

Mystic & Noank Library

Policy and Procedure

I. Overview and Policy

As part of our commitment to diversity, respect for others, and the principles of equal employment opportunity, it is the policy of the Mystic & Noank Library (the “Library”) to comply with the Americans With Disabilities Act of 1990, as amended (the “ADA”), and accompanying regulations, as well as the Connecticut Fair Employment Practices Act regarding the employment of individuals with disabilities.

II. Definitions

- (1) The term “disability” under the ADA means, with respect to an individual—
 - (a) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (b) a record of such an impairment; or
 - (c) being regarded as having such an impairment.
- (2) “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.
- (3) “Major bodily functions” include but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- (4) “Regarded as having such an impairment” means that the individual has been subjected to an adverse action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

III. Procedures

A. Job Accommodations

The Library will make reasonable accommodation to the known physical or mental limitations of an “otherwise qualified” employee with a disability to enable him or her to perform essential job duties unless such accommodation would impose an undue hardship on the operations of the Library. An individual with a disability is “otherwise qualified” if he or she can perform the essential functions of the position with or without reasonable accommodation.

In determining the extent of the Library's accommodation obligations, the following factors among others may be considered: (1) business necessity, (2) whether the accommodation would pose an undue hardship on the Library, and (3) whether the individual with a disability poses a direct threat to the health or safety of others in the workplace.

The Library will remove physical barriers to an employee's workplace accessibility and usability where such removal is needed and readily achievable.

The following modifications may be made to an individual employee's job under appropriate circumstances:

1. Modifications to a job application process that enables a qualified applicant with a disability to be considered for the position.
2. Modification of an individual's job duties by reassigning, reallocating, or redistributing nonessential, marginal functions.
3. Modification of an individual's work schedule within the individual's normal shift, or reassignment to a vacant position.
4. Modification of the work environment, equipment, or the manner or circumstances under which the job is customarily performed, including training and work flow and/or procedures, affecting an employee's job functions, that enables a qualified individual with a disability to perform the essential functions of that position.

B. Application Process

The Library will make reasonable accommodations to the known physical or mental limitations of "otherwise qualified" applicants for employment who have a disability, unless such accommodation would impose an undue hardship on the operations of the Library. An individual with a disability is "otherwise qualified" if her or she satisfies all of the skill, experience, education and other job-related selection criteria, except that, because of a disability, he or she needs a reasonable accommodation to perform the job's essential functions. The Library invites all applicants who have been offered employment to "self-identify" before they begin working to indicate whether they may have a disability and wish to benefit under this policy.

C. Reasons for Accommodations

The Library may make job accommodations or accommodation transfers under the following circumstances:

1. To accommodate the needs of a employee with a disability;
2. To accommodate other extraordinary personal needs of a employee;
3. To satisfy other needs of the business.

D. Accommodation Transfers

Accommodation transfers will be considered only when accommodation within the individual's current position would not pose an undue hardship on the Library's operations.

An employee who can no longer perform, with or without accommodation, his or her current position because of a disability, will be placed, on a lateral basis, in an existing vacant position (or in a position that will become vacant within a reasonable time). The employee must be qualified for and able to perform the essential job duties of that position, with or without accommodation. The placement also must not pose an undue burden on the Library's operations.

If such vacancy exists, or the employee declines such placement, the employee will be placed in an existing vacant position (or in a position that will become vacant within a reasonable time) on successively lower levels. The employee must be qualified for and able to perform the essential job duties of a position, with or without accommodation. The placement also must not pose an undue burden on the Library's operations.

Employees in need of an accommodation transfer will be given first consideration (before posting) for such vacancies on a lateral or downgrade basis. If no such vacancies exists or the employee declines such placement, the employee's employment will be terminated.

Employees in need of an accommodation transfer will be considered on a promotional basis without priority or preference.

E. Accommodation Leaves of Absence

A qualified individual with a disability may request an accommodation leave of absence of a specific duration, work part-time in his/her current position for a specific period of time, or take intermittent time off, as a reasonable accommodation if it would not impose an undue hardship. The Library will consider each such request on a case-by-case basis as part of the interactive reasonable accommodation process.

F. Accommodation Requests

Any employee in need of:

- accommodation for workplace accessibility or usability to perform essential job duties or to participate in organization-sponsored programs and activities,
- alternative accessible formats for organization communications,
- emergency treatment or emergency evacuation assistance,
- a disability accommodation leave of absence, or
- other accommodation

should make such needs known to _____. After appropriate discussion with the employee regarding accommodation alternatives and consideration of the employee's specific needs, the _____ will inform the employee as to what, if any, reasonable accommodation will be made.

If an employee who is known to have a disability is having significant difficulty performing the essential functions of his or her job and it is reasonable to conclude that the performance problem is related to the disability, the Library will confidentially inquire whether the problem is related to the employee's disability. The Library also will inquire whether the employee is in need of reasonable accommodation.

G. Confidentiality

Whenever applicants or employees provide the Library with medical information during the self-identification process, the information obtained is kept confidential. The Library will maintain all information regarding the medical condition or history of applicants, employees, and employees' dependents on separate forms and in separate secure medical files, and treat such information as a confidential medical record to be utilized only as permitted by law. The exceptions to this practice include (1) supervisors and managers may be informed of restrictions or accommodations, (2) first aid or safety personnel may be informed if the condition might require emergency treatment; (3) government officers investigating compliance with federal or state law shall be informed; and (4) other the Library managers, officials, or employees with a need to know as determined by the Library.

Legal References

Americans with Disabilities Act, 42 U.S.C. §§12101-12117, and 12201-12213
Federal Regulations, 29 C.F. R. Part 1630
EEOC Technical Assistance Manual
EEOC Policy Guidance: Employer-Provided Leave and the ADA (2016)
Connecticut General Statutes §46a-51, et seq.

See also:

EEO Policy
FMLA Policy
Harassment Prevention Policy

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Mystic & Noank Library Board of Trustees