



Unified Government Human Resources Guide

Effective 12-17-10

AMERICANS WITH DISABILITIES ACT

- I. General: The Unified Government is committed to complying with the Americans with Disabilities Act, as amended (ADA).
- II. Policy
 - A. Non-discrimination
 1. No qualified individual will be discriminated against on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, or privileges of employment.
 2. Harassment based on disability is prohibited. See 2.2 Harassment in the Workplace.
 3. Prohibition against retaliation or coercion
 - a. No individual will be discriminated against because he or she has opposed any act or practice made unlawful by the ADA or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce the ADA.
 - b. No individual will be coerced, intimidated, threatened, harassed, or interfered with in the exercise or enjoyment of, or on account of having exercised or enjoyed or aided or encouraged another individual in the exercise or enjoyment of, any right granted or protected by the ADA.
 - B. Hiring and promotion
 1. The Unified Government will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the Unified Government's selection criteria have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.
 2. The Unified Government will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job-related functions.



Unified Government Human Resources Guide

Effective 12-17-10

C. Reasonable accommodation

1. Upon request, the Unified Government will provide a reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause the Unified Government significant difficulty or expense.
 - a. Reasonable accommodations may include making facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications 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.
2. An applicant or employee with a disability who believes that he or she needs a reasonable accommodation should notify his or her supervisor, department head, the Director of Human Resources, or the Employee Relations Officer.
3. If an applicant or employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the Unified Government may ask the individual for information necessary to determine if the individual has a disability-related need for accommodation.

D. Medical inquiries and examinations and medical files

1. Medical examinations or inquiries of applicants for employment may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.
2. A medical examination of an employee will not be required, and inquiries of an employee as to whether the employee is an individual with a disability or as to the nature or severity of the disability will not be made, unless the examination or inquiry is job-related and consistent with business necessity. Inquiries may be made into the ability of an employee to perform job-related functions.
3. Employees' medical records will be kept separate from personnel files and will be treated as confidential medical records, except that:
 - a. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;



Unified Government Human Resources Guide

Effective 12-17-10

- b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- c. Government officials investigating compliance with the ADA will be provided relevant information on request.

E. Complaint procedure

Individuals who believe that they have been discriminated against in violation of this policy should follow the procedure set forth in 2.2 Harassment in the Workplace

F. Enforcement and discipline

1. All management employees are responsible for enforcing this policy. A management employee who fails to enforce this policy is subject to discipline, up to and including termination.
2. An employee who violates this policy is subject to discipline, up to and including termination.

G. Definitions

1. “Disability” means, with respect to an individual—
 - a. A physical or mental impairment that substantially limits a major life activity (such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working) or operation of a major bodily function (including functions of the immune system, special sense organs, and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions);
 - b. A record of such an impairment (such as cancer that is in remission); or
 - c. Being regarded as having such an impairment that is not transitory (lasting or expected to last six months or less) and minor, even if he or she does not have such an impairment.



Unified Government Human Resources Guide

Effective 12-17-10

2. “Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.

H. Interpretation of policy

This policy is a general statement of the Unified Government’s intent to comply with the ADA and not an attempt to set forth all of the applicable provisions and requirements of the ADA and the regulations implementing the ADA. The ADA, the implementing regulations, and court decisions will be considered in interpreting and applying this policy.

- Related policies: 2.1 Equal Opportunity in Employment
2.2 Harassment in the Workplace