



ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES POLICY

PERSONNEL | 300.323

Last Evaluation

3/28/2024

Executive Staff Approval

5/6/2024

Board Approval

5/15/2024

1. Policy Purpose

To ensure all employees with disabilities have equal access to services that may assist them with adjustments and/or auxiliary aids that facilitate access to employment-related activities and enable them to meet the essential functions of the job.

2. Policy Statement

Mountainland Technical College (MTECH) is committed to equal employment opportunity and non-discrimination, as outlined in the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), and ensures full right of access for persons with disabilities to all terms and conditions of employment, services, programs and activities. Employees and candidates for employment, will be treated on the basis of their ability to perform essential job functions, with or without reasonable accommodation. MTECH will reasonably accommodate qualified individuals with known disabilities unless doing so would fundamentally alter an essential job function, create a direct threat, or impose an undue hardship on the college.

3. Definitions

Disability – Any visible or non-visible impairment which substantially limits one or more major life activities.

Employee ADA Coordinator – The person responsible for supporting employee requests for Americans with Disabilities (ADA) accommodations.

Essential Job Function – The job tasks and duties which are fundamental to the purpose of the position and where satisfactory performance of these functions is integral to meeting the job requirements.

Fundamental Alteration – Occurs when a proposed or recommended accommodation invalidates, negates, or impedes an essential job function.

Interactive Process – An informal dialogue through which an individual with a qualified disability and the college better understand the precise limitations created by the disability and how reasonable accommodation(s) may enable the employee to perform an essential job function(s) and access the programs, activities, and facilities available to other qualified employees.

Major Life Activity(ies) - Fundamental tasks or functions essential for independent living and overall well-being. Such tasks and functions include breathing, caring for oneself, concentrating, seeing, hearing, speaking, communicating, interacting with others, learning, lifting, performing manual tasks, reading, sleeping, walking, mobility and working.

Reasonable Accommodation – Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of the job, equal to those applicants or employees without a disability.

Retaliation – An action, performed directly or through others, that is aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Action in response to a protected activity is not retaliatory unless (1) it has a materially adverse effect on the working, academic, or other MTECH-related environment of an individual and (2) it would not have occurred in the absence of (but for) the protected activity.

Student ADA Coordinator - The person responsible for supporting student requests for Americans with Disabilities (ADA) accommodations.

4. References

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

Diagnostic and Statistical Manual of Mental Disorders (DSM)

International Classification of Diseases (ICD)

MTECH 300.305 Discrimination and Harassment Complaints Policy and Procedure

Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794.

Civil Rights Act of 1964, Title VII, 42 U.S.C. §§ 2000e et seq. (1964).

5. Scope of Policy

This policy applies to all MTECH employees.

6. Employee ADA Coordinator

- 6.1 The college has designated the Associate Vice President of Human Resources, or designee, as the Employee ADA Coordinator to resolve any employment-related accommodations for disabilities (ADA) requests.
- 6.2 The resolution of accommodation requests is processed through the Employee Accommodation Committee as outlined in 300.323 Accommodations for Employees with Disabilities Procedure.
- 6.3 The Employee Accommodation Committee includes the Employee ADA Coordinator, the Student ADA Coordinator, and the Director of Human Resources.

7. Accommodations

- 7.1 In compliance with federal and state laws and regulations, MTECH has a responsibility to make reasonable accommodations, as necessary, to enable an otherwise qualified individual with a disability to successfully perform the essential job functions.
- 7.2 To be eligible for an accommodation, an employee must have a qualifying disability as defined by the ADA or Section 504, voluntarily disclose their disability to the Employee ADA Coordinator, seek an accommodation, and otherwise comply with this policy and follow the 300.323 Accommodations for Employees with Disabilities Procedure.
- 7.3 Through the Employee Accommodation Committee, the college will engage in an interactive process to respond to accommodation(s) requests. Employee supervisors shall maintain confidentiality and shall not discuss any accommodation -or disability- related information with anyone other than their supervisors, the Employee ADA Coordinator, the Employee Accommodation Committee and the requesting employee.
 - 7.3.1 Communications with the employee regarding their disability shall be handled discreetly and privately.

- 7.4 MTECH prohibits retaliation against any employee who makes a good faith effort to exercise their right to reasonable accommodations or other rights under the ADA or Section 504.
- 7.5 Supervisors or other employees who violate this policy are subject to corrective or disciplinary action pursuant to the 300.305 Discrimination and Harassment Complaints Policy and Procedure.

8. Responsibilities

8.1 Managers and Supervisors

Managers and supervisors are responsible for communicating this policy to employees within their department and ensuring that the policy is adhered to. They must refer employees who disclose a disability or request accommodation to MTECH’s Employee ADA Coordinator.

8.2 Employee ADA Coordinator

The Employee ADA Coordinator is responsible for documenting all employment related requests for reasonable accommodations, and maintaining confidential records on each contact.

8.3 Employee

Employees with disabilities are responsible for requesting reasonable accommodations. An employee who disagrees with the college’s final determination concerning a reasonable accommodation has the right to file a complaint following the 300.305 Discrimination and Harassment Complaints Policy and Procedure.

9. Evaluation History

Last Evaluation	Executive Staff Approval	Board Approval
6/10/2004		6/16/2004
1/13/2023	1/23/2023	3/15/2023
2/21/2024	3/11/2024	3/20/2024
3/28/2024	5/6/2024	3/15/2024