

TRITON COLLEGE BOARD POLICY

**BOARD OF TRUSTEES, DISTRICT 504**

**HUMAN RESOURCES**

**AMERICANS WITH DISABILITIES ACT**

**POLICY 4146**

**Page 1 of 3**

**ADOPTED: 01/23/18**

Triton College is committed to providing equal access and opportunities to job applicants and employees with qualified disabilities, including employees returning from a sick leave or medical leave. Triton College prohibits discrimination on the basis of disability in the application process and throughout the employment relationship. It is the policy and practice of the College to comply with the Rehabilitation Act, the Americans with Disabilities Act, as well as with applicable state and local laws prohibiting discrimination on the basis of a disability. Triton College provides reasonable accommodations on a case-by-case basis to ensure that no otherwise qualified individual will be excluded from employment on the basis of a disability.

Job applicants and employees with a disability recognized by law are entitled to a reasonable accommodation on a case-by-case basis if one is needed to enable the person to apply for a job, perform the essential or marginal functions of a job, or return to work following a sick leave, medical leave or leave following pregnancy and/or childbirth. In general, a disability is defined as a physical, mental, medical, or psychological impairment that substantially limits a major life activity or that prevents the exercise of a normal bodily function, a record of such impairment, or a condition regarded by others as an impairment.

A reasonable accommodation includes, but is not limited to, providing an accessible workplace, acquiring or modifying equipment, modifying work schedules, modifying examinations and training materials, and providing qualified readers or interpreters for the vision and hearing impaired. Reasonable accommodations do not include lower performance standards, permanent changes to the essential functions of the job, or items for personal use or convenience. The College is obligated to provide a "reasonable" accommodation, which may not be the one requested. The process of identifying and providing a reasonable accommodation is an interactive process, with outcomes determined on a case-by-case basis.

The College is not obligated to provide an accommodation if it would impose an undue hardship on the College, or if the individual requesting the accommodation poses a direct threat to the safety to self or to others. Undue hardship refers not only to financial difficulty, but also to reasonable accommodations that are unduly extensive, substantial or disruptive, those that would fundamentally alter the nature or operation of the College, or would unduly have a negative impact upon the stated mission of the College.

### **Establishing Eligibility**

A job applicant or employee who has requested a reasonable accommodation must provide certain information to the College from an appropriate health care professional. In general, the information provided must be sufficient to substantiate that the individual has a disability and requires a reasonable accommodation. The information provided must describe, among other things, the nature, severity and duration of the impairment, the job functions that the impairment limits, the extent to which the impairment limits the individual's ability to perform the essential or marginal functions of the job, and substantiate why the requested reasonable accommodation is needed in each particular case. The cost of obtaining and providing this information to the College is the responsibility of the job applicant or employee, including employees returning from a sick leave or medical leave.

If the job applicant or employee provides incomplete or inadequate information to substantiate the disability or the need for the requested accommodation, the College may, at its discretion, require the job applicant or employee to provide additional information at the expense of the applicant or employee, or require an examination by an appropriate health care provider selected by the College and at the expense of the College.

The need for a reasonable accommodation may, and often does, change. Therefore, a job applicant or employee who receives a reasonable accommodation may be required to establish the continued eligibility for an accommodation annually, or more frequently, as may be appropriate in the reasonable opinion of the College.

### **Reasonable Accommodation Process**

**Step 1:** To request a reasonable accommodation for a disability, a job applicant or employee, including an employee who is fit for duty and returning from a sick leave or medical leave, should contact the Associate Vice President of Human Resources, at 708-456-0300, ext. 3743.

**Step 2:** The job applicant or employee must provide certain information from an appropriate health care professional demonstrating eligibility for a reasonable accommodation. The College can ask, but not require, that the accommodation request be in writing, and if the request is not in writing, the College may confirm back to the employee or job applicant what the College understands the request to be.

TRITON COLLEGE BOARD POLICY

**BOARD OF TRUSTEES, DISTRICT 504**

**HUMAN RESOURCES**

**AMERICANS WITH DISABILITIES ACT**

**POLICY 4146**

**Page 3 of 3**

**ADOPTED: 01/23/18**

**Step 3:** The request for a reasonable accommodation, including supporting documentation and information, will be reviewed by the Associate Vice President of Human Resources, the Vice President of Business Services and other college personnel such as the College Nurse, as may be appropriate. The determination of a reasonable accommodation is made on a case-by-case basis. In order to evaluate the information provided by the job applicant or employee, and a health care provider, the College may, to the extent permitted by law, consult with the individual's health care providers as well as College medical professionals and other College personnel as may be necessary. At reasonable intervals, and in order to further the case-by-case application of the interactive process, the College will apprise the individual of the status of the review of the request for a reasonable accommodation.

**Step 4:** If accommodations other than the one requested by the job applicant or employee are determined by the College to be reasonable, the College will, as may be appropriate, consider the job applicant's or employee's preference. The ultimate selection of the reasonable accommodation to be implemented, however, will be made by the College based upon the case-by-case review of the essential and marginal functions of the job and the documentation and information provided. If accommodations have been provided following a return from sick leave or medical leave or due to any other short term or temporary disability, those accommodations may be considered temporary until such time as the employee or applicant is sufficiently recovered to return to the usual and customary marginal and essential job tasks without accommodation. The need for continued accommodations will be addressed by the College and employee or applicant at appropriate intervals.

**Confidentiality**

Confidential information obtained, reviewed, and prepared in connection with a request for a reasonable accommodation will be maintained separately from the job applicant's or employee's other employment records and shall be maintained as confidential information. Confidential information shall not be disclosed to any individual except on a need to know basis or as may be required by law.