

Human Resources Process and Guideline for ADA

Definitions & Requirements:

ADA Requirement –

An employer is to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the employer can demonstrate that the accommodation would impose an undue-hardship on the operation of its business. When a disability is not obvious to an employer, the applicant bears the burden of notifying the employer of his/her needs for the medical condition.

Reasonable Accommodation –

A modification or adjustment to a job application process, or to an essential function of that position or to enable equal benefits and privileges of employment opportunities. Accommodations could be in existing facilities, schedules, equipment, exams, training, use of leaves, parking spaces, or personal assistance.

Undue Hardship –

An undue hardship on the operation of the business is a significant difficulty or expense resulting from the accommodation. An unduly cost, extensive, substantial or disruptive accommodation that would alter the nature/operation of the business. Some factors are the financial resources or the employer and the size of the business, the structure and function of the workforce and the impact on the ability of the other employees. The accommodation must not result in a direct threat to the health or safety of himself/herself or to others.

Essential Function –

Based on employer's judgment, the job description, impact on efficiency, and terms of a collective bargaining agreement.

1. Soliciting –

If the open position requires particular physical abilities a statement informing this is printed on the posting.

2. Interview –

- Screening of applicants is done by supervisors either per telephone or in-person. HR will assist with screening or any questions regarding ADA.
- During the interview, all the essential functions are to be presented to the applicant.

It is the applicant's responsibility to ask for an accommodation. If an accommodation is requested, the interviewer may ask the applicant for their suggestions on how the college could accommodate them. All suggestions will be taken into consideration. Human Resources and other appropriate personnel will assist in determining whether the accommodation is reasonable, if there is an alternative accommodation or if they can not accommodate. An

applicant can refuse the accommodation offered, but the employer has still met the obligation of offering a reasonable accommodation.

- If a disability is visible, and the interviewer finds it necessary to ask, they may inquire as to the ability of the applicant to perform the job related functions. They may also ask the applicant to describe or demonstrate how with or without reasonable accommodation the applicant will be able to perform the job related functions.
- If any tests are required, all applicants must be tested and the test must be job related. If an applicant asks for accommodations in order to take the test, the accommodation must be reasonable and requested within a reasonable time period prior to the administration of the test. The interviewer may also request that documentation of the need for the accommodation accompany the request. Human Resources will be available for assistance.

3. Job Offer –

If the offer of employment is for a position which requires particular physical abilities, a work physical requirement which is paid for and scheduled by the business is stated on the written job offer as a “condition of employment”. All records pertaining to a work physical or any other medical information must be kept separate in a medical file.

4. Currently employed –

If a currently employed person requests a work accommodation, the supervisor is to consult with Human Resources. An interactive process is used to gather information from the individual, discuss limitations created by the disability and discuss how best to respond to the need for accommodation. Usually current documentation from a health care provider is required.

- Determine, with the employee (and their health care provider) what accommodation(s) are being requested.
- Determine the accommodation’s impact and the limitations as they pertain to the essential functions of the job.
- Determine if the accommodation creates an undue hardship.
- If not an undue hardship, implement the accommodation.
- Determine if the accommodation is still effective by following up with the employee after a reasonable period of time.