

	PERSONNEL POLICIES AND PROCEDURES	
	SUBJECT: ADA- Reasonable Accommodation Policy	EFFECTIVE DATE: 10/3/2011
	POLICY NO. 118	REVISION DATE: 2021
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This Policy covers all individuals seeking employment with or associates employed by Perdue Agribusiness, Inc., Perdue Food Products, Inc., and/or Perdue Business Services, Inc.

I. Policy

Perdue is committed to providing equal employment opportunity for people with disabilities. It is the policy of Perdue to comply with all applicable federal, state, and local laws prohibiting discrimination on the basis of disability including but not limited to the Americans with Disabilities Act (ADA), as amended. Perdue will provide reasonable accommodations to individuals with disabilities who are otherwise qualified to perform the job they hold or are seeking, unless the accommodation would pose an undue hardship on the Perdue's business operations, or the individual poses a direct threat to themselves or others. This policy applies to all applicants, associates, and associates seeking promotional or transfer opportunities.

II. Definitions

- A. **Disability**. For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities or bodily functions; or who has a record of such a disability and the disability still exists. There is no finite list of medical conditions that satisfy one or more of the definitions of a disability. Each situation requires an individualized assessment and must be judged on its own facts and circumstances. The company reserves the right to request verification of disability status from the associate's treating physician and to understand any restrictions or limitations that may be required to meaningfully participate in the interactive process. The company also reserves the right to make medical inquiries and conduct medical examinations to determine whether an associate seeking an accommodation has a disability and, if so, the nature and extent of limitations so the company can meaningfully participate in the interactive process.

- B. **Undue Hardship**. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the facility/office, including co-workers and/or customers.

- C. **Direct Threat**. A significant risk to the health or safety to the associate or others that cannot be eliminated by reasonable accommodation. A direct threat can exist because of the disability itself, a medication being taken to treat the disability, or because of an accommodation needed because of the disability.

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- D. **Reasonable Accommodation:** In general, a reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to perform all essential functions of the position they hold or desire and otherwise enjoy equal employment opportunities. Reasonable accommodations may include modifications to the facility or work environment, adjustments to a job or application process, removal of non-essential functions, leave (if the inability to perform the essential functions of the position is temporary and finite), or reassignment (as a last resort).

- E. **Essential Functions:** Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them and/or which bear more than a marginal relationship to the job being performed.

- F. **A Qualified Individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

III. Reasonable Accommodation

- A. Perdue’s policy is to provide reasonable accommodation to applicants and associates who are otherwise qualified in accordance with all applicable laws. In general, a reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to meaningfully apply (if an applicant) or to perform the essential functions of his/her job and otherwise enjoy equal employment opportunities (if a current associate).

- C. Employees with disabilities who are in need of an accommodation to perform all essential functions (or otherwise enjoy the benefits of working) are entitled to a reasonable accommodation, if one exists. Associates are not entitled to their accommodation of choice. If one or more accommodation would be effective, Perdue can pick which accommodation it wants to provide. An associate who does not participate in good faith in the interactive process, who does not attempt to try an offered accommodation in good faith, or who outright rejects an effective accommodation may be waiving their rights to further accommodation under the ADA. Perdue is not required to provide accommodations that are not reasonable such as when the requested accommodation would violate an established seniority system and no special circumstances exist. Perdue also is not required to provide an associate with an personal use devices that would assist the

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individual both on and off the job, such as a prosthetic limb, wheelchair, hot plate, or eyeglasses. Perdue is not required to remove one or more of a job's essential functions; provide indefinite, open-ended leave; lower production or performance standards; or excuse violations of conduct rules necessary for the operation of its business. Generally, Perdue is not required to retroactively apply accommodations (such as for workplace violations that occur before a request for accommodation is made).

