

EUREKA COUNTY SCHOOL DISTRICT

EMPLOYMENT DISABILITIES

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 be regarded as having 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 health care provider whenever the District has reason to believe the employee may be unable to perform the essential functions of his/her job, pose a direct threat to him/herself 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

ADOPTED: 07/10/08

REVISED: 01/19/19

REVISED: 11/10/20 (replaced 4000.2 AR)

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 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. 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 shall arrange to meet with the administrator or manager/supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability, the associated functional limitations, and the impact of the proposed accommodation on the District. Review of an employee's particular situation by a medical review officer 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.

6. Grievance Procedure

The compliance officer shall be a neutral party having had no involvement in the complaint presented.

Step I Any complaint shall be presented in writing to the compliance officer within one hundred eighty [180] days from date of alleged discrimination. It must include the following:

ADOPTED: 07/10/08
REVISED: 01/19/19
REVISED: 11/10/20 (replaced 4000.2 AR)

1. Name and address of the individual or the representative filing the complaint;
2. Description of the alleged discriminatory action in sufficient detail to inform the District of the nature and date of the alleged violation;
3. Signature by the complainant or by someone authorized to do so on his/her behalf;
4. Identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.

Step II The compliance officer shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within ten [10] working days after receipt of the written complaint, if deemed necessary. The compliance officer shall give a written answer to the complainant within fifteen [15] working days after receipt of the written complaint.

Step III If the complainant is not satisfied with the answer of the compliance officer, he/she may submit a written appeal to the superintendent or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within ten [10] working days after receipt of the compliance officer's answer. The superintendent or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The superintendent or designee shall give a written answer to the complainant's appeal within ten [10] working days.

Step IV If the complainant is not satisfied with the answer, an appeal to the Board may be filed within ten [10] working days after receipt of the Step III answer. The Board shall, within twenty [20] working days, conduct a hearing at which the complainant shall be given an opportunity to present the complaint. The Board shall give a written answer to the complainant within ten [10] working days following completion of the hearing.

Step V If the complainant is not satisfied with the decision of the Board, a complaint may be filed with the Coordination and Review Section, Civil Rights Division, U.S. Department of Justice (student complaints) or the U.S. Department of Labor, Equal

ADOPTED: 07/10/08

REVISED: 01/19/19

REVISED: 11/10/20 (replaced 4000.2 AR)

Employment Opportunity Commission or Nevada Bureau of Labor and Industries (employment complaints). Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.