

EMPLOYMENT DISABILITIES

The Lyon County School District recognizes that the preceding sections of its personnel policies relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. The District also recognizes that there are particular issues relating to individuals with disabilities that must be individually addressed. The District acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.

It is the District's policy to comply proactively with the applicable employment provisions of disability laws, including without limitation the Americans with Disabilities Act (ADA), as amended and Nevada Law. The District does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability impairment, history of disability impairment, or perceived disability impairment of an individual holding or seeking employment with the District.

The District is committed to provide *reasonable* accommodation wherever the need for such is known to the District or when the applicant or employee indicates a need for *reasonable* accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of him/herself oneself or others.

References: NRS 613.310-435, 281.370, and 233.010

EMPLOYEE MENT DISABILITIES - ADMINISTRATIVE REGULATIONS

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 is being regarded as having such 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 medical health care provider whenever the District has reason to believe the employee may be unable to perform the essential functions of his/her the job, or pose a direct threat to themselves oneself or to others, and consistent with the business necessity of the District.

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 and the subsequent injury fund questionnaire.

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 (Safety and Benefits Risk Manager) 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.~~ The District shall provide a reasonable accommodation where the need for such is known by the District, and the applicant or employee requests such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of oneself or others. 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~~ who shall arrange to meet with the administrator or manager/supervisor and the employee to discuss ~~his/her the~~ accommodation request, the need for any reasonable documentation ~~of the disability and~~ to support the request, the associated functional limitations, and the impact of the proposed accommodation on the District. Review of an employee's particular situation by a health care provider may 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.

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