

SECTION: Compliance with Federal Law
SUBJECT: Americans with Disabilities Act (ADA)
SOURCE REFERENCE: BOT/ACCS 601.02

Civil Rights Act of 1964, as amended in 1972 and 1991; Title VI; Title VII; Equal Opportunity Act of 1972; Title VII Education Amendments of 1972; Title IX (P.L., 92-318) 45 CFR, Parts 81, 86 (Federal Register, June 4, 1975, August 11, 1975); Section 504 of the Rehabilitation Act of 1973 (Federal Register, May 4, 1997); Pregnancy Discrimination Act of 1978; Americans With Disabilities Act of 1990 (GAAA)

COMPLIANCE WITH FEDERAL LAW

Americans with Disabilities Act Employee Request for Accommodation

The Americans with Disabilities Act (ADA) requires Gadsden State Community College to reasonably accommodate qualified individuals with disabilities. It is the policy of Gadsden State Community College to not discriminate against qualified individuals with disabilities in regard to application of procedures, hiring, advancement, employment separation, salary, or any other conditions of employment.

Gadsden State will provide reasonable accommodations to qualified individuals with a disability so that they can perform the essential functions of their position.

Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until a decision has been made in regard to the employee's immediate employment situation to include the determination of an accommodation than can reasonably be made.

Definitions

As used in this policy, the following terms will be adhered to in relation to the ADA policy.

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

"Qualified individual" means an individual who, with or without reasonable accommodation, who can perform the essential functions of the position.

"Reasonable accommodation" may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, 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.

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“Essential functions of the job” refers to those job activities that are determined by the College to be essential or core to performing the job; these functions cannot be modified.

Confidentiality

Information about an employee's documented disability will be kept by the ADA Coordinator and kept separate from the personnel file in HR. This file will be kept confidential to the extent practicable and will only be shared with individuals within the College on an as-needed basis.

Requests for Accommodation

All employees seeking an accommodation of any kind must submit a completed Employee Request for Disability Accommodation Form (**See Form E/1.1-A**), along with a current physician statement which includes: the nature of the impairment/disability, its severity, the duration; the activities limited by the impairment(s)/disability; the extent to which the impairment(s)/disability limits the employee's ability to perform the essential duties/functions of the job along with recommendations for the reasonable accommodation. The College may require further testing or evaluation by qualified professionals to verify or further establish the impairment/disability and the need for accommodation.

Americans with Disabilities Act Employee Accommodation Procedures

1. **Documentation of Disability:** When submitting a Request for Disability Accommodation Form, the employee must provide documentation of the disability from an appropriate health care provider. The employee will be required to sign a Medical/Health Care Information Release Form, so that the health care provider can provide the College with the appropriate documentation.

Upon request, the department chair, supervisor, or cabinet member will provide a written description of the essential functions of the job, which may include the mental and physical demands of the employee's job.

It is the employee's responsibility to ensure that the medical documentation/information requested is provided.

2. **Temporary Accommodations:** After consultation with the employee, department chair, supervisor, or cabinet member, temporary accommodation may be provided pending receipt and evaluation of the documentation of the disability.
3. **Evaluation of Documentation:** Upon receipt of documentation from an employee's health care

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provider, a determination will be made as to whether the employee has a disability as defined by the ADA, and if the employee can perform the essential functions of the position, with or without reasonable accommodation.

4. **Final Determination and Notification to Employee:** The College has the authority to make the final determination regarding what accommodation, if any, is appropriate. When a final

determination is made, the ADA Coordinator will send written notification to the employee of the determination, whether an accommodation has been granted, and if so, will specify what accommodation has been granted. Notification will also be given to the department chair, supervisor, and cabinet member.

5. **Right to Appeal:** If an accommodation is denied, the employee may submit a notice of appeal to the Disability Services Committee within seven (7) working days of receipt of the written accommodation decision.