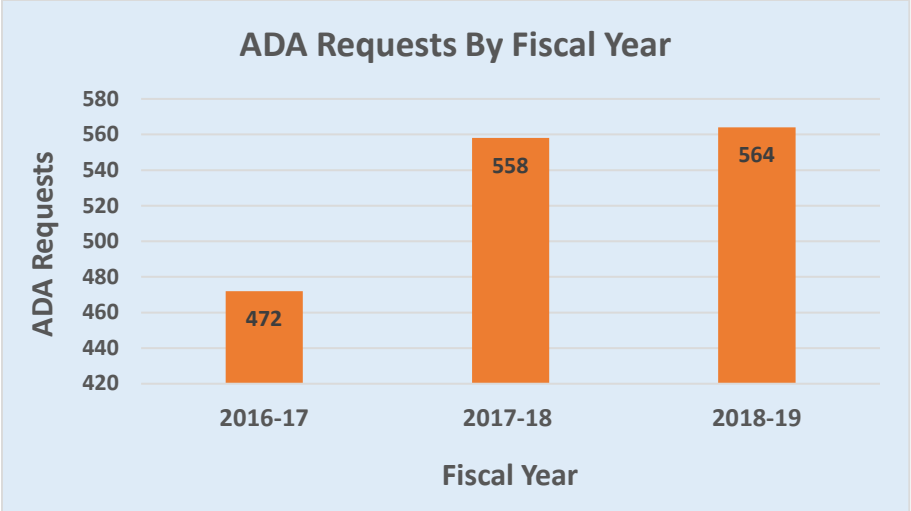
The ADA Compliance Officer receives, reviews, analyses, approves or denies, and documents ADA requests. The district received a total of 1,594 ADA requests from FY 2016 to 2019, and 95% of those requests were approved. The graph below shows detailed information of ADA requests by year and job classification.

Accommodation at the work/employer's facilities within the work hour, and modification or adjustment to a job or the work environment are considered as ADA reasonable accommodations.

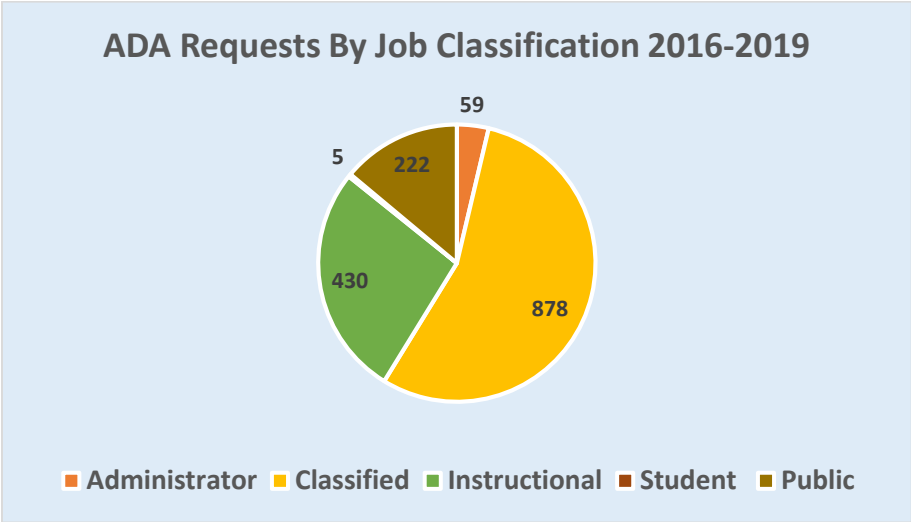
There are three types of ADA accommodation:

- *For an applicant or employee with disability*
- *For an employee with religious belief*
- *For public with disability*

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There were a total of 1,594 ADA reasonable accommodation requests from FY 2016 to 2019 including employee (1,372) and public (222) requests.



Classified employees had the highest ADA requests among job classifications.

OBJECTIVE, SCOPE AND METHODOLOGY:

Objective

The objective of this audit was to determine whether the district’s Americans with Disabilities Act (ADA) activities are in compliance with district policies and procedures and ADA laws and regulations.

Scope

The scope of the audit included ADA requests submitted during the period from July 1, 2016 to June 30, 2019.

We evaluated the district’s compliance with ADA policies and procedures and ADA regulations.

Methodology

Out audit methodology included:

- Reviewing ADA rules and regulations and in house policies and procedures related to ADA and verifying ADA compliance;
- Reviewing job announcements from OCPS Human Resources (HR) website and ADA training documents;
- Selecting a sample of 30 ADA requests out of a total of 1,372 reasonable accommodation requests submitted by employees during the audit period to verify ADA compliance;
- Verifying supporting documents of selected ADA requests such as reasonable accommodation forms and medical providers' notes;
- Verifying ADA requests were addressed in a timely manner;
- Verifying supporting documents of decision of approved or denied reasonable accommodation requests. Documents such as communications with employee, medical providers, supervisors of an employee and/or Associate General Counsel, and analyses of reasonable accommodation requests and job descriptions;
- Verifying that complaints, if any, were reviewed, analyzed, and resolved in a timely manner;
- Verifying record retention and documentation related to ADA activities;
- Verifying ADA activities follow the confidentiality of data and safeguarding of data such as awareness of Personal Identifiable Information (PII) and Health Insurance Portability and Accountability (HIPAA) by ADA staff, limited access and secured storage of employees' PII and health data, and secured method of communication of sensitive information; and,
- Determining any periodic reporting procedures for ADA activities.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* of the Institute of Internal Auditors and included such procedures as deemed necessary to provide reasonable assurance regarding the audit objective. Internal Auditing is an independent, objective assurance and consulting activity

We selected 30 reasonable accommodation requests sample for testing out of a total of 1,372 requested by employees.

