



Governor John Kasich

Cuyahoga County Board of
Developmental Disabilities
1275 Lakeside Avenue
Cleveland, OH 44114

**RE: REQUEST FOR CERTIFICATION OF A BONA FIDE OCCUPATIONAL
QUALIFICATION FOR CUYAHOGA COUNTY BOARD OF DEVELOPMENTAL
DISABILITIES**

**OHIO
CIVIL RIGHTS
COMMISSION**

G. Michael Payton
Executive Director

In regular session on **June 9, 2011**, the Ohio Civil Rights Commission considered your application for certification of a bona fide occupational qualification by sex for selected positions in the classifications of Habilitation Specialist and Adult Program Specialist and **GRANTED** the same subject to the limitations and conditions set forth below.

This action was taken as a result of the following findings based on the information and materials submitted by you:

Commissioners
Eddie Harrell, Jr., Chair

Leonard Hubert
Stephanie Mercado
Tom Roberts
Rashmi Yajnik

- A. The Cuyahoga County Board of Developmental Disabilities operates eight centers for persons with developmental disabilities as part of its Adult Activities Department. The purpose of these facilities is to provide the participants with training and experience to enable them to achieve some degree of personal independence, and to integrate into the community.
- B. The Habilitation Specialist and Adult Program Specialist positions are care giving positions responsible for teaching, monitoring and modeling skills such as personal hygiene (including toileting and dressing) and eating.
- C. The Board has a sufficient number of female staff members to handle the personal care giving for female participants. However, there is a need for more male staff members to accommodate the personal care giving for male participants.
- D. In order to ensure the safety, personal privacy and dignity of the participants, the Board feels it is necessary to distribute certain assignments to members of the appropriate sex.

LIMITATIONS

This certification of sex as a bona fide occupational qualification for the positions of Habilitation Specialist and Adult Program Specialist is granted only insofar as it is necessary for the Board to maintain a sufficient number of males in these classifications to provide the services listed above to trainees who are developmentally disabled. The certification shall not apply to any other position, classification, assignment, or duty, at these or any other locations, whether or not such other positions include those duties and tasks construed as proper to the positions of Habilitation Specialist and Adult Program Specialist, and which were used to justify this certification. This certification is strictly limited to the eight centers in the Adult Activities Department and the number of males necessary to meet the operational needs of these facilities.

CENTRAL OFFICE
30 East Broad Street
5th Floor
Columbus, Ohio 43215
(614) 466-2785 Phone
(888) 278-7101 Toll Free
(614) 466-7742 Fax
www.crc.ohio.gov

CONDITIONS

The Ohio Civil Rights Commission grants this certification under the following conditions, and failure to meet these conditions shall subject the Cuyahoga County Board of Developmental Disabilities to immediate cancellation of this certification.

1. This certification shall be valid for a period of **two years** from the date of this notification.
2. A copy of this notice must be conspicuously posted on the main employee bulletin board(s) in each location having positions certified by this notice. Such posting must remain for the duration of this certification.
3. This certification is strictly limited to the positions of Habilitation Specialist and Adult Program Specialist.
4. This certification shall in no way be construed to limit or abridge the opportunity of any employee or applicant for employment to be promoted, transferred, hired, assigned, trained or assume any other position, classification, or job title for which they would otherwise be considered or qualified.
5. Each time that the Board, its agents, subsidiaries, assigns, or contractors, invoke this certification to refuse employment, transfer, demotion, or assignment to any position within the agency, notice must be given of such event to the Commission's Compliance Department. Such notice must include the name and sex of the person being denied the position, the name and sex of the person placed in the position, and the date of the appointment.

Please note that notwithstanding this certification, any charge brought before the Ohio Civil Rights Commission in which the validity or application of this certification is at issue will be examined on its own merits. This certification does not relieve the Board of any other obligation imposed by any state or federal statute, rule, or regulation.

If you have any questions regarding this certification, please contact Mr. Desmon Martin, Director of Enforcement & Compliance at (614) 466-5793.

FOR THE COMMISSION



G. Michael Payton
Executive Director

Cc: Keith McNeil, Director of Regional Operations
Desmon A. Martin, Director of Enforcement & Compliance