

Applies to: Faculty, staff, and student employees

Responsible Office

Human Resources

POLICY STATEMENT

It is the policy of Central Ohio Technical College that discrimination against **qualified individuals with disabilities** is prohibited. Pursuant to the *ADA Amendments Act of 2008 (ADAAA)*, Titles I and II of the *Americans with Disabilities Act (ADA)* of 1990 and Section 504 of the *Rehabilitation Act of 1973*, the college provides equal employment opportunities and **reasonable accommodation** for qualified individuals with disabilities.

Purpose of the Policy

To provide equal employment opportunities and reasonable accommodation for qualified individuals with disabilities pursuant to the *ADA Amendments Act of 2008 (ADAAA)*, Titles I and II of the *Americans with Disabilities Act (ADA)* of 1990 and Section 504 of the *Rehabilitation Act of 1973*.

Definitions

Term	Definition
Disability	A physical or mental impairment that substantially limits one or more of the major life activities of an individual or a record of such impairment or being regarded as having such an impairment. The impairment can be a disability even if episodic or in remission.
Qualified individual with a disability	An individual with a disability who, with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires.
Essential job functions	Those functions actually performed in the job, the removal of which would fundamentally alter the position. To determine whether a function is essential, it must be determined whether the position exists to perform that function and whether there are other employees available to share that function, as well as the degree of expertise required to perform the function. Whether a function is essential also depends on the content of the written job descriptions, the terms of the collective bargaining agreement, the time spent performing the particular function, and the consequences of failing to require the employee to perform the function.
Reasonable accommodation	A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions . Such accommodation is required unless it poses an undue hardship on the employer. The determination of what accommodation is reasonable in a particular situation involves a process in which the department and the employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations.
Undue hardship	Any accommodation that is substantial or disruptive or would be unduly costly to the college or that would fundamentally alter the nature or operation of the department.
Major life activities	Include caring for oneself, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, as well as the operation of major bodily functions including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This list is not exhaustive.
Substantially limits	An impairment is substantially limiting if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the ability of

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	the average person in the general population to perform that same major life activity. In these instances, the following factors will be considered: (1) the nature and severity of the impairment; (2) the duration or expected duration of the impairment; (3) the permanent or long-term impact resulting from the impairment.

Policy Details

- I. It is a violation of college policy to discriminate in employment against a qualified person in regard to any employment practice or term, condition, or privilege of employment because that person currently has a disability, at one time had a disability, or is regarded as having a disability. It is also a violation of this policy to deny an employment opportunity or benefit or otherwise discriminate against an individual, whether or not the individual has a disability, because that individual has a known relationship or association with a person who has a disability. This prohibition applies to job application procedures, hiring, advancement, and discharge of employees; employee compensation; job training; and all other terms and conditions of employment.
- II. It is college policy to determine essential job functions based on an individualized inquiry into each position filled and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation.
- III. It is against college policy to use qualification standards or selection criteria that would screen out, or tend to screen out, individuals with disabilities, unless such measures are both job related and necessary to the safe and efficient operation of the college.
- IV. The affirmative obligation to provide reasonable accommodation applies to individuals seeking employment with the college and to current employees who become disabled while employed with the college.

PROCEDURE

- I. **Dispute resolution**
Individuals who believe they have been excluded from an employment opportunity, benefit or program or have been denied a reasonable accommodation are encouraged to contact the Office of Human Resources. The staff of this office is available for consultation and assistance relative to complaints of this nature, to facilitate the resolution of such problems in a manner that is fair and equitable for the individual, and that is consistent with the college's policy of nondiscrimination. The first efforts in response to a complaint will be made on an informal basis. If resolution cannot be attained through an informal process, then the Office of Human Resources will initiate an investigation.

Responsibilities

Position or Office	Responsibilities
Department	1. Each supervisor and/or senior administrator will assist the Office of Human Resources in the implementation and dissemination of this policy. Such officials are responsible for reviewing their departments' recruitment, interviewing, selection, and employment practices and for implementing changes as necessary to assure compliance with this policy.
Office of Human Resources	1. Coordination and implementation of this policy and these guidelines.
Employee	1. Inform the Office of Human Resources or the ADA Coordinator's Office of a need for an accommodation.

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	<ol style="list-style-type: none"> 2. Submit necessary medical documentation to support the request for an accommodation. It is the responsibility of the faculty or staff member requesting accommodation due to disability to submit current, clear documentation from qualified medical and/or psychological sources in order for the determination of reasonableness for an accommodation. 3. Engage in good faith in the interactive process with the supervisor, the Office of Human Resources and/or the ADA Coordinator's Office to assess and establish a reasonable accommodation. 4. Adhere to this policy.

Resources

- [American with Disabilities Act \(ADA\) website](#)
- [Applying Performance and Conduct Standards to Employees with Disabilities](#)
- [Job Accommodation Network](#)
- [Rehabilitation Act of 1973](#)
- [U.S. Equal Employment Opportunity Commission](#)

Contacts

Subject	Office	Telephone	E-mail/URL
Policy	Office of Human Resources	740-366-9367	http://go.cotc.edu/hr-policies
Disability benefits and/or accommodations	Office of Human Resources	740-364-9550	http://go.cotc.edu/hr

History

Issued: 12/01/2004
 Revised: 04/21/2010
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