



<h2>Employee ADA Policy</h2>	Employee
	Effective Date: March 27, 2019
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- (1) Policy. It is the policy of Dixie Tech to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with the American with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA), as well as state law and the regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). It is the college policy to not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment, 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.
- (2) Procedure.
 - (a) Employees who are requesting a reasonable accommodation must make such a request in writing with the college's Chief HR Officer. The employee must submit the following information in writing: (1) the reason the employee believes he or she needs an accommodation including a statement of the limitations and restrictions imposed by the disability; (2) the job duties or assignments the employee is having difficulty performing; (3) a description of the accommodations requested by the employee; and (4) a statement as to how accommodations will help the individual perform his or her essential functions.
 - (b) The college has the right to request medical information concerning the employee's disability and the need for an accommodation. Any information requested shall be kept confidential and shall be kept in a separate file.
 - (c) An applicant for employment or an employee seeking an accommodation must be qualified for the position, inasmuch as the person meets the legitimate skill, experience, education or other requirements of the employment position and can perform the essential functions of the job with or without reasonable accommodation.
 - (d) When a qualified individual applying for employment 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. Applicants 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.
 - (e) Dixie Tech will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these

individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Dixie Tech.

- (f) All employees are required to comply with the college's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.
 - (g) Individuals who are currently using illegal drugs are excluded from coverage under the college ADA policy.
 - (h) The HR Department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.
- (3) Definitions. As used in this policy, the following terms have the indicated meaning. The examples provided in the terms below 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 this policy.
- (a) **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.
 - (b) **Major life activities:** Term major bodily includes the operation of major bodily function, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
 - (c) **Major bodily functions:** Term 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.
 - (d) **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 also 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 under EEOC final ADAAA regulations.
 - (e) **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.

- (f) 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.
- (g) 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 for individuals with disabilities.
- (h) Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - (i) The nature and cost of the accommodation.
 - (ii) 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.
 - (iii) The overall financial resources of the employer; the size, number, type and location of facilities.
 - (iv) The type of operations of the college, 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.
- (i) Essential functions of the job: Term 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.