

VERMONT TECH

Manual of Policy and Procedures

<i>Title:</i> Americans with Disabilities (ADA)	<i>Number:</i> T 214	<i>Page(s):</i> 3
	<i>Date:</i> July 2009	

PURPOSE

Vermont Technical College recognizes and supports the standards set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and similar state laws which are designated to eliminate discrimination against qualified individuals with disabilities.

STATEMENT OF POLICY

In compliance with the Americans with Disabilities Act (ADA), the college does not discriminate against qualified individuals with disabilities in any aspect of the employment relationship and strives to provide reasonable accommodation as required by law to otherwise qualified employees or applicants with disabilities. Employment opportunities will not be denied to an otherwise qualified employee or applicant because of the need for reasonable accommodation of the individual's disability. Discrimination based on an employee's or applicant's association with an individual who is disabled is also forbidden.

Definitions

Disability: An individual is "disabled" if he or she has:

- A physical or mental impairment which substantially limits a "major life activity. Major life activities include but are not limited to, caring for oneself, performing manual tasks, walking, sitting, seeing, hearing, speaking, breathing, learning, sleeping, standing, lifting, bending, concentrating, thinking, communicating and working.
- Has a record of having a substantially limiting impairment, or
- Is regarded as having a substantially limiting impairment. Examples include but not limited to, physiological disorders or conditions, mobility impairments, sensory impairments, emotional illness, learning disabilities, and mental and psychological impairments.

Qualified Employee or Applicant:

An otherwise qualified employee or applicant under this policy is an employee or applicant who meets the skill, experience, education, and other job-related requirements of the position he or she holds or seeks, and who is able to perform the essential functions of the position with our

without reasonable accommodation. Nothing in this policy obligates the College to hire or promote an individual with disabilities who, with or without reasonable accommodation is not the best qualified for the position in question.

Reasonable Accommodation:

Modifications or adjustments to the job application process, the work environment or a position to make reasonable accommodation to the known disability of an otherwise qualified applicant or employee, which would allow a qualified individual with a disability to perform the essential functions of the job which the individual holds or desires, unless

- The accommodations would impose an undue hardship on the operations of the College,
- Even with reasonable accommodation the individual would still pose a direct threat of substantial harm to the health of him/herself or others,
- An accommodation that would be unduly costly, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the College would impose an undue hardship.

Accommodations may vary depending upon the needs of the individual. Not all persons with disabilities (or all people with the same disability) will require the same accommodation. Examples include but are not limited to: modified work schedule, acquiring equipment or device, allowing the use of special equipment or devices provided by the individual, making facilities accessible or reassigning employees (but not applicants) with disabilities to vacant positions for which they qualify, reallocating or redistributing non-essential functions or altering when or how an essential job function is performed.

An individual who can be reasonably accommodated for a job will be given consideration for that position as any other applicant.

PROCEDURES

Request for Accommodation:

An applicant or employee cannot be asked whether he/she has a disability or to describe the nature or severity of the disability. An applicant can be asked if they can perform all of the essential functions of a position with or without a reasonable accommodation.

An employee or applicant may at any time inform his/her immediate supervisor or Human Resources of a request for a reasonable accommodation under this policy, or may indicate that an adjustment or change is needed in his/her job because of disability-related limitations. Individuals with disabilities must provide Human Resources with a completed Request for Accommodation form to assist the College in determining if and what reasonable accommodation should be provided that would enable the employee to perform the essential functions properly and safely. Employees or applicants with disabilities may also identify equipment, aids or services that they are willing to supply and use.

Verification of Need:

An otherwise qualified individual who requests reasonable accommodation may be required to provide documentation, including medical records sufficient to establish the existence of the claimed disability and the need for accommodation. The College may also request information from employees about disabilities and/or potential accommodations, which is job-related and justified by business necessity. The College may require an employee to undergo an evaluation by medical personnel retained and paid by the college to verify the existence or nature of a disability and to provide a basis upon which a reasonable accommodation can be assessed. All information obtained about the medical condition or history of the employee will be treated as confidential.

Determination:

Human Resources, in consultation with medical or other authorized personnel will determine whether the college considers the individual to be disabled. If the College determines that the individual is not disabled he/she will be notified that the reasonable accommodation will not be provided.

Assessment of Accommodation:

When an individual is determined to be disabled an assessment of the availability of reasonable accommodation will be made by Human Resources individually or in consultation with the appropriate supervisor or medical or other authorized personnel retained by the College. Each situation will be assessed on its own unique facts. Factors to be considered include: the purpose and essential functions of the job; the precise job-related abilities and functional limitations of the individual and how those limitations could be overcome with reasonable accommodation; the nature and cost of the accommodation needed in relation to the College's financial resources; and any other state and federal regulatory requirements. In deciding what if any accommodations will be offered, the College will consider but not be bound by the input and preference of the individual involved.

Notification:

The individual will be notified of the College's decision regarding providing reasonable accommodation. Reasonable accommodation does not negate requirements for good job performance or adherence to generally applicable standards of performance or conduct.

Appeals:

An appeal of the notification decision may be made in writing to the College President who will respond in writing.

POLICY MODIFICATION HISTORY

- I. The following dates reflect chronological changes made to this policy which are henceforth considered depreciated.
 - a) August 2005
 - b) July 2009

Signed By:  Patricia Moulton President
--