

Davis Technical College

Americans with Disabilities Act – Employment Policy and Procedures

Effective Date: 27 April 2017

1. Purpose

To comply with the requirements established in the Americans with Disabilities Act of 1990 (“ADA”) and the ADA Amendments Act of 2008. The Davis Technical College (College) endeavors to ensure consistent employment practices appropriate for the elimination of discrimination against individuals with disabilities. This policy addresses the rights of employees and employment applicants, and the procedures established for a complainant alleging discrimination on the basis of disability in the provision of employment, services, activities, or benefits.

2. References

- 2.1. The Americans with Disabilities Act of 1990 (ADA)
- 2.2. The ADA Amendments Act of 2008
- 2.3. Section 504 of the Rehabilitation Act of 1973
- 2.4. Board of Regents Policy and Procedures R801, Equal Opportunity, Diversity and Nondiscrimination
- 2.5. Davis Technical College Equal Opportunity and Nondiscrimination Policy
- 2.6. Davis Technical College Job Descriptions Policy
- 2.7. Davis Technical College Employment Grievances Policy
- 2.8. Davis Technical College Animals on Campus Policy

3. Definitions

- 3.1. **Disability / Disabling Condition** – A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.
- 3.2. **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. A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs.
- 3.3. **Essential Job Function** – The job tasks and duties which are fundamental to the purpose of the position. Satisfactory performance of these functions is integral to meeting the job requirements. A written job description will define the essential job functions. Due to the nature of the College’s mission to provide technical training, regular attendance at work shall be considered an essential job function for all positions at the College, unless otherwise specified in the job description.
- 3.4. **Reasonable Accommodation** – Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of the job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without a disability.
- 3.5. **Interactive Process** – A dialogue between an employee or applicant with a disability and the ADA Coordinator for the College.

3.6. ADA Coordinator – The employee delegated by the College to facilitate the interactive process with an employee or applicant with a disability, and also assigned to investigate complaints filed by persons with disabilities. The title may also refer to a designee as assigned by the College, specified in policy, or appointed by the named ADA Coordinator. The College has designated the Director of Human Resources as the ADA Coordinator for employment related issues.

4. Policy

4.1. The College shall not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The ADA does not interfere with the College's ability to hire and employ the best qualified candidates.

4.2. Job Descriptions – The College will establish written job descriptions for all full-time positions and may also include modified job descriptions for comparable part-time positions. Job descriptions will be established prior to the recruiting, advertising, hiring, or promoting of an employee. Job descriptions will identify the essential job functions of each position. The College is not required to eliminate essential job functions from a position as a reasonable accommodation.

4.3. Posting Notification – This policy/procedure will be made available in accessible formats to all employees and the public, contained in the College employee personnel manual, and posted on the College website. The Equal Employment Opportunity notice will also be posted in various campus locations accessible to employees and applicants.

4.4. Request Interactive Process – Requests for accommodation may be made formally to the ADA Coordinator. Once the Coordinator is notified, they will begin an interactive dialogue with the requestor, within 10 business days.

4.5. Right to Privacy – An individual may keep his/her condition private except under certain conditions. The person may be required to disclose their medical condition upon requesting a reasonable accommodation. It is sufficient to describe their limitation(s), and the person may not need to disclose their specific diagnosis or treatments.

5. Procedures

5.1. Anyone who believes they are a person with a disability and wishes to make a request for accommodation, or to file a complaint, should contact the ADA Coordinator and begin an interactive process. During this dialogue, the parties will identify the limitations of the disability, review the essential job functions, and evaluate possible accommodations.

5.2. Medical Verification – If disability is not apparent in the requestor, the Coordinator shall work with the person to obtain the necessary medical information to verify disability and to identify associated functional limitations.

5.3. Required Documentation – In order to make a formal request for accommodation or to file a complaint, the requestor should complete the Request for Disability Accommodation Form (link...) which includes the necessary documentation and written information, to be provided to the ADA Coordinator.

5.3.1. Alternative means of filing requests for accommodations or complaints, such as personal interviews or an audio or video recording of the request will be made available to persons with disabilities upon request.

5.4. Determination – While conducting the interactive process and analyzing the information obtained, the Coordinator may also consult with advisory agencies such as Vocational Rehabilitation, Job Accommodation Network (JAN), or the office of State Risk Management. The Coordinator shall then make a recommendation to the College Administrative Council, who will make the final determination. The person making the request will be informed in writing of the final determination.

5.5. Denial – If a request for accommodation is denied based upon qualification requirements, undue hardship, or any other reason, the requestor will be provided with written notification of the determination.

5.6. Appeals – If a request for accommodation is declined or the requestor is not satisfied with the determination, they have the right to file an appeal and issue a formal complaint. This should be submitted by the complainant and/or his/her legal representative as soon as possible but no later than 60 calendar days after the alleged violation to the College ADA Coordinator. The appeal process is described in the College Employment Grievances Policy.

5.7. Record Retention – All documentation related to an accommodation request, including written complaints received by the ADA Coordinator or designee, appeals to the Vice President of Administrative Services or designee, and the responses from these two offices will be retained by the College for at least three years. This documentation will be maintained in a file separated from the employee's personnel file.

6. Approval and Notes

College Board of Directors Approval: 27 April 2017

President's Council Approval: 10 April 2017