

AMERICANS WITH DISABILITIES ACT

PURPOSE AND GENERAL POLICY

The purpose of this policy is to provide guidelines, procedures and policy for the Beloit Public Library in accordance with the provisions of the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 so as to not discriminate against any employee or prospective employee on the basis of disability. This includes the application process, testing, interviewing, hiring, assigning duties, evaluations, discipline, medical examinations, compensation, promotion, training, layoff/recall, termination, leave and benefits, and any other aspects of the employment relationship.

DEFINITIONS

Qualified person with a disability is a person who has the skills, experience and education for the job and can perform the essential functions of the job with or without reasonable accommodation.

Essential functions refer to the fundamental elements of a job. Factors considered in determining whether a job function is essential include: whether the reason the position exists is to perform the function, whether a limited number of employees are available among whom performance of the job function could be distributed, and the degree of specialization required to perform the task.

Reasonable accommodation is defined as modifications or adjustments to a job application process, work environment, or the way in which a job is customarily performed or benefits provided that enable a qualified individual with a disability to be considered for the position, perform the essential functions of the position, or enjoy the benefits of employment in the same manner as other employees.

Undue hardship is defined as an action requiring significant difficulty or expense.

REASONABLE ACCOMMODATION

The Beloit Public Library's responsibility for providing a reasonable accommodation is triggered only when an individual with a disability makes such a request. If an employee with a known disability is having difficulty performing a job without accommodation, the Library may ask the employee whether he or she is in need of accommodation.

The Beloit Public Library will provide reasonable accommodations that permit a qualified individual with a disability to attain the same level of job performance as co-workers with similar skills and abilities. If the requested accommodation causes an undue hardship, however, it need not be provided. The decision as to whether a requested accommodation is reasonable will be made and reviewed on a case by case basis.

Employees may present requests for reasonable accommodation in writing to any Beloit Public Library supervisor or to the Library Administration. Applicants for employment should notify the Library Administration, Beloit Public Library, 605 Eclipse Boulevard, Beloit, WI 53511 (608) 364-2908.

SELECTION CRITERIA

The use of qualified standards, job tests or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability are permissible only where such standard, test, or other criteria are job related, which means related to the actual performance of the essential functions of the job, and consistent with business necessity where such performance cannot be accomplished by reasonable accommodation.

PRE-EMPLOYMENT INQUIRIES

The Beloit Public Library will not make pre-offer inquiries regarding the existence of an applicant's disability or the nature and severity of a disability. Pre-offer employment physicals are prohibited.

Pre-employment inquiries will be limited to questions concerning the applicant's ability to perform essential job functions. An individual with a known disability may be asked to describe or demonstrate how functions of the job will be performed. Questions such as "Do you have a disability?" or inquiries regarding an applicant's medical or worker's compensation claims may not be asked.

CONFIDENTIALITY

All information collected concerning employee health and disabilities shall be kept in a secured place of storage, separate from the employee personnel records. This information shall be disclosed only on a "need to know" basis. Distribution of medical information will be limited to persons who need the data for purposes of job placement and making reasonable accommodations; managers and supervisors, if needed for effective supervision; health or safety professionals who may be called upon to provide medical attention; and proper government officials investigating compliance with various disability discrimination laws.

ENFORCEMENT – GRIEVANCE PROCEDURE

Enforcement of this policy is the responsibility of all Beloit Public Library supervisors. Employees who believe they have been discriminated against based on their disability should complete the attached Discrimination Complaint Form per the Discrimination Complaint Policy.

Applicants for employment may complete the attached ADA Complaint Form and contact the Library Administration, Beloit Public Library, 605 Eclipse Boulevard, Beloit, WI, 53511 (608) 364-2908.

Individuals may also file an administrative complaint with the U.S. Equal Opportunities Commission (E.E.O.C.) within 300 days of the date of the alleged discrimination or may file a lawsuit for injunctive relief and damages. Any or all of these methods may be pursued at the same time. Individuals are protected from retaliation or coercion when pursuing their rights or responsibilities under the A.D.A.

ATTACHMENTS

1. ADA Complaint Form – Applicants for Employment
2. Discrimination Complaint Form

History: Adopted February 16, 1994; Revised March 1997; Reviewed January 2000; Revised January 2003; Revised January 2013.