
AMERICANS WITH DISABILITIES ACT AND AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT POLICY

Category: Administration

Date Established:

Responsible Office: Human Resources and Organizational Development

Date Last Revised:

Responsible Executive: Assistant to the President, Human Resources and Organizational Development

Summary

As part of its commitment to equal employment opportunity and affirmative action, Monroe Community College provides reasonable accommodation to qualified individuals with a disability both in hiring and retention. By providing reasonable accommodations to individuals with disabilities who are able to perform the essential functions of the job they are seeking or that they hold, the College is able to foster a diverse and supportive learning and working environment.

Policy

POLICY STATEMENT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) are federal laws that require employers to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Monroe Community College to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the College's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

BACKGROUND

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant or employee. Applicants or employees who pose a direct threat to the health, safety, and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired or retained. Contact Human Resources with any questions and/or requests for accommodation.

APPLICABILITY

This policy applies to all employees at the College and to all applicants for employment with the College. Individuals who are currently using illegal drugs are excluded from coverage under the College's ADA policy.

Any employee who believes that he or she requires a reasonable accommodation should contact the Human Resources Office. Human Resources will then engage in an interactive process with the employee to arrive at a reasonable accommodation.

An individual who believes that he or she has been the victim of discrimination as a result of disability should complete a Discrimination Complaint form.

DEFINITIONS

Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

Major life activities: Includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major bodily functions: Includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability.

Direct threat: A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

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.

Reasonable Accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; telecommuting; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations.

Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship, factors to be considered include:

- The nature and cost of the accommodation.

- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- The overall financial resources of the employer; the size, number, type and location of facilities.
- The type of operations of the company, including the composition, structure, and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

Essential functions of the job: refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments, or reasonable accommodations covered by the ADA/ADAAA policy.

RESPONSIBILITY

Assistant to the President, Human Resources and Organizational Development

Contact Information

Office of Human Resources and Organizational Development

Related Information

University Documents:

Equal Employment and Affirmative Action Policy
Discrimination Complaint Procedure

Other Documents:

Discrimination Complaint Procedure

Related Links:

EEOC Website, http://www.eeoc.gov/laws/statutes/adaaa_info.cfm