IV. Procedure for Requesting Accommodations - Current Associates and Associates Seeking Promotion or Transfer:

- A. The associate shall inform their supervisor/team leader/manager, Human Resources, or Medical/Wellness Center of the need for an accommodation. All requests for accommodation, no matter how received, should be immediately referred to Human Resources.
- B. The employee's request should be entered on Perdue's reasonable accommodation request log. The top portion of Perdue's reasonable accommodation form should be completed by Human Resources and the associate should sign the form to confirm the employee's request.
- C. When an associate with a disability has requested an accommodation, Human Resources shall, in consultation with the associate, :
 - 1. Review Perdue history of providing same or similar accommodations for particular job.
 - 2. Within five business days, meet with the associate to discuss his or her request, review the job description and determine the precise job-related limitation. Document the restrictions identified, as well as the date and nature of this conversation on the Reasonable Accommodation Form.
 - 3. Review any medical restrictions provided by Medical/Wellness Center and/or the associate.
 - 4. Request and review additional medical restrictions from Medical/Wellness Center and/or the associate's treating medical provider if necessary. Document the date and nature of any such requests on the Reasonable

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Accommodation Form. Generally, Perdue may request documentation of the associate’s physical or medical restrictions and his or her functional limitations, when the individual’s disability or need for accommodation is not obvious. Perdue may also require an examination of a medical professional of its choosing.

5. Identify the potential accommodations and assess the reasonableness of each accommodation, as well as the effectiveness each would have in allowing the associate to perform the essential functions of the job. Document all accommodations considered on the Reasonable Accommodation Form.
6. Select and implement the accommodation that is the most appropriate for both the associate and Perdue. While an associate’s preference will be given consideration, Perdue is free to choose among equally effective reasonable accommodations and may choose the one that is less expensive or easier to provide. Document whether an accommodation was granted or denied, and the basis for Perdue’s decision on the Reasonable Accommodation Form.
7. If an accommodation cannot overcome the existing barriers in the position held or sought by the associate or if the accommodation would cause an undue hardship on the operation of the business, the associate and the HR Manager should work together to determine whether reassignment or a finite leave of absence may be an appropriate accommodation.
8. The HR Manager will provide a decision in writing to the associate within five business days of the employee’s request for accommodation, of if medical documentation is required to substantiate the employee’s request for reasonable accommodation, within five business days of receiving sufficient documentation from the associate.

V. Procedure for Requesting Accommodations - Job Applicants

- A. The job applicant shall inform Human Resources or Staffing Recruiter of the need for an accommodation. Human Resources will discuss the needed accommodation and possible alternatives with the applicant.
- B. If the Post Offer Physical identifies that the candidate may require an accommodation, the HR Manager will discuss the possible accommodation and possible alternatives with the applicant.

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1. The HR Manager will review any identified limitations with the applicant and provide a copy of the position description to the applicant. An applicant may provide Perdue, at his or her expense, additional medical documentation regarding his or her ability to perform the position in question, his or her restrictions, and any suggested accommodations. Perdue will consider any medical or other documentation timely submitted by the applicant when determining whether the applicant is qualified to perform the position he or she seeks, with or without reasonable accommodation.
 2. The HR Manger may withdraw an offer from an applicant with a disability if he or she cannot perform the essential functions of the job or would pose a direct threat (i.e., a significant risk of substantial harm) to the health or safety of him/herself or others. If these conditions exist, the HR Manager should consider whether a reasonable accommodation would enable the applicant to perform the essential function of the job and/or would reduce any safety risk the individual might pose before withdrawing the conditional offer of employment.
- C. The HR Manager will make a decision regarding the request for accommodation in consult with the Regional HR Manager and respective HR Director and, if approved, take the necessary steps to see that the accommodation is provided or that the reasons for denying the accommodation are well documented.
- D. The HR Manager will enter each request for an accommodation by an applicant on the Reasonable Accommodation Tracking Log. The Reasonable Accommodation Form should be used to document Perdue’s consideration of the applicant’s request.

VI. Determining Undue Hardship and Direct Threat

- A. A determination that a particular accommodation poses an undue hardship should be made on a case-by-case basis. Factors for the HR Manager to consider when determining whether a particular accommodation poses an undue hardship include:
 1. The nature and net cost of the accommodation.

