

Disability and Workplace Accommodation

PURPOSE: The Americans with Disabilities Act (“ADA”) and the ADA Amendments Act (“ADAAA”) are federal laws that require employers with 15 or more employees to not discriminate against employees, applicants and individuals with disabilities including pregnant employees, applicants and individuals. When needed, the College must provide reasonable accommodations to employees and applicants who meet the qualifications of a position, with or without reasonable accommodations, so that they may perform the essential job functions of the position. This policy addresses these obligations.

DEFINITIONS:

As used in this policy, the following terms have the indicated meaning:

- Disability: 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.
- Direct threat: A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- Reasonable accommodation:
 - (i) 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
 - (ii) 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 an individual with a disability who is qualified to perform the essential functions of that position; or
 - (iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodations may include: making existing 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 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.

- Undue hardship: An action requiring significant difficulty or expense by the College. In determining whether an accommodation would force an undue hardship on the College, factors to be considered include:
 - o The nature and cost of the accommodation.
 - o The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - o The overall financial resources of the College; the size, number, type and location of facilities.
 - o The type of operations of the College including the composition, structure and functions of the workforce; administrative or fiscal relationship of the facility involved in making the accommodation to the employer.
- Essential functions of the job: Those job activities that are determined by the College to be critical to performing the job; these functions cannot be altered.

The examples provided in the above definitions 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 this policy.

POLICY STATEMENT: It is the policy of Westminster College to comply with all federal and state laws regarding the employment of persons with disabilities. The College will act in accordance with regulations and guidance distributed by the Equal Employment Opportunity Commission (“EEOC”). It is the College’s policy not to discriminate against qualified individuals with disabilities during the application process, hiring process, promotion process, termination, compensation, training or other terms, conditions and privileges of employment.

PROCEDURES:

Westminster College will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of their job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be completely removed by reasonable accommodation or if the accommodation creates an undue hardship to the College. All employees are required to abide by the College’s safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until the situation can be evaluated and a decision made regarding continued employment of the employee.

When an applicant with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to the safety of the work environment, he or she will be given the same consideration for employment as any

other applicant. Applicants who pose an immediate threat to the health or safety of themselves or other people in the workplace and the threat cannot be eliminated by reasonable accommodation will not be hired.

Contact the Office of Human Resources with any questions or requests for accommodation.