

# DANIEL BOONE REGIONAL LIBRARY

**SUBJECT: Americans with Disabilities Act Employee Policy**

**ADMIN 1-292**

## **BOARD**

**SECTION: 200 – Employment Policies**

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## **POLICY**

In compliance with the Americans with Disabilities Act (ADA) of 1990, including changes made by the ADA Amendment Act of 2008, it is the policy of the Daniel Boone Regional Library (DBRL) to not discriminate on the basis of disability against qualified individuals with respect to employment. This policy applies to individuals seeking employment and current employees.

It is the responsibility of management and designated library staff to ensure that this policy is implemented in all DBRL operations. It is the responsibility of the ADA Coordinator to monitor compliance with this policy and assist management and/or designee in meeting policy requirements. This policy is neither exhaustive nor exclusive.

### **Employment - Generally**

DBRL's policy regarding discrimination against qualified individuals on the basis of disability applies to all terms, conditions and privileges of employment, including, but not limited to, job application procedures, hiring, advancement, discharge, compensation, and job training. All employment practices and activities, whether provided or conducted by DBRL or any entity or person on its behalf, shall be in accordance with such policy.

DBRL is not required to lower quality or performance standards as an accommodation.

### **Drugs and Alcohol - Employment**

The ADA provides limited protection from discrimination for reformed alcoholics, rehabilitated drug users, those participating in a supervised rehabilitation program, and individuals erroneously regarded as illegal drug users. However, an individual who is currently engaging in the illegal use of drugs is not an individual with a disability as defined by the ADA.

Under the ADA, an employer may prohibit the illegal use of drugs and the use of alcohol at the workplace, require that employees not be under the influence of alcohol, require that all employees behave in conformance with the Drug Free Workplace Act of 1988, hold an employee who engages in the use of illegal drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior to which DBRL holds other employees (even if any unsatisfactory performance or behavior is

related to the drug use or alcoholism), and require that employees comply with federal and/or state laws pertaining to alcohol or drug use where applicable.

### **Reasonable Accommodation - Employment**

A qualified individual with a disability must be able to perform the essential functions of the position with or without reasonable accommodation. Reasonable accommodation(s) to the known physical or mental disability of an otherwise qualified applicant or employee with a disability shall generally be made available. It is therefore important that the individual with a disability make known to the appropriate Department Manager or the ADA Coordinator the physical or mental disability which necessitates an accommodation. DBRL may inquire into the need for an accommodation and require, in certain circumstances, a medical examination. Accommodations will be given on a case-by-case basis. An employee seeking a reasonable accommodation for employment should notify the appropriate Department Manager or the ADA Coordinator and submit the *DBRL Reasonable Accommodation Request Form*.

DBRL is not required to provide a reasonable accommodation in the following situations:

- The accommodation would impose an undue hardship upon DBRL operations;
- The applicant or employee is found to be unqualified for or unable to perform the position that is desired or held despite a reasonable accommodation; or
- The employee or applicant poses a direct threat to the health or safety of himself or herself or to others.

This policy does not alter the at-will nature of the employment relationship as set forth in Policy 1-220 Nature of Employment and specifically does not create any contractual rights, including, but not limited to, rights to continued employment. Applicants with a conditional job offer may be subject to withdrawal of the job offer or employees may be terminated at any time, for any lawful reason, except as otherwise prohibited by law.

### **Filing a Charge**

ADA grievances or complaints of disability discrimination may be filed internally using the Complaint of Employment Discrimination processes. Policy 1-290 Complaint of Employment Discrimination is used for employee complaints of disability discrimination. Both staff and applicants may also file a charge with the appropriate state or federal external regulatory agency (e.g., EEOC, Missouri Commission on Human Rights, Department of Labor, etc.).