

1425 - INDIVIDUALS WITH DISABILITIES; REASONABLE ACCOMMODATIONS

The District is committed to nondiscrimination with respect to persons with disabilities, and will provide reasonable accommodations to persons with disabilities in accordance with federal and state law.

A person with a disability is any staff member or candidate for employment who meets any of the following criteria established by federal law:

- A. has a physical or mental characteristic which substantially limits one (1) or more major life activities; or
- B. has a record of such impairment; or
- C. is regarded as having such an impairment.

An employee or an applicant who is limited in one or more major life activities as a result of his or her current illegal drug use or whose use of alcohol prevents the person from performing job responsibilities or poses a direct threat to the safety and property of others shall not be regarded as a person with a disability for purposes of this guideline.

In order to be a qualified individual with a disability, an individual must be able to perform the essential functions of the position. Reasons that a job function may be considered essential include, but are not limited to:

- A. the position exists to perform that function;
- B. a limited number of employees are available among whom the performance of the job function can be distributed;
- C. the function is highly specialized so that an individual is hired for his/her expertise in performing that function.

The following may be considered as evidence in determining whether a particular function is essential:

- A. the employer's judgment as to which functions are essential;
- B. written job descriptions prepared before advertising or interviewing applicants for the job;
- C. the amount of time spent on the job performing the function;
- D. the consequences of not requiring the incumbent to perform the function;
- E. the work experience of past incumbents in the job;

F. the current work experience of incumbents in similar jobs.

Recruiting and Hiring

No candidate for employment shall be required to answer a question regarding a disabling condition, and no such candidate will be discriminated against on the basis of a disabling condition, unless it is directly related to the essential function of the position for which s/he has applied and cannot be reasonably accommodated. Notwithstanding the foregoing, the District may seek information sufficient to ensure that an applicant is not afflicted with a currently-communicable disease or infection which would constitute a direct threat to staff and students, or to determine if an applicant is an abuser of substances.

All employee medical records are to be filed separately from personnel records and be treated as confidential records.

Reasonable Accommodation

If a person has all of the qualifications required to properly fulfill the responsibilities of a particular job, reasonable efforts should be made to modify existing facilities, the work environment, or working conditions to accommodate a particular disabling condition, providing such accommodation does not seriously diminish the quality of programs or services provided by the District.

A potential accommodation is not “reasonable” if adopting it would impose undue hardship on the District. The factors to be considered in determining whether an accommodation imposes undue hardship include the type of operation and the nature and cost of the accommodation needed. “Undue hardship” is not limited to financial difficulty. It includes any accommodation that would be unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature of the District.