

POLICY

SMART forbids discrimination against individuals with disabilities in all aspects of employment, including the application process, testing, hiring, promotion, compensation, training, and benefits. In general, SMART will provide a “reasonable accommodation” for any otherwise qualified employee or applicant with a disability as defined above. Reasonable accommodation will allow qualified employees to perform essential functions of a particular position. However, the nature of the position must meet the requirements of the applicable federal law when considering such request. Should the nature of the position lawfully preclude SMART from providing reasonable accommodation, SMART shall provide assistance in seeking an alternate solution for the employee.

DEFINITIONS

For the purpose of this policy, the following terms shall have meanings as defined pursuant to the Americans with Disabilities Act:

DEFINITION OF DISABILITY

The term “disability” means, with respect to an individual who has:

(A) A physical or mental impairment that substantially limits one or more major life activities of such individual or

(B) A record of such impairment

MAJOR LIFE ACTIVITIES

(A) In general major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Major bodily functions a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

DEFINITION OF REASONABLE ACCOMMODATION

Adjustments and changes an employer must make in the work schedule or work environment to meet the needs of his employees. These changes could be made to allow a handicapped worker to perform his or her job. Widening doorways, installing access ramps, and lowering work tables are all considered reasonable accommodations for handicapped workers. Schedule changes that allow employees time off for religious observances are also reasonable

accommodations. Adjustments or changes are considered reasonable, if they do not have a bad effect on work flow or production.

THE DEFINITION OF “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE FOLLOWING:

(A) The definition of disability shall be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of federal law.

(B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E) The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

- i. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, or
- ii. Use of assistive technology;
- iii. Reasonable accommodations or auxiliary aids or services; or
- iv. Learned behavioral or adaptive neurological modifications.
- v. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether impairment substantially limits a major life activity.

(G) The term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(H) The term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

(I) Auxiliary aids and services. The term “auxiliary aids and services” includes

- i. Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- ii. Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

- iii. Acquisition or modification of equipment or devices; and
- iv. Other similar services and actions.

REQUEST PROCESS

FOR APPLICANTS

- SMART shall provide the follow assistance for any applicant covered to the ADA.
- Providing applications in Braille or with appropriate type.
- Provide access to an appropriate computer workstation for completing an electronic application.
- Provide personal assistance with filling out a traditional application.

During the employment process, the applicant may make a request for reasonable accommodation at anytime.

- The applicant shall fill out a Reasonable Accommodation Request Form.
- The EEO Officer, ADA Coordinator, and the hiring manager shall determine if the request meets qualification for reasonable accommodation and if the position is able to adapt to the individuals disability.
- This request shall not provide the sole basis to disqualify an applicant for employment.
- Prior to the applicant receiving an offer of employment, the applicant must produce either official documentation of disability or written notice from the applicant's physician.
- In order to qualify for reasonable accommodation, these documents must define the physical limitations of the disability.

EMPLOYEES

At anytime during their employment at SMART, an otherwise qualified employee with a disability may seek “reasonable accommodation” for the following:

- the employee has been recently diagnosed with a qualifying disability, or
- An existing disability has progressed to the point of qualification.

Current employees shall complete the following procedure for submitting a request:

- The employee shall complete the Reasonable Accommodation Request form online. This form can be found under the employment tab on SMART’s website www.smartbus.org.
- The EEO officer or designate shall review the application and confidentially interview the employee for amplifying information.
- SMART reserves the right to request official documentation of disability or written notice of disability from the applicant's physician.

- The EEO Officer shall confer with SMART's ADA Coordinator and the employee's manager to determine if the employee is entitled to a reasonable accommodation under the ADA.
- If it is determined that an employee is entitled to a reasonable accommodation under the ADA, equipment or modifications must be provided to satisfy the employee's request.
- The EEO Officer will review the request for procurement of equipment or services necessary to meet the provisions of the request.

If the request for reasonable accommodation cannot be approved, the employee shall be referred to the Human Resources department for assistance. The Employee Benefit Specialist shall assist the employee in determining whether the employee qualifies for benefits such as disability or FLMA leave.