

Program Applied to: AGENCY WIDE

TITLE: AMERICANS WITH DISABILITIES (ADAAA) POLICY **Approved by: Board of Directors**
Effective Date: March, 2020

I. POLICY

It is the policy of Community Options to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

II. DEFINITIONS

- A. 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.
- B. Major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- C. Major bodily functions include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- D. Substantially limiting is in accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension,

asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

- E. Direct threat is a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- F. Qualified individual is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- G. Reasonable accommodation includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, 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.
- I. Essential functions of the job refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.
- J. The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

III. PROCEDURE

- A. Employees or applicants with disabilities may request reasonable accommodations of COI regardless of title, salary or employment status. This request should be made by the employee in writing to the human resources department.
- B. If the disability is not obvious and there is no other medical information already on record for the employee, COI may require the employee to provide documentation from a physician or other medical professional concerning the existence and extend of the disability.
- C. The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a "need to know" basis.

- D. Upon receiving the accommodation request, the human resources department will meet with the employee/applicant to conduct an informal, interactive discussion.
- E. When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will probably not be hired.
- F. Accommodation will be determined on a case by case basis. The human resources department will work closely with the employee and the supervisor to ensure that reasonable accommodation is provided and effective.
- G. All employees are required to comply with the company's safety standards. Employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace may be placed on leave until a decision can be made in regard to the employee's immediate employment situation.
- H. Individuals who are currently using illegal drugs are excluded from coverage under this policy.
- I. Any individual who believes that they have been subjected to unequal treatment or discrimination prohibited by this policy may file a written complaint with the human resources department. Complaint forms can be found under Title VI Policy & Procedure and should follow the procedure delineated in that policy with the exception of filing with the human resource department.
- J. The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.