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|  | POLICY | Motion No. | EXEC 1024-2023 |
| | Americans with Disabilities Act | Effective Date | 12/19/2023 |
| | | Responsible Department | Human Resources |
| | | Reviewed by an attorney | [Attorney Name] |

SCOPE

This policy affirms the Pennsylvania Highlands Community College's commitment to ensuring equal employment opportunities and providing reasonable accommodations to qualified individuals with disabilities, in accordance with the Americans with Disabilities Act (ADA) and applicable laws.

POLICY

Pennsylvania Highlands Community College is dedicated to a work environment that is free from discrimination and harassment. We do not discriminate against individuals with disabilities in any aspect of employment, including job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Pennsylvania Highlands Community College is committed to providing reasonable accommodations to qualified individuals with disabilities to enable them to perform the essential functions of their job. Accommodations are determined on a case-by-case basis through an interactive process with the employee, considering the individual's functional limitations, medical documentation, and the requirements of the position. Reasonable accommodations may include modifications to workspaces, job duties, schedules, or the provision of assistive devices.

All employees are required to comply with the safety standards of the College. The ADA permits employers to exclude individuals who pose a direct threat -- i.e., a significant risk of substantial harm -- to the health or safety of the individual or of others, if that risk cannot be eliminated or reduced below the level of a "direct threat" by reasonable accommodation.

Human Resources is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

Definitions

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

- "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual."

- “Direct threat to safety” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- A “qualified individual with a disability” is a person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodations. Requiring the ability to perform "essential" functions assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with reasonable accommodations. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered as evidence, although not necessarily conclusive evidence, of the essential functions of the job.
- “Reasonable accommodation” is a modification or an adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of nondisabled employees. “Undue hardship” is defined as "an action requiring significant difficulty or expense" when considered in light of several factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger employer would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer. “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.

Dissemination of Policy and Complaint Reporting

Human Resources will direct the employee to the myPEAK portal for access to all Board Approved Policies, including this policy, as part of the new employee orientation.

If an employee believes he/she has been discriminated against in violation of the ADA, he/she must report the allegation to the Chief Human Resources Officer (CHRO), Pennsylvania Highlands Community College, 101 Community College Way, Johnstown, PA 15904, or by calling 814-262-3833. Allegations may also be reported to the President, any Vice President, or the employee's direct supervisor. Any of these people will then be responsible for bringing the allegation forward to Human Resources for handling and investigation.

The College will investigate every issue that is brought to its attention and will take appropriate action.

The employment provisions of Title I of the ADA are enforced under the same procedures applicable to race, sex, national origin, and religious discrimination under Title VII of the Civil Rights Act of 1964. Complaints regarding ADA will be filed with the Equal Employment Opportunity Commission or designated State human rights agencies.

No Retaliation

Pennsylvania Highlands Community College is committed to providing a work environment free of all discrimination. To this end, the College has zero tolerance for retaliation against any person filing a complaint or contributing in any way to the investigation of any complaint. This zero-tolerance policy applies to all individuals who may have access to or knowledge of a complaint and can include superiors, peers, students, vendor employees, and others. Any allegations of retaliation should be brought to the chief human resources officer.

| Effective Date | Motion Number | Document Author | Description of Change |
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| 12/19/2023 | EXEC 1024-2023 | Human Resources | Amended to Americans with Disability Act and other applicable laws |
| 6/27/2017 | EXEC 1017-2017 | Human Resources | Needed Board approval |
| 5/01/2010 | 204 | Human Resources | Possible Initial Release |