ADA AND REASONABLE ACCOMMODATION POLICY

Policy Number: 2017-022	**Policy Issued:** 03/07/2017
Policy Revision Dates: 08/21/2017, 04/22/2025	
Policy Effective Date: Immediately	**Policy Approved by:** Board of Directors

Purpose: This policy is intended to provide employees with information pertinent to the Americans with Disabilities Act (ADA) and procedural information on how to request reasonable accommodations that may be necessary to perform the essential functions of a job.

Scope: This policy applies to all employees and non-employees in temporary, contractual, volunteer, or intern categories.

Policy Statement: All individuals must be able to perform the essential functions of their jobs, or jobs for which they apply. SERC understands that some employees may need additional support to complete the essential functions of their job responsibilities and to participate in work-related opportunities and social events. The Agency is committed to providing a work environment that complies with state and federal requirements for reasonable accommodation. Furthermore, it is SERC's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, promotion, compensation, training, or other terms, conditions, and privileges of employment.

This policy is created in accordance with the requirements of the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA), and in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC), section 504 of the Rehabilitation Act of 1973, and the Connecticut Fair Employment Practices Act (CFEPA).

Policy: SERC will reasonably accommodate qualified individuals with a disability so that they can apply for or perform the essential functions of a position unless doing so creates an undue hardship for the agency.

TERMS USED

The following is a list of terms used in this policy and a summarized definition. The full definitions can be found in the *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act*, 29 CFR Part 1630.

1. **Disability**: This is defined as a physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

2. **Physical or mental impairment**: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

3. **Major life activities**: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The term also includes the operation of major body systems and individual organs within a body system.

4. **Substantially limiting**: In accordance with the ADAAA final regulations, the determination of whether or not an impairment substantially limits a major life activity requires an individualized assessment; an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active.

5. **Direct threat**: This is defined as a significant risk to the health, safety, or well-being of others when this risk cannot be eliminated by reasonable accommodation.

6. **Qualified individual**: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such an individual holds or desires.

7. **Reasonable accommodation**: Term includes any changes to the work environment, which may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

8. **Undue hardship**: This is defined as an action requiring significant difficulty or expense by SERC. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

    a. The nature and cost of the accommodation.

    b. The overall financial resources of the agency or facilities involved in the provision of the reasonable accommodation, the number of persons employed at SERC, the effect on expenses and resources, or the impact of such accommodation on the operation of the agency.

    c. SERC's overall financial resources; the size, number, type, and location of facilities.

    d. SERC's operations, including the composition, structure, and functions of the workforce and the administrative and/or fiscal relationship involved in making the accommodation.

9. **Essential functions:** This is defined as those job activities determined by SERC to be essential or core to performing the job; these functions cannot be modified.

PROCESS

This process is meant to be interactive. An employee, or prospective employee, seeking reasonable accommodation(s) may begin the process with a verbal or written request. A verbal request will initiate a request to submit the following, in writing, to Human Resources:

1. The nature of the disability; and

2. A description of how the disability interferes with the employee's ability to apply for a position or perform their essential job functions and what accommodation(s) might be needed to perform them. If necessary, supporting medical documentation from a qualified health care provider must also be included.

    a. SERC is entitled to make inquiries and/or require medical information when the information sought is job-related and consistent with business necessity.

Employees' medical information related to their disability and any accommodation request shall be and remain confidential unless release is authorized by the individual or permitted (or required) under legal authority. The Human Resources Department secures all medical information in medical files separate from personnel files to prevent inappropriate disclosure. SERC will make every effort to acknowledge requests for accommodation within 10 business days and to approve or deny the request without undue delay. Decisions may be delayed while requests for documentation are pending. The employee will be expected to maintain essential job responsibilities and/or functions during the interactive process. However, when there is a direct threat, the employee cannot safely perform job functions, the employee cannot perform essential functions until an accommodation is provided, or while an employer awaits medical documentation regarding whether an employee is able to continue performing job functions safely, the use of paid or unpaid time off may be the most appropriate solution.

SERC reserves the right to offer alternative accommodation(s) to the extent permitted by law. Some, but not all, of the factors that SERC will consider are cost, the effect that an accommodation will have on current established policies, and the burden on operations, including other employees, when determining whether an accommodation is reasonable.

When SERC offers accommodation to a particular employee's needs, it does not commit that the accommodation is permanent or that similar accommodation will automatically be extended to any other employee. Rather, SERC retains its discretion and flexibility to independently evaluate each individual request for an accommodation, based on the specific circumstances present, or to reorganize work and to redefine job requirements considering the overall needs of the agency.

Signature: _____ Date: _____
Dr. Agnes Quiñones, Chairperson, SERC Board of Directors