

ARTICLE: 4.0 PERSONNEL SUPPORT SERVICES

4.1 GENERAL PERSONNEL PRACTICES

**4.124 AMERICANS WITH DISABILITIES
ACT OF 1990 (ADA)**

SECTION 4.124.1 Americans With Disabilities Act of 1990 (ADA)

Definitions

"Qualified Individual With A Disability" means an individual who, with or without reasonable accommodation, can perform the essential functions of the job that such person holds or desires, or meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

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

"Reasonable Accommodation" means any accommodation that the District can adopt without "undue hardship." Reasonable accommodation includes the modification of existing facilities to facilities that are readily accessible to and usable by individuals with disabilities; job restructuring; initiating part-time or modified work schedules; reassignment of an employee with a disability to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

"Undue Hardship" means an action that requires significant difficulty or expense in relation to the size of the District and the resources available to the District. Undue hardship includes any action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the District.

"Employment" means any practice, term, condition, and privilege of employment. This includes all aspects of the process, including: application, testing, hiring, assignments, evaluation, disciplinary actions, training, promotion, medical examinations, layoff/recall, termination, compensation, leave, and benefits.

Procedures

A. Site and Departmental Personnel

To implement this Policy, all District Site and Department Personnel will do the following:

1. Any District site or department employee or applicant who requires an accommodation in order to perform the essential functions of his or her job shall contact the associate superintendent for Personnel Support Services or designee, in order to request that such an accommodation be made. In making such a request, the employee or applicant shall specify the precise job-related limitations imposed by his or her disability and the possible accommodations which can be made to overcome the limitations.

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2. Any District site or department employee who receives a request for a "reasonable accommodation" from any other District employee or applicant shall immediately contact the associate superintendent for Personnel Services or designee.

B. Personnel Support Services

To implement this Policy, and the provision of Title 1 of the Americans with Disabilities Act of 1990, the associate superintendent, Personnel Support Services, or designee will:

1. Provide information to all District employees and job applicants on the recognition of various disabilities by posting notices describing the applicable provisions of the Americans with Disabilities Act in a form accessible to all District employees and job applicants.
2. Conduct training for all supervisory employees on discrimination on the basis of disability. Such training shall include instruction on being sensitive towards disabled persons with regard to employment relations. Such training shall include an explanation of the meaning of the phrase "qualified individual with a disability" and instruction on making "reasonable accommodations." The training shall also include instruction on the proper areas of questioning relating to an applicant's disabilities when interviewing job applicants for District positions.
3. Provide for the review of existing employment positions in order to determine the essential functions and duties of each position.
4. Provide for the review of District policy regarding medical examinations for applicants to ensure that medical examinations are not required before an offer of employment has been made. (District policy may provide that the District may condition the employment on the results of a post-offer/re-employment medical examination if the results of the examination are kept confidential and if all applicants in the same job category are subject to such an examination.)
5. Provide for the review of all District policies to ensure that job applicants or employees are not limited, segregated, or classified by any test, standard, or other classification procedure in a way which would detriment their opportunities or employment status because of their disability.
6. Forward requests to the Personnel Commission when an applicant is seeking an accommodation regarding the job application and/or testing procedures for classified positions.
7. Provide for the review of the District's existing collective bargaining agreements in order to determine whether any conflicts exist with the provisions of the Americans with Disabilities Act.
8. Implement the procedure for making a "reasonable accommodation" by following the process outlined below, once a District employee or job applicant who requires an accommodation in order to perform the essential functions of his or her job, requests such an accommodation:
 - (1) Ask the employee or applicant to describe the precise job limitations imposed by his or her disability and to describe what accommodations can be made to overcome the limitation. (The District may require that the employee or applicant provide written documentation of the individual's functional limitation to support the request.)

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- (2) Conduct an investigation in order to identify the barriers that make it difficult for the employee or applicant to have an equal opportunity to perform the job. This assessment should include the identification of the essential and non-essential functions of the positions.
 - (3) Identify all possible accommodations that will help solve the limitation, including those identified during the consultation with the individual with the disability.
 - (4) Consider all potential accommodations which would be most appropriate for both the individual and the District.
 - (5) Assess the reasonableness of each possible accommodation in terms of effectiveness and equal opportunity.
 - (6) Choose among the reasonable accommodations by determining whether any impose an undue hardship upon the District.
9. Maintain a system for keeping detailed documentation of all ADA compliance steps taken by the District, including documentation of all requests made for reasonable accommodations, all reasonable accommodations, all reasonable accommodations offered by the District to an individual, and all reasonable accommodations actually implemented by the District.

C. **Business Support Services**

1. Provide for the review of existing contracts, leases, and other District agreements to ensure that the agreements do not subject District employees or job applicants with disabilities to discrimination prohibited by Title 1 of the American with Disabilities Act.