

# Americans With Disabilities Act, As Amended (ADAAA) (2010)

Employee Training

# INTRODUCTION TO THE ADA

- The ADA was signed into law on July 26, 1990.
- The ADA prohibits discrimination on the basis of disability in the following areas:
  - Employment
  - State and Local Government (including public educational institutions)
  - Public Accommodations
  - Commercial Facilities
  - Transportation
  - Telecommunications

# PURPOSE OF THE ADA

- Ensure that persons with disabilities have an equal opportunity to participate in and benefit from the services and programs provided by public institutions and facilities, such as Salt Lake Community College
- As a General Rule: **No qualified individual with a disability shall**, by reason of such disability, **be excluded from participation in or be denied the benefits of the services, programs, or activities** of a public entity, or be subjected to discrimination by any such entity

# WHO IS COVERED?

- The ADA provides coverage to disabled individuals
- An individual with a disability is any person who:
  - Has a **physical or mental impairment** that **substantially limits** one or more **major life activities**
  - Has a **record of** such impairment or
  - Is **regarded as** having such an impairment

# ADA - DEFINITIONS

- Major life activities include:
  - Caring for oneself
  - Performing manual tasks
  - Seeing, hearing, eating
  - Sleeping, walking, standing
  - Reaching, lifting, bending
  - Speaking, breathing, learning
  - Reading, concentrating, thinking
  - Communicating, interacting with others, and working

# ADA - DEFINITIONS

- Major life activities may also include:
  - Functions of the immune system, special sense organs, and skin
  - Normal cell growth
  - Digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions

# ADA - DEFINITIONS

- Temporary, non-chronic impairments of short duration with little or no residual effects are usually not disabilities. Examples of conditions that are NOT disabilities include:
  - The common cold
  - Seasonal or common influenza
  - A sprained joint
  - Minor and non-chronic gastrointestinal disorders
  - A broken bone that is expected to heal completely

# ADA - DEFINITIONS

- Having a “record of” an impairment means that you have made an application for, and have received, ADA coverage for your current job at SLCC.



# ADA - DEFINITIONS

- Being “regarded as” having an impairment means that you are perceived to have an impairment that substantially limits a major life activity. For example:
  - An employer that refuses to hire someone because he has disclosed that he takes anti-seizure medication regards the individual as having a disability
  - An employer who does not hire someone because of a facial tic associated with Tourette’s Syndrome has regarded the individual as having a disability
  - An employer terminates someone due to a condition the employer misperceives as heart disease has also regarded the individual as having a disability

# WHAT ARE ACCOMMODATIONS?

- When individuals are unable to access a program, service, or facility due to a disability, the individual may request a change that would enable the individual to have equal access
- The changes that allow equal access are called “accommodations”
- Accommodations must be “*REASONABLE*”

# WHAT IS REASONABLE?

- Reasonable Accommodations have the following characteristics:
  - Feasible
  - Effective in Meeting the Needs of the Individual
  - Enables Equal Opportunity
  - Does not impose “undue hardship,” significant difficulty, or significant expense

# WHAT IS NOT REASONABLE?

- Reasonable Accommodations DO NOT
  - Provide Personal Use Items Such as Wheelchairs, Eyeglasses, Hearing Aids, etc.
  - Reduce Course Requirements, Lower Standards, or Eliminate Essential Job Functions
  - Provide Personal Use Amenities Such as a Hot Plate, Heating Pad, or Personal Refrigerator

# AS AN EMPLOYEE, YOU MAY INTERACT WITH THE ADA AS:

- **Faculty:** A student may approach you regarding a classroom accommodation or an academic adjustment
- **Supervisor:** An employee that you supervise may speak with you about needing an accommodation
- **Yourself:** You may need to seek an accommodation for your own disability
- **Activity Organizer:** A visitor to the college may approach you regarding an accommodation for accessing College facilities or programs

# FACULTY

- If a student informs you of the need for an accommodation or academic adjustment due to a disability, the student should be referred to the **Disability Resource Center (DRC)**, at **801-957-4659**
- The DRC works with students to provide reasonable accommodations based on a protocol which evaluates the request, course requirements, specific classroom situations, and faculty input.

# FACULTY

- Students may subtly indicate the need for accommodations. Some examples may include:
  - I'm a slow reader, I need some extra time to take the test
  - I'm having trouble getting to class on time because I can't move my wheelchair quickly enough
  - I need to sit at the front of the class so I can lip read
- If a student indicates the need for a change in the classroom due to a physical or mental impairment, please refer the student to the DRC

# FACULTY

- A student referred to the DRC will work with an advisor to determine the appropriate accommodation(s) needed
- Examples of student accommodations may include:
  - Adaptive Equipment
  - Alternative Text-Based Materials
  - Assistive Technology
  - Examination Accommodations
  - Adaptive Furniture
  - Interpreters
  - Note Takers
  - Readers/Scribers



# FACULTY

- College policy does not allow faculty to offer accommodations for disabilities to students without written authorization from the DRC

# FACULTY

- **Your Rights:**
  - You have the right to require all students to meet consistent course requirements and course completion standards, even if a student requests an accommodation

# FACULTY

- Your Responsibilities:
  - You have the responsibility to refer students who request classroom accommodations to the DRC
  - You have the responsibility to provide classroom accommodations to students when such accommodations are authorized in writing by the DRC
  - You have the responsibility to respect the legal rights of students. You must refrain from discussing accommodations, limitations, and medical or disability-related information with anyone other than the DRC or the college ADA Coordinator

