

JAMES A. RHODES STATE COLLEGE  
HUMAN RESOURCES POLICY STATEMENT

This policy and/or procedure provides operating principles for Human Resources issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.

This policy and/or procedure is provided on-line for the convenience of access for College employees. The original policy will be the governing copy and is on file in Human Resources.

(Specific Policy Follows on Next Page)

EQUAL EMPLOYMENT FOR INDIVIDUALS WITH  
DISABILITIES

Policy 5.10  
BOT 3-16-93

Applies to: Faculty and Staff

A. Policy Guidelines

It is the policy of James A. Rhodes State 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 and Section 504 of the Rehabilitation Act of 1973, the College provides equal employment opportunities and reasonable accommodation for qualified individuals with disabilities.

B. Regulations

1. It is a violation of College policy to discriminate in employment against a qualified person, in regard to any employment practice or term, condition and privilege of employment, because that person currently has a disability or because the person had a disability but no longer has that impairment, or because the person 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 that 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, hiring, advancement or discharge of employees, employee compensation, job training, and all other terms and conditions of employment.
2. It is College policy to determine essential job functions based on an individualized inquiry into each position filled and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation.
3. It is against College policy to use qualification standards or selective criteria which 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.
4. The affirmative obligation to provide reasonable accommodation applies to individuals seeking employment with the College as well as to current staff members who become disabled while employed with the College.

C. Responsibilities

1. The Office of Human Resources is responsible for the coordination and implementation of this policy and these guidelines.
2. Each vice president, dean, director, department chair and/or administrative officer of the College shall assist the Office of Human Resources in the implementation and dissemination of this policy. Such officials are responsible for assuring compliance with this policy.
3. It is the obligation of every faculty and staff member of the College to adhere to this policy.

D. Grievances

Individuals who believe they have been treated in a discriminatory manner in violation of this policy are encouraged to contact the Office of Human Resources. The Director of Human Resources is available to consult and provide assistance relative to complaints of this nature and to facilitate the resolution of such problems in a manner which is fair and equitable for the individual and which is consistent with the

College's policy of non-discrimination. The first efforts in response to a complaint shall be made on an informal basis.

#### E. Definitions

For purposes of this policy and guidelines, the following definitions apply:

1. "Disability" - a physical or mental impairment that substantially limits one or more of the major life activities of an individual or a record of such an impairment or being regarded as having such an impairment.
2. "Qualified individual with a disability" - an individual with a disability who, with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires.
3. "Essential job functions" - those functions actually performed in the job, the removal of which would fundamentally alter the position. To determine whether a function is essential, it must be determined whether the position exists to perform that function, and whether there are other employees available to share that function, as well as the degree of expertise required to perform the function. Whether a function is essential also depends on the content of the written job descriptions, the terms of the collective bargaining agreement, the time spent performing the particular function and the consequences of failing to require the employee to perform the function.
4. "Reasonable Accommodation" - a modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions. Such accommodation is required unless it poses an undue hardship on the employer. The determination of which accommodation is reasonable in a particular situation involves a process in which the department and the employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations.
5. "Undue Hardship" - any accommodation which is substantial, or disruptive or would be unduly costly to the College or that would fundamentally alter the nature or operation of the unit.
6. "Major Life Activities" - include caring for one's self, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.
7. "Substantially Limits" - an impairment is substantially limiting if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the average person in the general population's ability to perform that same major life activity.