

# PROCEDURE MANUAL

 <b>ARIZONA WESTERN COLLEGE</b>		<b>PROCEDURE 216.1</b>	
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		<b>Last Revision Date:</b>	10-15-2020; 10-26-2009
		<b>Effective Date:</b>	10-26-2009
		<b>Last Review Date:</b>	10-26-2009
<b>Section:</b>	Personnel	<b>Subject:</b>	Reasonable Accommodation of Employees with Disabilities

## PURPOSE

The Americans with Disabilities Act (ADA) as amended in 2009 requires that reasonable accommodations be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This procedure applies to all applicants for employment with the College and all College employees.

## PROCEDURE

### 1. Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A “qualified person with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

### 2. Reasonable Accommodation

The College will seek to provide reasonable accommodation for individuals with a known disability or, in situations where the disability is not known or apparent to the College, in situations where the individual with a disability requests an accommodation. Many individuals with disabilities can apply for employment and/or perform the essential functions of their jobs without any reasonable accommodations. However, there are situations where a workforce barrier may interfere. A “reasonable accommodation” is a change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

Notwithstanding the foregoing, an accommodation is not reasonable if it imposes an undue burden on the College or results in a fundamental alteration of the job or application process.

There are three types of reasonable accommodations that may be considered:

- 2.1 Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for a job opportunity;
- 2.2 Modifications to the work environment so that a qualified individual with a disability can perform the essential functions of the job; or

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2.3 Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

### 3. Essential Job Functions

For each position, the job description typically will identify essential job functions. The Office of Human Resources will generally review job descriptions on a periodic basis to evaluate job functions designated as essential. If there are any questions about whether a particular job requirement is or is not an essential job function, the employee should be directed to his or her supervisor or the Office of Human Resources.

### 4. Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Office of Human Resources or his or her supervisor, and providing medical documentation regarding the disability when requested. Once medical documentation is received, the Office of Human Resources will work with the employee to identify possible reasonable accommodations and assess the effectiveness of each in allowing the employee to perform the essential functions of the job. Based upon this interactive process, the College will select a reasonable accommodation that it believes is most appropriate for both the College and the individual employee. While an individual's preference will be considered, the College is free to choose between alternative reasonable accommodations.

A request for reasonable accommodation may be denied if it (1) would result in an undue hardship for the College or (2) would fundamentally alter the job or applicant process. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the College's overall financial resources, the financial resources of the particular facility or program where the accommodation is to be made, the number of employees at the facility or in the program, the total number of employees of the College, and the type of operation or program.

### 5. Safety

Employees are expected to comply with all safety procedures. The College will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A direct threat means a significant risk to the health or safety of others or oneself that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat will be made by the

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Office of Human Resources and will be based on factual, objective evidence. Healthcare professionals may be consulted as deemed necessary. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or ask for reconsideration of the determination.

6. Confidentiality  
All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.
7. Complaint Procedure  
Procedure 455.2 (Grievance for Specified Civil Rights Grievances) outlines the process available to applicants and employees who feel they have been subjected to discrimination on the basis of a disability as a result of having requested a reasonable accommodation.