

## **Butler County Community College Equal Employment For Individuals With Disabilities Employee Process**

It is the policy of Butler County Community College that discrimination against qualified individuals with disabilities is prohibited. Pursuant to Titles I and II of the Americans with Disabilities Act (ADA) of 1990, the College provides equal employment opportunities and reasonable accommodation for qualified individuals with disabilities.

### **DEFINITIONS**

For the purpose of this policy, the following definitions apply:

- A. **“Disability”** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment, is an individual with a disability.
- B. **“Direct threat to safety”** means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- C. A **“qualified individual with a disability”** means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- D. **“Reasonable accommodation”** means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring; modifying work schedules; reassignment to a vacant position; acquiring or modifying equipment or devices; and similar activities.
- E. **“Undue hardship”** means an action requiring significant difficulty or expense by the College.
- F. **“Essential job functions”** refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

## **GUIDELINES**

It is a violation of College policy to discriminate in employment against a qualified person in regard to any employment practice or term, condition, or privilege of employment because that person currently has a disability, at one time had a disability, or is regarded as having a disability. It is also a violation of this policy to deny an employment opportunity or benefit or otherwise discriminate against an individual, whether or not the individual has a disability, because that individual has a known relationship or association with a person who has a disability. This prohibition applies to job application procedures; job training; and all other terms and conditions of employment.

It is College policy to utilize job descriptions indicating essential job functions for each position and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation.

It is against College policy to use qualification standards or selection criteria that would screen out, or tend to screen out, individuals with disabilities, unless such measures are both job related and necessary to the safe and efficient operation of the College.

The affirmative obligation to provide reasonable accommodation applies to individuals seeking employment within the College and to current administration, faculty and staff who become disabled while employed with the College.

The Department of Human Resources is responsible for the coordination and implementation of this policy and these guidelines.

It is the obligation of all faculty and staff members of the College to adhere to this policy in their areas of responsibility.

## **INTERACTIVE PROCESS**

The employee shall contact the Director of Human Resources/Equal Opportunity Compliance Officer for assistance in applying for an accommodation. No department, unit or individual may grant any accommodation, whether formal or informal, without first receiving approval from the Director of Human Resources/Equal Opportunity Compliance Officer.

The employee shall submit a completed Employee Accommodation Request Form to the Director of Human Resources/Equal Opportunity Compliance Officer. Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. Failure to submit a completed Employee Accommodation Request Form may result in delay and/or denial of accommodation requests.

The employee shall also provide appropriate medical documentation as requested on the Request for Medical Information for Reasonable Accommodation form. This would also include the completion of the Authorization for the Release of Medical Information form, allowing the Director of Human Resources/Equal Opportunity Compliance Officer to obtain all necessary medical records from the employee's medical care provider.

It is important that an individual tell the College precisely how limitations from a disability affect his or her ability to perform a job. If the individual knows what type of reasonable accommodation would be helpful, he/she should so advise the Director of Human Resources/Equal Opportunity Compliance Officer. The College can suggest alternative accommodations and the individual should consider whether they would be effective. The College does not have to provide the specific accommodation requested, but if it does not, it must offer an effective alternative.

As part of this process, the employee may have to provide the employer with documentation demonstrating that he or she has a disability within the meaning of the ADA, and describing the limitations imposed by it, if the disability or the need for reasonable accommodation is not obvious. A meeting or meetings with the employee will be scheduled to fully explore these issues.

The Director of Human Resources/Equal Opportunity Compliance Officer shall issue a written decision within a reasonable time upon receipt of the written request for accommodation and following the meeting(s) with the employee.

### **COMPLAINT PROCESS**

Employees who believe they have been treated in a discriminatory manner in violation of this policy are encouraged to contact the Director of Human Resources/Equal Opportunity Compliance Officer. The Director of Human Resources/Equal Opportunity Compliance Officer is available for consultation and assistance relative to complaints of this nature and to facilitate the resolution of such problems in a manner that is fair and equitable for the individual and that is consistent with the College's policy of nondiscrimination.