

## **PURPOSE:**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is CAT's policy to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the organization's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Beyond its legal obligations, CAT is committed to providing accommodations that will allow its employees with disabilities to contribute at the highest levels.

## **DEFINITIONS:**

The following terms have the indicated meaning and will be adhered to in relation to the ADA/ADAAA Policy

1. ***Direct threat to safety:*** means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
2. ***Disability:*** refers to a physical or mental impairment that substantially limits one or more major life activities of an individual. An individual who has such an impairment or has a record of said impairment is described as a disabled individual.
3. ***Essential Job Functions:*** refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.
4. ***Qualified individual with a disability:*** means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
5. ***Major Life Activities:*** include, but are not limited to, the following: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

6. **Major Bodily Functions:** may include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one of more body systems.
7. **Reasonable accommodation:** means making existing facilities readily accessible to and usable by individuals with disabilities, job restricting, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
8. **Substantially limiting:** impairments significantly limit a major life activity and require an individualized assessment; impairments that are episodic or in remission may also meet the definition of disability if they substantially limit a major life activity when active.
9. **Undue hardship:** means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include:
  - a. the nature and cost of the accommodations;
  - b. the overall financial resources of the facility at which the reasonable accommodation is to be made; the number of persons employed at the facility; the effect on expenses and resources or other impacts upon that facility;
  - c. the overall financial resources of the Authority; the overall number of employees and facilities;
  - d. the operations of the particular facility as well as the entire Authority; and the relationship of the particular facility to the Authority. These are not all the factors but merely examples.

The examples provided in the above terms 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 the ADA/ADAAA policy.

## **SPECIFICS:**

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

CAT will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to CAT. Contact human resources (HR) with any questions or requests for accommodation.

All employees are required to comply with CAT 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 an organizational decision has been made in regard to the employee's immediate employment situation.

The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

## **PROCEDURE:**

### **A. Requesting Accommodation**

Employees or applicants with disabilities may request reasonable accommodations, regardless of title, salary or employment status. This request should be made by the employee in writing to their supervisor or to the human resources department.

The reasonable accommodation does not have to be requested at the beginning of employment. However, a reasonable accommodation request will not cancel out any prior performance improvement or disciplinary actions.

### **B. Identifying Need**

Upon receiving the reasonable accommodation request, the human resources team member will meet with the employee to conduct an informal, interactive discussion. The discussion will include the following steps:

1. A review of the employee's position description or job announcement delineating the essential functions from the marginal or auxiliary functions.
2. A determination of how the employee's disability limits their ability to perform the essential functions of their job in order to identify the employee as a qualified individual with a disability.
3. Identify potential accommodations and assessment of the effectiveness of such accommodations on the employee's job performance.
4. Identification of the type of accommodation needed. The Job Accommodation Network can be contacted for assistance in making this assessment at 1-800-232-9675 (Voice/TTY) or through their website.
5. The employee's preference of accommodation will be considered. CAT has the right to select among the alternatives available, as long as they are effective.
6. Selection and implementation of the effective reasonable accommodation by CAT will occur as soon as possible. The human resources department will continue to communicate with the employee to discuss timelines for obtaining the accommodation and any possible delays.

## C. Medical Documentation and Confidentiality

If the disability is not obvious and there is no other medical information already on record for the employee, CAT may require the employee to provide documentation from a physician or other medical professional concerning the existence and extent of the disability.

The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a need to know basis.

## D. ADA Determination

After meeting and reviewing medical documentation, CAT's human resource department will determine whether the employee is a qualified individual with a disability and develop a reasonable accommodation plan for the employee.

The plan will:

1. State whether the employee is a "qualified individual with a disability" as defined by the ADA.
2. Outline the employee's essential job functions needing accommodation.
3. Recommend types of accommodation.
4. Determine whether any accommodations causes an undue hardship or poses a direct threat.

## E. Types of Reasonable Accommodation

Accommodation will be determined on a case by case basis. The human resources department will work closely with the employee and supervisor to ensure that reasonable accommodation is provided and effective.

The employee's preference of accommodation will be considered. CAT has the right to select among the alternatives available, as long as they are effective.

1. Some accommodations cost little or no money. Changes may include support from supervisor, additional time to complete assignments or small changes in worksite setup.
2. Some accommodations are technologically simple and easily achieved in most offices. Examples: accessible door handle, magnifier, additional lighting.
3. Accommodations requiring advanced or sophisticated devices may take more time and expense to achieve. Examples: screen reading software, speech synthesizer.

Within 90 days after the accommodations have been provided, the human resources department will assess the effectiveness of the accommodations in enabling the employee to perform the essential functions of the job. Additional accommodations or changes to the existing accommodations may be considered.

## F. Complaint Form and Procedures

Individuals who believe that they have been subjected to discrimination prohibited by the ADA or this policy should promptly report it to the EEO Officer, Ethics and Compliance Hotline, Human Resources Department or contact Compliance Department. A complaint form follows this policy.

**Human Resources:** 912-629-3906 or [hr@catchacat.org](mailto:hr@catchacat.org)  
**Compliance Department:** 912-629-3958 or [david.stearns@catchacat.org](mailto:david.stearns@catchacat.org)

### Ethics and Compliance Hotline

**Website:** [www.lighthouse-services.com/catchacat](http://www.lighthouse-services.com/catchacat)

**Toll-Free Telephone:**

- English speaking USA and Canada: 833-222-3243
- Spanish speaking USA and Canada: 800-216-1288
- Spanish speaking Mexico: 01-800-681-5340
- French speaking Canada: 855-725-0002

**E-mail:** [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com)

(must include company name with report)

**Fax:** (215) 689-3885 \*must include company name with report\*

### REFERENCES:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
- 49 CFR Part 21, “Nondiscrimination in Federally Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964”
- 49 CFR Part 27, “Nondiscrimination on the Basis of Handicap in Financial Assistance Programs”
- FTA C 4704.1A, FTA EEO Circular
- CAT’s Equal Employment Opportunity Program

### APPLIES TO:

All CAT employees and Departments.

### ATTACHMENTS:

A. EEO Complaint Form