

 <p>Tucson, Arizona</p> <p>POLICY REGULATION</p>	REGULATION TITLE: Discrimination – Americans with Disabilities Act Notice
	CODE: AC – R2
	LEAD DEPARTMENT: Human Resources

Americans with Disabilities Act Notice
Employee Rights

Tucson Unified School District (TUSD) does not discriminate on the basis of a disability in hiring, advancement, reassignment or discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment. It is District practice to fully comply with the Americans with Disabilities Act (ADA). TUSD is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities have full access to equal employment opportunity.

A person with a “disability” is defined as an individual who has a physical or mental impairment that substantially limits one or more of his/her major life activities (including, but not limited to, seeing, hearing, lifting, walking or learning); has a record of such impairment; or is regarded as having an impairment.

TUSD provides reasonable accommodations:

- When a reasonable accommodation would allow an applicant with a disability to be considered for a job;
- When a reasonable accommodation would allow an employee with a disability to perform the essential functions of the job or to gain access to the workplace; and
- When a reasonable accommodation would allow an employee with a disability to have equal benefits and privileges of employment.

How to Request Accommodation

To request an accommodation, an individual may use “plain English” and need not mention the ADA or use the phrase “reasonable accommodation.” The request may be made orally or in writing to the supervising administrator, another supervisor in his/her chain of command or Human Resources.

Once TUSD becomes aware of an employee’s request, TUSD will provide the employee with a copy of the “ADA Intake Application.” To enable TUSD to keep accurate records regarding requests for accommodations, an employee must confirm the request by completing the “ADA Intake Application” form. The form can be found on the Intranet under the quick link “Americans with Disabilities” or under the Human Resources Department.

The Interactive Process

Requests for accommodation shall be made directly to the TUSD ADA Coordinator, or to school administrators. In the latter case, the school administrator shall have five (5) business days after receiving a request to notify the TUSD ADA Coordinator. After the TUSD ADA Coordinator receives notice of a request for accommodation, the Coordinator will, within seven (7) business days, initiate a discussion with the employee or applicant to address one or more of the following matters:

- Determine whether employee or applicant is a “qualified individual with a disability” under the ADA;
- Request the individual to provide reasonable documentation about his/her disability and functional limitations, where the need for accommodation is not obvious;
- Clarify what accommodation the individual is seeking;
- Determine whether reasonable accommodation(s) would allow the individual to perform the essential functions of the job.

If the request includes a doctor’s statement that this matter relates to the immediate health and well being of the individual, within seven (7) business days of receiving the request the ADA Coordinator will arrange to provide the employee or applicant with a reasonable accommodation, if one is available, and until the request can be further evaluated.

TUSD also will initiate an interactive process with an employee or applicant when TUSD (1) knows that the employee has a disability; (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. If the individual with a disability states that s/he does not need a reasonable accommodation, TUSD will have fulfilled its obligation.

TUSD will make every effort to notify the individual with the disability that it has granted or denied his/her request for accommodation within fifteen (15) business days from the date the request was received by the ADA Coordinator. When there are extenuating or other mitigating circumstances that require longer than fifteen (15) business days, the ADA Coordinator will notify the individual regarding the status of his/her request and an estimated time to resolution with fifteen (15) business days from the date the request was received by the ADA Coordinator. The ADA Coordinator will notify the individual at least once every ten (10) business days thereafter regarding the status of the request and any revised estimated time to resolution. Notifications required by this paragraph may be satisfied through any of the following forms of communication with the individual: face-to-face meeting, telephone, voice mail message, first class mail, inter-office mail, email, or other similarly effective forms of communication.

When the request is granted, TUSD will provide the accommodation promptly. TUSD may choose among reasonable accommodations as long as the chosen accommodation is adequate to enable the individual to perform the essential functions of the relevant position. As a part of the interactive process, TUSD may offer alternative suggestions for reasonable

accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability. When the disability and/or the need for accommodation are not obvious, TUSD may ask the individual for reasonable documentation about his/her disability and functional limitations and may also request a Fitness for Duty evaluation when appropriate.

An accommodation may be denied if it would cause an undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense.

Should you have any questions regarding District ADA Procedures, please contact the Human Resources ADA Coordinator at 225-6079.

Reviewed: June 23, 2006 (Friday Report)

Revision:

Legal Ref: A.R.S. 23-341, Equal wage rates; variations; penalties; enforcement
41-1463, Discrimination; unlawful practices; definition
20 U.S.C. 1400, Individuals with Disabilities Education Act
20 U.S.C. 1681, Education Amendments of 1972, Title IX
20 U.S.C. 1703, Equal Employment Opportunity Act of 1972
29 U.S.C. 794, Rehabilitation Act of 1973, Section 504
42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII
42 U.S.C. 12101 et seq., Americans with Disabilities Act
Arizona Constitution, Ordinance Art. XX, Par. Seventh

Cross Ref: Policy # AC – Discrimination