# SUPERVISORS

- If an employee that you supervise asks you about an accommodation, the employee should be referred to the Human Resources Office
- The Human Resources Office will work with the employee, employee's medical professionals, and the employee's supervisor to determine the accommodation(s) that are appropriate. Each circumstance will be evaluated on a case-by-case basis
- If any employee needs information regarding an accommodation, please refer the employee to **Human Resources at 801-957-4595 or 801-957-4722**

# SUPERVISORS

- Employees may also subtly indicate the need for an accommodation. Some examples may include:
  - I'm having difficulty getting to work at my scheduled starting time because of medical treatments I'm receiving
  - My wheelchair doesn't fit under my desk
  - I can't make it to work due to a medical emergency relating to multiple sclerosis
  - I have chronic foot pain. I need to use a power chair to get to meetings on the other side of campus

# SUPERVISORS

- If an employee indicates the need for a change in their work due to a physical or mental impairment, please refer the employee to the Human Resources Office

# SUPERVISORS

- Examples of employee accommodations may include:
  - Job Restructuring
  - Modified Work Schedules
  - Acquiring or Modifying Equipment
  - Making Existing Facilities Accessible
  - Providing Qualified Readers or Interpreters
  - Reassignment to a Vacant Position

# SUPERVISORS

- Supervisors are not authorized to offer accommodations to employees without written authorization from the Human Resources Office
- Supervisors are required to provide accommodations to employees as authorized in writing by the Human Resources Office



# SUPERVISORS

- Supervisors must respect the legal rights of colleagues by refraining from discussing accommodations, limitations, and medical or disability-related information with anyone other than the Human Resources Office or the College ADA Coordinator
- Employees are encouraged to contact the Human Resources Office regarding ADA eligibility requirements, available accommodations, and any other questions or concerns regarding access for disabled employees

# SUPERVISORS

- Your Rights:
  - You have the right to insist that all employees perform the essential functions of their jobs, with or without accommodations

# SUPERVISORS

- Your Responsibilities:
  - Refer employees who request workplace accommodations to the Human Resources Office
  - Maintain confidentiality of employees who have authorized accommodations
  - Provide accommodations to employees only if you have written authorization from the Human Resources Office
  - If you have an employee who has an authorized accommodation, you must continue to supervise that employee's performance and adherence to the essential job functions
  - If you have an employee who has an authorized accommodation, you are responsible to implement the authorized accommodation
  - If you have any questions, seek assistance from the Human Resources Office

# EMPLOYEES

- If you need to seek an accommodation for your own disability, you should contact the Human Resources Office
- The Human Resources Office will work with you to obtain the appropriate medical documentation to determine the most appropriate accommodation for your situation

# EMPLOYEES

- Your supervisor cannot offer an accommodation to you unless your supervisor has written authorization from the Human Resources Office
- The Human Resources Office and your supervisor will protect your legal rights and refrain from discussing your disability and your accommodation with anyone other than the Human Resources Office and the College's ADA Coordinator
- If you have received an authorized accommodation, your supervisor is responsible to implement the authorized accommodation
- The Human Resources Office will provide answers to questions you may have regarding your rights under the ADA

# EMPLOYEES

- **Your Rights:**
  - You have the right to receive workplace accommodations for your disability after following appropriate procedures

# EMPLOYEES

- **Your Responsibilities:**
  - If you need a workplace accommodation, you must contact the Human Resources Office and request the accommodation
  - If you have received a workplace accommodation, your responsibility to fulfill the essential functions of your job remains
  - If you have received a workplace accommodation, you have the responsibility to adhere to the accommodation, as provided. If modifications to the accommodation are needed, you must contact the Human Resources Office

# FOR ALL EMPLOYEES

- If a visitor to the college approaches you regarding an accommodation for accessing College facilities or programs, you should:
  - Refer the visitor the College's ADA Coordinator, Mikel Birch 801-957-4041 or [mikel.birch@slcc.edu](mailto:mikel.birch@slcc.edu)



# Complaint Process

- If you are a student, employee or Salt Lake Community College visitor/volunteer, and you have questions, concerns or you believe your ADA rights may have been violated contact:
  - Mikel Birch, ADA Coordinator
  - Phone: 801-957-4041
  - Email: [mikel.birch@slcc.edu](mailto:mikel.birch@slcc.edu)

# SUMMARY

- If a STUDENT asks you about needing an accommodation, refer the student to the DRC
- If an EMPLOYEE asks you about a workplace accommodation, refer the employee to the Human Resources Office
- If YOU need to seek an accommodation for your job, contact the Human Resources Office
- If a VISITOR approaches you regarding difficulty accessing a college event or facility, refer the visitor to the college ADA Coordinator

# SUMMARY

- The Americans With Disabilities Act, As Amended, is an important federal law. This presentation is designed to provide a brief overview of your rights and responsibilities under this law.
- If you have questions or need additional assistance, please contact one or all of the following:
  - The Human Resources Office:
    - Phone: 801-957-4595 or 801-957-4722
    - Email: [patti.williams@slcc.edu](mailto:patti.williams@slcc.edu) or [jill.tew@slcc.edu](mailto:jill.tew@slcc.edu)
  - The Disability Resource Center:
    - Phone: 801-957-4659
    - Email: [drc@slcc.edu](mailto:drc@slcc.edu)
  - The College ADA Coordinator, Mikel Birch:
    - Phone: 801-957-4041
    - Email: [mikel.birch@slcc.edu](mailto:mikel.birch@slcc.edu)

# Additional References

- [www.ada.gov](http://www.ada.gov)
- [www.eeoc.gov](http://www.eeoc.gov)
- [www.laborcommission.utah.gov](http://www.laborcommission.utah.gov)
- [www.justice.gov](http://www.justice.gov)
- <http://www.slcc.edu/eeo/services/ada.aspx>

Thank you!