

## **Employment Disabilities – AR**

### **1. Determination of Disability**

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or being regarded as having an impairment. 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, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

### **2. Disability-Related Inquiries**

The District shall adhere to the provisions of applicable laws regarding an employer's limitations on making disability-related inquiries or requiring medical examinations.

The District's restrictions regarding disability-related inquiries and medical examinations apply to all employees/applicants, whether or not they have disabilities. A disability-related question to an applicant may be a violation of law, even though the applicant may not have a disability.

The District may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever the District has reason to believe the employee may be unable to perform the essential functions of his/her job or pose a direct threat to him/herself or to others. (Reference: Section GBB4. Genetic Information Nondiscrimination Act (GINA)).

### **3. Confidentiality of Medical Records**

The District shall treat any medical information or genetic information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs.

### **4. Accommodation**

#### **a. Accommodation for Applicants**

Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the District, the District's ADA Coordinator shall determine whether the request for accommodation for a covered disability is reasonable or if another type of accommodation can be provided. In making that determination of reasonableness, the ADA Coordinator may consider whether granting such requests might impose an undue hardship on the District.

b. Accommodation for Employees

When the District has some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, the District must initiate an interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, the District's ADA Coordinator, or any other manager within the District requesting some type of accommodation, the District will initiate the interactive process. Whenever an administrator or manager/supervisor becomes aware that an employee has requested or may require some type of accommodation, the administrator or manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the administrator or manager/supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functional limitations, and the impact of the proposed accommodation on the District. Review of an employee's particular situation by a medical review officer will assist the District in determining appropriate accommodation.

5. Requirements of Other Laws

The District may make disability-related inquiries and require medical exams that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

Related Forms:

[ADA Reasonable Accommodation Checklist](#)  
[ADA Employee Request for Accommodation](#)  
[ADA Accommodation Request--Employee Release](#)  
[ADA Accommodation Request--Health Care Provider Information](#)  
[ADA Accommodation Approval Letter](#)  
[ADA Accommodation Denial Letter](#)