We also evaluated records retention procedures and the manner in which data is safeguarded.

designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

We are required to note any material deficiencies in accordance with Florida Statutes, School Board Policy and sound business practices. We also offer suggestions to improve controls or operational efficiency and effectiveness.

COMMENDATION:

The ADA Compliance Officer provided requested documents in a prompt manner. ADA activities are in compliance and the program is conducted efficiently as we noted that:

- ADA rules and regulations are followed by the staff;
- ADA procedures are established and maintained properly;
- ADA requests are reviewed and analyzed in a timely manner;
- ADA requests documents are sufficient to support the decision for the reasonable accommodation;
- ADA confidential and sensitive data are maintained in a secured manner;
- ADA related documents are maintained and retained properly; and,
- ADA related communications are in an effective manner.

RESULTS AND RECOMMENDATION:

We judgmentally selected a sample of 30 reasonable accommodation requests from a total population of 1,372 employee requests for our audit procedures. The sample included different request statuses, job classifications, disability types, and accommodation types. We noted no exceptions from our test of the sample and have concluded that the district's ADA activities are in compliance with ADA rules and

This audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

The district's ADA activities were found to be in compliance with the ADA rules and regulations.

regulations. We noted one opportunity for improved effectiveness which is described below:

1) Not all job announcements included the statement that OCPS provides reasonable accommodation to qualified individuals with disabilities if individuals request an accommodation.

Minor Risk, Internal Audit (IA), Opportunity (O)

Best Practice:

Including information about providing reasonable accommodation to qualified individuals in the workplace per ADA compliance and including ADA program contacts in all job announcements assists in creating awareness of the ADA program availability at OCPS among all job applicants and assists in easy access to contact details.

Audit Result:

We verified job announcements on the OCPS website/ HR/ Employment Services/ Career page and noted that the ADA Compliance Officer's contact information was not included in every job announcement. However, the EEO statement link is located on every page of the OCPS website and on all schools' websites. This EEO link is addressed to the Legal Services website which contains the detail contact information for the EEO and ADA programs.

We also noted that four paragraphs (stated below in italic) regarding ADA compliance are not included in all job announcements.

The ADA Compliance Officer informed us that excerpts of ADA compliance paragraphs in job announcements are based on the types of job classification such as instructional, non-instructional/support staff, and administrative/technical and also on job responsibilities. For example, non-instructional jobs announcement such as Bus Inspector Clerk and Ground Landscaper 1 should have all four paragraphs of ADA compliance. However, the ADA Compliance Officer indicated that the ADA compliance 4th paragraph must be included in all job announcements regardless of the type of the job classification and responsibilities.

We noted that not all job announcements had the ADA compliance notification paragraphs.

EEO statement link which has the detail contact information for the ADA program is located on every page of OCPS website and on all schools' websites.

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We noted that not all job announcements had the ADA compliance 4th paragraph. Job announcements we observed for Art Instructor, Foreign Language Temp Instructor, General Counsel Admin, and Manager Admin did not have the ADA compliance 4th paragraph.

The ADA compliance paragraph in job announcements are:

ADA Compliance

Physical Ability (1st Paragraph): *Tasks involve the ability to exert very moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).*

Sensory Requirements (2nd Paragraph): *Some tasks require visual perception and discrimination. Some tasks require oral communications ability.*

Environmental Factors (3rd Paragraph): *Tasks are regularly performed without exposure to adverse environmental conditions, such as dirt, dust, pollen, odors, wetness, humidity, rain, fumes, temperature and noise extremes, machinery, vibrations, electric currents, traffic hazards, animals/wildlife, toxic/poisonous agents, violence, disease, or pathogenic substances.*

(4th Paragraph) *The Orange County School District will provide reasonable accommodations to qualified individuals with disabilities to allow them to perform the essential functions of the job when such individuals request an accommodation.*

Recommendation:

All job announcements should contain the ADA compliance paragraph stating that OCPS provides reasonable accommodation to qualified individuals with disabilities if individuals request an accommodation.

We wish to thank the staff of Legal Services - ADA for their cooperation and assistance with this audit.

Some of the job announcements we viewed did not include the ADA 4th paragraph.

ADA compliance 4th paragraph regarding ADA program at OCPS must be included in all job announcements.



Department / School Name	Office of Legal Services
Administrator / Department Head	Keshara Cowans, Staff Attorney (Administrator)
Cabinet Official / Area Superintendent	Eileen Fernandez, Interim General Counsel (Cabinet Official)

Audit Result / Recommendation	Management Response Acknowledgement/ Agreement of Condition	Responsible Person (Name & Title) And Target Completion Date (MM/YYYY)	Management's Action Plan
Not all job announcements include the statement that OCPS provides reasonable accommodation to qualified individuals with disabilities if individuals request an accommodation.	Review OCPS job vacancy website to assess and determine how to make applicants aware of the ADA accommodation request process.	Michael Graf ADA Compliance Legal Services Target Completion Date (11/2019)	<p>Rather than include ADA information at the bottom of individual job announcements, we felt the most effective method was placing ADA language at the top of each job website. This way every applicant, regardless if they apply for an instructional, classified, or administrative position, is fully aware of the District's ADA efforts prior to even looking at an individual job announcement.</p> <p>A direct link to the District's ADA website was also added to the current ADA statement so applicants can easily find ADA contact information and request accommodations.</p> <p>Such language has been incorporated at the links below: https://teachers-ocps.icims.com/jobs https://classified-ocps.icims.com/jobs https://administrators-ocps.icims.com/jobs</p> <p>This has been completed as of 11/13/2019.</p>