

POLICY:

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) require employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Chatham Area Transit Authority to comply with all federal and state laws concerning the employment of persons with disabilities.

It is the Chatham Area Transit Authority (CAT) 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.

Chatham Area Transit Authority will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An individual, who can be reasonably accommodated for a job, without undue hardship imposed on the Authority, will be given the same consideration for that position as any other applicant. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of themselves or other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of themselves or the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Questions surrounding this policy, including the resolution of reasonable accommodation, safety, and undue hardship issues should be addressed with the Human Resources Director.

DEFINITIONS:

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA/ADAAA policy.

"Disability" refers to a physical or mental impairment that substantially limits one or more of the *major life activities* of an individual. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual."

"Major life activities" include the following but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. "*Major bodily functions*," may include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. *Substantially limiting impairments* significantly limit a major life activity and require an individualized assessment; impairments that are episodic or in remission may also meet the definition of disability if they substantially limit a major life activity when active.

“Direct threat to safety” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

“Reasonable accommodation” means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

“Undue hardship” means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impacts upon that facility; (5) the overall financial resources of the Authority; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire Authority; and (8) the relationship of the particular facility to the Authority. These are not all of the factors but merely examples.

“Essential job functions” refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

Reasonable Accommodation Requests

- Chatham Area Transit Authority will make a good faith effort to reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job unless doing so causes a direct threat to the health and safety of these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the Authority.

Employees should contact their Human Resources representative with any questions or requests for accommodation.

Requests from Applicants and Employees

An individual with a disability may request a reasonable accommodation at any time, whether during the application/hiring process, after being offered a job, or at any subsequent time at which the person with a disability becomes aware of a workplace barrier that is preventing him/her, due to a disability, from performing a job. It is preferred that a request for reasonable accommodation be made in writing.

CAT will generally not ask whether a reasonable accommodation is needed when an applicant or employee has not asked for one unless the Authority knows that individual has a disability, either because it is obvious or because the individual has voluntarily disclosed the information, and thus, the Authority could reasonably believe that the person will need a reasonable accommodation to perform specific job functions.

CAT will make a reasonable accommodation for an applicant or employee with a disability even if the Authority believes it will be unable to provide the individual with a reasonable accommodation on the job, in situations that may require additional approval from outside entities such as state or healthcare agencies in the obtainment of medical waivers.

Response from Employer

After receiving a request for reasonable accommodation, CAT will respond expeditiously which means the interactive dialog process should proceed as quickly as possible and CAT will act promptly to avoid unnecessary delay to provide the reasonable accommodation.

The interactive process will allow CAT and the individual to engage in dialog to clarify what the individual needs and to identify the appropriate reasonable accommodation.

CAT will not ask for documentation in response to a reasonable accommodation request where (1) both the disability and the need for a reasonable accommodation are obvious, or (2) the individual has already provided the Authority with sufficient information to substantiate that they have an ADA/ADAAA disability and need a reasonable accommodation.

CAT may ask an employee for documentation where the disability and/or the need for an accommodation is not obvious and may require an employee with a disability to go to a Authority provided health care professional (rather than the employee's) if the employee provides insufficient information from his/her treating physician. Under such circumstances, CAT will explain why the documentation is insufficient and allow the individual an opportunity to provide the missing information in a timely manner.

As long as the chosen accommodation offered by CAT is effective, the Authority is not required to provide a particular reasonable accommodation that an applicant/employee may request or demand. CAT will not require an individual with a disability to accept a reasonable accommodation that the individual does not want. The applicant's or employee's rejection of the proposed accommodation, however, may render that person unqualified for or to remain in the job.

APPLIES TO:

All employees and applicants for employment of Chatham Area Transit Authority.