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2. The facility's financial resources, the number of associates employed at the facility and the impact of the accommodation on the facility's financial and other resources.
 3. Perdue's overall financial resources and overall size, including the number, type, and location of facilities and the total number of associates.
 4. The nature of Perdue's operations, which includes the composition, structure, and functions of the workplace; the geographic separateness; and administrative or fiscal relationship of each of Perdue's facilities.
 5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other associates and the impact on the facility's ability to conduct business.
- B. In evaluating whether an associate or applicant poses a direct threat to self or others, the HR Manager should consider the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. The determination that an individual poses a "direct threat" should be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment should be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. The decision should not be based on generalizations or unfounded fears about the individual's condition and the identified risk should not be speculative or remote.
- C. All decisions to deny an accommodation based on undue hardship or because the associate poses a direct threat to him/herself or others must be approved by the appropriate Director of Human Resources for the business unit before the decision is communicated to the associate.

VII. Confidentiality

- A. All information relating to an accommodation request, including medical documentation, shall be collected and maintained on separate forms and in separate, locked files and shall be treated as confidential medical records under

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the ADA. Under the ADA, this information may be disclosed to management personnel who need to be informed of any work restrictions and accommodations, first aid personnel (when appropriate), and government officials investigating compliance with the ADA, FMLA or other pertinent law.

- B. To comply with the Genetic Information Nondiscrimination Act of 2008 (GINA), all forms requesting any medical documentation, including any forms to support a request for reasonable accommodation, must specify that the associate, or his or her medical provider, should not provide any genetic information of an individual or an individual's family member when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

VIII. Appeals

- A. Associates or applicants who are dissatisfied with the decision(s) pertaining to their accommodation request may file a written appeal with the appropriate Director of Human Resources, within five business days of Perdue's decision, for a final decision.
- B. If the associate or applicant believes the decision is based on discriminatory reasons, then they may file a complaint internally through the Perdue's complaint procedures.

IX. Funding for Accommodations

- A. Funding must be approved by the appropriate Manager and Director for accommodations that do not cause an undue hardship.
- B. The department in which the associate is working or the associate desires to be promoted or transferred shall fund any accommodations and expenses to render a decision (i.e., outside medical opinions).
- C. If the individual is an applicant, cost shall be the responsibility of the department with the requisition for which the applicant was extended a conditional offer of employment.

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X. Responsibility

The Vice President of Human Resources retains the authority and responsibility for this Policy. Questions concerning the meaning or interpretation of this Policy should be referred to the appropriate Director of Human Resources.

XI. Attachments

Attachment A - **“Reasonable Accommodation Form”**

Attachment B - **“Reasonable Accommodation Tracking Log”**

REASONABLE ACCOMMODATION FORM

Name of Applicant / Incumbent: _____		
Date: _____		ADA Tracking Log Number: _____
Applying For: <input type="checkbox"/>	Transferring To: <input type="checkbox"/>	Currently In: <input type="checkbox"/> Position: _____
Department: _____		Shift: 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>
Accommodation Needed / Requested: 		
Applicant's / Incumbent's Signature: _____		Date: _____ Time: _____
Restriction(s) Identified: 		
Accommodation(s) Considered: 		
People / Agency Consulted (include name of person/entity consulted, date(s) of consultation, and summary of consultation): _____		
Accommodation Granted: <input type="checkbox"/> YES <input type="checkbox"/> NO Explain Decision and Accommodation Provided		
Cost: 		
Comments: 		
Final Decision Made By Company Representative(s): (Must be salaried)		
Signature: _____	<i>Team Leader / Supervisor</i>	_____ Date
Signature: _____	<i>Senior Nurse</i>	_____ Date
Signature: _____	<i>Shift Leader / Superintendent / Production Manager / Department Manager</i>	_____ Date
Signature: _____	<i>Unit Leader / Plant Manager / Operations Manager / Director of Operations / Facilities Manager</i>	_____ Date
Signature: _____	<i>Human Resource Representative / Manager</i>	_____ Date

REASONABLE ACCOMMODATION TRACKING LOG

ADA Tracking #	Name	Date of Request	Position	Accommodation Requested	Accommodation Provided	Date of Decision	Comments	Completed ✓ = Yes, Blank = No
2011 - 001								
2011 - 002								
2011 - 003								
2011 - 004								
2011 - 005								
2011 - 006								
2011 - 007								
2011 - 008								
2011 - 009								
2011 - 010								
2011 - 011								
2011 - 012								
2011 - 013								
2011 - 014								
2011 - 015								
2011 - 016								
2011 - 017								
2011 - 018								
2011 - 019								
2011 - 020								