



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G - Employees
POLICY TITLE: Workplace Accommodations for Employees with Disabilities
FILE NO.: GBEG
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1. PURPOSE AND PHILOSOPHY

It is the policy of Nebo School District to maintain a working environment free of discrimination on the basis of disability. Consistent with Title I of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, the District will provide reasonable accommodations to qualified individuals who are employees or applicants for employment. This policy provides procedures for requesting workplace accommodations as appropriate under the law.

2. DEFINITIONS

- 2.1. **“Disability”** means a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.
- 2.2. **“Essential functions”** means the fundamental job duties of the employment position the individual with a disability holds or desires.
- 2.3. **“Major life activities”** include, but are not limited to,
 - 2.3.1. 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; and
 - 2.3.2. The 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. The operation of a major bodily function includes the operation of an individual organ within a body system.
- 2.4. **“Physical or mental impairment”** means
 - 2.4.1. 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; or

- 2.4.2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 2.5. “**Qualified**” means, with respect to an individual with a disability, that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.
- 2.6. “**Reasonable accommodation**” means
 - 2.6.1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 - 2.6.2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 - 2.6.3. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.
- 2.7. “**Undue hardship**” means an action requiring significant difficulty or expense when considered in light of the following factors:
 - 2.7.1. The nature and cost of the requested accommodation;
 - 2.7.2. The overall financial resources of the District; and
 - 2.7.3. The effect on expenses, resources, or operation of the workplace.

3. PROCESS FOR REQUESTING ACCOMMODATIONS

- 3.1. Generally, the individual with a disability carries the burden of informing the District that an accommodation is needed.
- 3.2. Employees seeking accommodation under this policy must notify their principal/supervisor or the Director of Human Resources that an adjustment or change is needed at work for a reason related to a medical condition. The individual is not required to mention the ADA or use the term “reasonable accommodation.” Employees should use the Request for ADA Accommodation form.
- 3.3. When a principal or supervisor becomes aware that an employee may need an accommodation under this policy, the principal or supervisor shall document the incident(s) that led to the belief that an accommodation may be needed and notify the Director of Human Resources.
- 3.4. The Director of Human Resources or designee will engage in an interactive process with the employee to clarify what the individual needs and identify any appropriate reasonable accommodations.
- 3.5. The exact nature of the dialogue will vary. In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion. In other situations, the employer may need to ask questions concerning the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, s/he does need to describe the problems posed by the workplace barrier. Additionally, suggestions from the individual with a disability may assist the District in determining the type of reasonable accommodation to provide. Where the individual or the District are not familiar with possible accommodations, they may consult both public and private resources to help identify reasonable accommodations once the specific limitations and workplace barriers have been ascertained.

- 3.6. If the disability or need for reasonable accommodation is not obvious, the Director of Human resources or designee may ask the employee for reasonable documentation about his/her disability and functional limitations.

4. STANDARDS FOR GRANTING OR DENYING ACCOMMODATION REQUESTS

- 4.1. The Director of Human Resources, the Civil Rights Coordinator, and Legal Counsel (“ADA Committee”) will discuss the employee’s eligibility under the ADA and any requested accommodations. The ADA Committee may consult with the employee’s principal/supervisor and others as deemed necessary.
- 4.2. The ADA Committee will determine whether the employee has a disability. Consistent with the ADAAA, the definition of “disability” shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The question of whether an individual meets the definition of disability should not demand extensive analysis. Nevertheless, not every impairment will constitute a disability under the law.
- 4.3. When the ADA Committee determines that an employee has a disability, the committee will identify the reasonable accommodations necessary to remove workplace barriers.
- 4.4. Employees receiving reasonable accommodations must be qualified for the job and continue to perform the essential functions of the position. Reasonable accommodations may not eliminate essential functions.
- 4.5. A request for an accommodation may be denied if the requested accommodation imposes an undue hardship on the District or any of its schools or departments. When a request is denied, the ADA Committee will continue to explore other reasonable accommodations, including the possibility of transfer to an available position for which the employee is qualified and can perform the essential functions.
- 4.6. The ADA Committee may consult with Utah State Risk Management regarding eligibility and reasonable accommodations under this policy.

5. FITNESS FOR DUTY EVALUATION

- 5.1. A fitness for duty evaluation is a physical or mental health examination that is job-related and consistent with business necessity, performed by a medical professional, to determine whether an employee has a medical condition that would impair the employee’s ability to safely perform the essential functions of the employee’s job.
- 5.2. An employee may be required to undergo a fitness for duty evaluation when the District has a reasonable belief, based on objective evidence, that
 - 5.2.1. The employee’s ability to perform essential job functions will be impaired by a medical condition; or
 - 5.2.2. The employee will pose a direct threat due to a medical condition. A direct threat means a significant risk of substantial harm that cannot be eliminated or reduced by reasonable accommodation.
- 5.3. An employee’s supervisor may recommend to the ADA Committee that the employee be required to undergo a fitness for duty evaluation.
- 5.4. A fitness for duty evaluation may be required only by the ADA Committee and only when the criteria in Subsection 5.2 are met.
- 5.5. If the District requires an employee to undergo a fitness for duty evaluation, the district will select the medical professional and will bear the cost of the evaluation.

- 5.6.** Results from a fitness for duty evaluation shall be considered by the ADA Committee during the interactive process for determining any reasonable accommodations or changes to the employee’s employment status or position.
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EXHIBITS

None

REFERENCES

Americans with Disabilities Act, 42 U.S.C. §12101, et seq. & 28 C.F.R. Part 35, et seq. (“ADA”)

FORMS

Request for ADA Accommodation

HISTORY

Revised 10 October 2018 – added section on fitness for duty examination; added civil rights coordinator to ADA committee in place of risk manager.

Adopted 10 September 2014.
