


<b>Category:</b>	Introduction	<p style="text-align: center;"><b>INCA Community Services Personnel/Agency Policy</b></p> 
<b>Sub Category:</b>	ADA Policy	
<b>Effective Date:</b>	10/17	
<b>Revised Date:</b>		
<b>Reviewed:</b>	6/18, 6/20, 10/21, 10/22, 10/23, 10/24	
<b>Forms:</b>		

**Responsible:** Human Resource Department, Transit Director, Leadership and Management Staff, Executive Director

## Americans with Disabilities (ADA) Policy

### Purpose

The purpose of this policy is to ensure the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Amendment Act, and the US Department of Transportation (DOT) implementation regulation found at 49 CFR Parts 27, 37, and 38 as amended, and all other federal and state regulations on persons with disabilities is followed and the agency provides services, employment, and resources to those who are disabled in a fair and just manner.

### Policy

It is the policy that INCA Community Services, Inc. complies with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

- INCA will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.
- INCA is committed to serving the public including persons with disabilities with the services and opportunities provided by the agency.
- INCA will design, implement, and maintain an efficient and effective agency for persons with disabilities.

### Candidates for Employment

- When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant.
- If a candidate for employment has a request for an accommodation they are required to contact the Human Resource Department.
- Any questions, concerns, or requests must go through the HR Department.

### Employee

- If an employee has a request for an accommodation they are required to contact the

Human Resource Department.

- The HR Department is responsible for implementing this policy, including:
  - the resolution of reasonable accommodation,
  - safety/direct threat,
  - undue hardship issues.
- All employees are required to comply with the company's safety standards.
- Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.
- Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

### **Reasonable Accommodation**

Reasonable accommodation includes any changes to the work environment and may include:

- making existing facilities readily accessible to and usable by individuals with disabilities,
- job restructuring,
- part-time or modified work schedules,
- telecommuting,
- reassignment to a vacant position,
- acquisition or modification of equipment or devices,
- appropriate adjustment or modifications of examinations,
- training materials or policies,
- the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

### **Undue Hardship**

Undue hardship is an action requiring significant difficulty or expense by the agency or program. In determining whether an accommodation would impose an undue hardship on the agency or program, the factors considered include:

- The nature and cost of the accommodation.
- The overall financial resources of the program involved in the provision of reasonable accommodation, the number of persons employed at site, the effect on expenses and resources, or the impact of such accommodation on the operation of the program or site.
- The overall financial resources of the agency; the size, number, type and location of sites/facilities.

### **Direct Threat**

A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

### **Essential Functions of the Job**

Essential functions of the job is a term referring to those job activities that are determined by the agency to be essential or core to performing the job; these functions cannot be modified.

### **Employee Training**

INCA will ensure that personnel are trained to proficiency, as appropriate to their duties, so that they provide services, operate vehicles and equipment safely, properly assist and treat individuals with disabilities in a respectful and courteous way, with appropriate attention to the differences among individuals with disabilities.

## Public Services

INCA provides services to the public and through these services we are committed to assisting people of all walks of life including those who may have a disability. Those who need assistance entering or exiting facilities or vehicles need only to call and request the assistance at the appropriate level.

## Service Animals

INCA shall permit service animals to accompany individuals with disabilities in vehicles and facilities. Under the Americans with Disabilities Act of 1990, a service animal is defined as “any guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. 49CFR37.3

- Control of the service animal is the responsibility of the animals’ partner. Any animal out of control will not be transported. If an animal’s behavior creates a hazard or direct threat, the accountability for damages or injuries shall remain with the person responsible for the animal.
- Service animals should sit or lie on the floor. Animals should not occupy a seat and should not block aisles or walkways.

## Effective Communication

INCA Community Services is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities.

- A TTY number (or make use of an operator-assisted RELAY service) is printed on materials so that persons with hearing or speech impairments may communicate with and receive information from staff members.
- INCA has developed a public participation plan to implement on-going mechanisms in accessible formats to involve the public in decisions regarding its accessible services, proposed service changes, proposed fare increases, policies and procedures, and other similar topics.

## Definitions

**Disability** - A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

**Major life activities** - Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

**Major bodily functions** - Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.

**Substantially limiting** - In accordance with the Americans with Disabilities Act Amendments Act (ADAAA) final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity

when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

**Qualified individual** - An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

### **Dissemination of Policy**

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.