



Indian River State College Administrative Procedures

TITLE: ADA and ADAA Compliance Procedures for Employees

NUMBER: AP-3.161

REFERENCE: 6Hx11-3.16, 6Hx11-8.52, AP-3.162

RESPONSIBLE ADMINISTRATOR(S): Dean of Human Resources
Dean of Minority Affairs/Equity Officer/Title IX Coordinator

REVISED: February 5, 2015

It is the policy of the College to comply with all federal and state laws concerning students and the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

Furthermore, it is the policy of the College not to discriminate against qualified individuals with disabilities in regard to employment application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Documentation verifying a disability (within the past 5 years) on letterhead from a licensed or certified physician, psychologist, psychiatrist, audiologist, or speech-language pathologist must be provided to Human Resources and include a diagnosis and reasonable assessment of the accommodations needed.

When an individual with a disability is requesting 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.

All employees are required to comply with the College safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate employment situation. Individuals who are currently using illegal drugs are excluded from coverage under the College ADA Policy.

Definition of Terms

Disability means 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.

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Major life activities include but are not limited to the following: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

The ADAAA also includes the term “**major bodily functions**,” which may include 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 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, but are not limited to, 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 also is considered a disability.

Direct threat means 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 means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or is applying for.

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.

Undue hardship means an action requiring significant difficulty or expense by the College. In determining whether an accommodation would impose an undue hardship

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on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation.
- The overall financial resources of the College and its 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 upon the operation of the facility.
- The overall financial resources of the College; the size, number, type and location of facilities.
- The impact of the accommodation on the operation of the College's facility

Essential functions of the job refer to those job activities that are determined by the College to be essential or core to performing the job and are identified in the job description.

The College Human Resources department is responsible for implementing this policy for employees, including resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

Who to Contact If You Have Questions or Concerns about ADA and ADAA

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