3.1.1 KCTCS Policy for Employing People With Disabilities

It is a policy of the KCTCS to comply with the Americans With Disabilities Act (the “ADA”), and applicable state and local laws that forbid discrimination in employment against qualified individuals with disabilities.

3.1.1.1 KCTCS Procedure for Employing People With Disabilities

The purpose of these procedures is to support equal opportunity in employment for all qualified persons with disabilities and to accommodate qualified individuals with disabilities.

In support of its policy to comply fully with the ADA and other federal and state laws that prohibit discrimination in employment against qualified individuals with disabilities, the Director of Human Resources of the applicable college will use the following procedures:

1. Review recruiting, advertising, and job application procedures to provide persons with disabilities meaningful employment opportunities. Upon request, the applicable college will make applications available in alternative accessible formats, such as providing assistance in completing employment applications. Pre-employment inquiries will be made only with regard to an applicant’s ability to perform the duties of the position, not any disabling condition. The applicable college may, however, make pre-employment inquiries into the ability of an applicant to perform job-related functions, and may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions;

2. Require pre-employment physical examinations only after conditional job offers, and only for those job categories for which physical examinations are given to all persons entering the position. Pre-employment medical examinations may or may not be job-related and consistent with business necessity. Medical examinations of existing employees will be required only when job-related and justified by business necessity;

3. Conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of the KCTCS’ employee health program;

4. Maintain all medical-related information in a confidential manner in separate confidential files;

5. Provide reasonable accommodation to all persons with disabilities, whether applicants for employment or employees, except where making an accommodation would create
an undue hardship on the applicable college or the KCTCS;

6. Entitle all qualified employees with disabilities to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, promotion and demotion, leaves of absence (including sick leave), fringe benefits, and other terms, conditions, or privileges of employment; and

7. Notify all individuals with disabilities that the applicable college and the KCTCS provide reasonable accommodation to qualified individuals with disabilities by including a statement to this effect in applicable policy manuals and by posting the Equal Employment Opportunity Commission’s poster regarding non-discrimination against the disabled and other protected groups in conspicuous places upon the college premises where notices to employees and applicants for employment are customarily posted.

3.1.1.2 **KCTCS Accommodation Procedures**

1. All requests for accommodation from qualified applicants and employees with disabilities must be in writing; contain the name, address, and telephone number of the person requesting the accommodation; and describe the reason for which the accommodation is being requested. Requests for accommodation must be referred to the Director of Human Resources of the applicable college, or a designee.

2. Upon receipt of an accommodation request, the Director of Human Resources of the applicable college will meet with the applicant or employee requesting the accommodation to discuss and identify the precise limitations resulting from the disability and potential accommodations that allow the individual to perform the essential functions of the job.

3. If necessary, the Director of Human Resources of the applicable college will discuss potential accommodations with the individual’s supervisor or potential supervisor. In addition, the Director of Human Resources of the applicable college may contact outside agencies specializing in providing technical assistance for persons with disabilities, or consult with medical experts about potential accommodations.

4. In order to identify a reasonable accommodation, the Director of Human Resources of the applicable college will:
   a. Consult with the supervisor and written job description to determine the purpose and essential functions of the job involved;
   b. Consult with the person with a disability to determine specific physical or mental abilities and limitations as they relate to the essential job functions. The barriers to job performance and potential methods of overcoming these barriers will be identified and
c. Consult with the person with a disability to identify potential accommodations and assess the effectiveness of alternative potential accommodations.

5. In order to evaluate potential accommodations. The Director of Human Resources of the applicable college may do one (1) or more of the following:

   a. Request a written statement from the physician of the person with a disability to verify the disability and legitimate need for an accommodation;
   b. Require the individual to be examined by a medical expert selected by the applicable college to help identify effective accommodations;
   c. Require the individual to be evaluated by a psychologist, psychiatrist, rehabilitation counselor, occupational or physical therapist, or any other professional with knowledge of the person’s disability; and
   d. Require access to the individual’s medical records.

6. The Director of Human Resources of the applicable college or a supervisor who has a need to know (e.g., the individual’s supervisor, or, if an applicant, prospective supervisor), will determine the feasibility of potential accommodations. The factors taken into consideration shall include, but may not be limited to, the following:

   a. The nature and net cost of the accommodations needed, including tax credits and deductions or outside funding available to the applicable college or to the KCTCS;
   b. The financial resources of the applicable college or of the KCTCS, as appropriate, the number of employees of the applicable college or the KCTCS and the effect on expenses and resources of the applicable college or of the KCTCS;
   c. Consideration of special types of employment operations where, on a case-by-case basis, providing a particular accommodation might be an undue hardship; and
   d. The impact of making the accommodation on the operation of the applicable college or of the KCTCS, including the impact on the ability of other employees to perform their duties and the impact on the ability to conduct the business of the applicable college or of the KCTCS.

7. A college is not required to make a reasonable accommodation if such accommodation would impose an undue hardship on its operation or the operation of the KCTCS. However, if a particular accommodation would impose an undue hardship, the applicable college or the KCTCS, as appropriate, must consider whether there are alternative accommodations that would not impose such hardship.

An undue hardship is an action that requires significant difficulty or expense in relation to the size of the applicable college or of the KCTCS, as appropriate, the resources available to it, and the nature of the operation.
The concept of undue hardship includes any action that is:

a. unduly costly:
b. extensive:
c. substantial;
d. disruptive; or
e. that would fundamentally alter the nature or operation of the applicable college or the KCTCS.

8. The Director of Human Resources of the applicable college in consultation with the KCTCS Vice President primarily responsible for Human Resources shall determine whether an accommodation can be made without causing the applicable college or the KCTCS undue hardship. All accommodation requests involving expenditures not budgeted shall be reviewed with and approved by the KCTCS Vice President primarily responsible for Human Resources prior to granting any accommodation.

9. In choosing between several effective accommodations which would provide an equal employment opportunity, the applicable college and the KCTCS will consider the preference of the individual to be accommodated; but if there are two (2) or more effective accommodations, the applicable college, or the KCTCS, as appropriate, may choose the least expensive accommodation, or the accommodation which is easiest to provide.

10. Once the decision is reached as to whether an accommodation can be made without causing either the applicable college or the KCTCS undue hardship, or how an accommodation will be made, the Director of Human Resources of the applicable college or the KCTCS Vice President primarily responsible for Human Resources, as appropriate, will inform the applicant or employee of the decision regarding the accommodation.

11. Although the duty to accommodate is legally triggered by a request from an applicant or employee, situations may arise where an employee who is known to have a disability may be having difficulty performing the essential job functions. In these circumstances, the employee’s supervisor may discuss the matter with the Director of Human Resources of the applicable college or with the KCTCS Vice President primarily responsible for Human Resources, as appropriate. If it is determined that the employee should be approached about the possibility of the applicable college or
the KCTCS providing a reasonable accommodation, the Director of Human Resources of the applicable college or the KCTCS Vice President primarily responsible for Human Resources, as appropriate, and the employee’s supervisor will jointly initiate a discussion with the employee about the need for an accommodation.