

Three Rivers School District

Code: GAD-AR
Adopted: 4/17/06
Orig. Code: GAD-AR

Employee Hiring/Selection

Job Application Forms:

Job application forms shall be reviewed and revised as appropriate to include:

1. Notice of the district's responsibilities under the ADA (see job posting notice);
2. A statement asking applicant whether he/she requires any reasonable accommodation for the hiring process. The hiring process may include, for example, an interview, a timed written test or job demonstration;
3. A request for the applicant to provide documentation verifying the need for a reasonable accommodation, if deemed necessary by the district;
4. The elimination of any health questions as required by law.

Reasonable Accommodations-General

A qualified individual with a disability should request a reasonable accommodation when he/she knows there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job or gaining equal access to a benefit of employment.

The following provisions will guide reasonable accommodation requests:

1. To request a reasonable accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation";
2. A request for a reasonable accommodation may be made on behalf of an individual with a disability by a family member, friend, health-care professional or other representative;
3. Requests will not be required to be in writing;
4. When the disability and/or the need for an accommodation is not obvious, the district may request reasonable documentation from a health-care or rehabilitation professional. The documentation requested shall be related to the particular disability for which an accommodation is requested. In requesting documentation, the district will specify what types of information it is seeking regarding the disability, its functional limitations and the need for reasonable accommodation. The district recognizes it may not request an individual's complete medical record;
5. Documentation shall not be requested when both the disability and the need for the accommodation are obvious or the individual has already provided the district with sufficient information to substantiate that he/she has an ADA disability and needs the reasonable accommodation requested;

6. The district may send an individual to a health-care professional of the district's choosing, at district expense, for the purpose of documenting a disability and/or the need for accommodation, only if the individual has provided insufficient information from his/her treating provider to substantiate that the disability exists or an accommodation is needed.

Job Offers

The process for all job offers shall be reviewed to ensure:

Job offers will be made to the most qualified applicant who with or without a reasonable accommodation can perform the essential functions of the job.

1. The successful applicant will be informed of medical examination and/or medical history requirements after an offer of employment has been made and before the applicant begins his/her employment duties. All entering employees in the same job category will be subject to such medical examination and/or medical history requirements. The successful applicant will be informed that the job offer may be contingent upon medical examination and/or medical history inquiries;
2. A completed medical history form and release for medical records with the successful applicant's signature and date may be required;
3. Reasonable accommodations will be provided if the medical examination or medical history inquiry discloses the successful applicant is a qualified individual with a disability as defined by the ADA. The district will provide reasonable accommodations if such accommodation would enable the individual with a disability to perform the essential functions of the job or otherwise meet eligibility requirements. The reasonable accommodation will be established by the district.
4. A determination will be made whether an accommodation is reasonable or an undue burden by considering:
 - a. Nature and cost of accommodation;
 - b. Overall financial resources of facility;
 - c. Number of persons employed;
 - d. Impact on operation of facility;
 - e. Effect on expenses and resources;
 - f. Type of operation. Composition and functions of workforce. Geographic separation, fiscal or administrative relationship of facilities.
5. The successful applicant who has been offered employment contingent on medical examination results and/or medical history inquiries will be rejected if the medical condition poses a direct threat to the health or safety of others in the workplace. The district may consider whether the risk can be eliminated or reduced by a reasonable accommodation by considering the following:
 - a. The nature and severity of the potential harm to applicant or others in the workplace;
 - b. The likelihood that the potential harm will occur;
 - c. Specific risk is identified and documented;
 - d. Risk is current and not speculative or remote;
 - e. Assessment of risk is based on objective medical or factual evidence;
 - f. Medical condition is a direct threat.

6. Should an offer of employment be withdrawn because of medical examination or medical history inquiry results, the exclusionary criteria must be job related and consistent with business necessity;
7. Documentation will also include any determination that no reasonable accommodation was available that would enable the individual to perform the essential job functions or that accommodation would impose an undue hardship on the district;
8. Medical information will be kept confidential:
 - a. Medical information must not be maintained in personnel file;
 - b. Medical information will be released only to those with “need to know” and/or need to reach in emergency situations” (i.e., immediate supervisors, etc.);
 - c. Medical information records will be maintained a minimum of one year.

Current Employees

All employee Board policies and practices shall be reviewed to ensure:

1. Medical examinations and/or medical history inquiries required by the district will be job related and consistent with business necessity. This will not prohibit the district from requiring proof of illness to substantiate a request for sick leave.
2. Procedures for reporting and investigating employee on-the-job injury or illness will be implemented. The district will:
 - a. Require employees complete workers’ compensation form;
 - b. Investigate, as necessary, documenting circumstances that led to injury and review all employee work-related injury or illness on a case-by-case basis.
3. Procedures for communicating with health-care providers regarding employee’s off work due to any injury or illness will be implemented.
4. Procedures for employees not able to perform essential job functions completely after illness or injury will be implemented.
 - a. The district will document all district efforts to provide reasonable accommodations. Drug and alcohol policies will meet the requirements of the ADA. Policies will state: Illegal use of drugs and the use of alcohol at the workplace is prohibited by all employees;
 - b. Employees will be required to behave in conformance with the requirements of the Drug-Free Workplace Act of 1988;
5. Employees who engage in the illegal use of drugs or alcohol will be held to the same qualification standards for employment or job performance and behavior to which all other employees are held, even if unsatisfactory performance or behavior is related to employee’s drug use or alcoholism;
 - a. Employees taking drugs as prescribed and under the supervision of licensed health-care professionals will be protected by the provisions of the ADA;
 - b. Employees who are no longer illegally using drugs and who have been either rehabilitated successfully or are in the process of completing a rehabilitation program will be protected by the provisions of the ADA (i.e., in-patient or out-patient programs, employee assistance

programs, professionally recognized self-help programs, such as Narcotics Anonymous, or other programs that provide professional assistance and counseling for individuals).

6. Health, life insurance, pension plans and other benefit plans offered by the district will not discriminate against qualified individuals with a disability.
7. Contractual or other business arrangements and relationships entered into by the district will not discriminate against qualified individuals with a disability.

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