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## **Americans With Disabilities (ADA)**

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### **OPERATIONAL POLICY STATEMENT**

Yavapai College hires, promotes, compensates, evaluates and terminates employees without respect to race, color, national origin, age, sex, religion, disability or any other protected category. We are committed to judge an individual only by their qualifications, skills and performance. See Operational Policy 10.06 on Anti-Discrimination.

It is the policy and practice of Yavapai College to comply fully with the Americans with Disabilities Act (ADA) and ensure equal opportunity in employment for all qualified persons with disabilities. Yavapai College is committed to ensuring that there is no discrimination in any terms, conditions or privileges of employment. All employment practices and activities, whether provided or conducted by Yavapai College or another entity on our behalf, will be conducted on a non-discriminatory basis.

It is Yavapai College's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the Americans with Disabilities Act (ADA) as amended, reasonable accommodation will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment.

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### **SCOPE**

All Employee Groups

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#### **Disability:**

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A “qualified person with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

**Reasonable Accommodation:**

The College will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations where a workplace barrier may interfere. A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

**Essential Job Functions:**

For each position, the job description typically will identify essential job functions. The Human Resources Department will generally review job descriptions on a periodic basis to evaluate job functions designated as essential. Questions about job requirements should be directed to your supervisor or to the Human Resources Department.

**Requesting a Reasonable Accommodation:**

The process of identifying and implementing reasonable accommodations is meant to be a cooperative process of communication between the College and the employee. An employee with a disability should request an accommodation from the Chief Human Resources Officer or appropriate departmental designee (referred to from this point as “Human Resources”) or their supervisor, by providing information regarding the need for an accommodation and proposed accommodations. Depending on the nature of the request, medical documentation may be required. The Request for Reasonable Accommodation Form may assist in requesting an accommodation, but informal and verbal requests will also be sufficient to initiate the process.

Once the request and any needed documentation is received, Human Resources, in consultation with the supervisor and appropriate College personnel, will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job. Based on this interactive process, a reasonable accommodation that is most appropriate for both the College and the individual employee may be identified. While an individual’s preference will be considered, the College is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for Yavapai College. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the College’s overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

**Safety:**

All employees are expected to comply with all safety procedures. The College will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A direct threat means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat will be made by Human Resources and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that they may submit additional information and/or challenge the determination that they pose a direct threat.

**Confidentiality:**

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

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**PROCEDURE****Complaint Procedure:**

Any individual who feels they have received discriminatory treatment on the basis of a disability, or because an employee has requested a reasonable accommodation should follow the complaint procedure in Operational Policy 10.05 Student and Employee Grievances Based on Discrimination, Harassment, Sexual Misconduct or Retaliation. Any employee found to have engaged in retaliation against an employee for making a request for reasonable accommodation under this policy, registering a complaint under this procedure, or for assisting in the investigation of a registered complaint will be subject to immediate disciplinary action up to and including discharge. Complaints of such retaliation should be filed under Operational Policy 10.05 Student and Employee Grievances Based on Discrimination, Harassment, Sexual Misconduct or Retaliation.

The operational policy is neither exhaustive nor exclusive. Yavapai College is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities, in accordance with the ADA and all other applicable federal, state, and local laws.

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**RELATED INFORMATION**

[Request for Reasonable Accommodation](#)

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**OPERATIONAL POLICY HISTORY**

Formerly Policy 2.4.10, Adopted 6/4/2009

Renumbered to Policy 2.27 in 10/2014  
Revised 03/21/2017  
Revised to "Operational" Policy 3/5/2021

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