



MOST RECENT CHANGES

Version #1:
Formatted in accordance with GEN 1.2.

I. POLICY PURPOSE

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees so that they may participate in the application process and/or perform the essential job duties of the position.

II. POLICY STATEMENT

It is the policy of the College of Southern Nevada (CSN) to comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, CSN is committed to 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.

When an individual with a disability is requesting 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. CSN will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a significant risk to the health, safety or well-being of these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to CSN.

All of the offices and departments on campus are expected to provide access to their programs and services. Employees and applicants are responsible for requesting an accommodation under this Policy. Additional assistance for access or compliance is available from four offices with special responsibilities on campus. The following is a brief description of the expertise and help each office can offer.

Disability Resource Center

CSN makes every effort to make its campuses fully accessible to students, staff and visitors with disabilities. The college's Disability Resource Center offers special accommodations to help students with documented disabilities with their academic and vocational pursuits. In addition, the DRC offers three full-time Disability Specialists to answer any questions or help solve any problems that may arise due to a documented disability. The office also offers adaptive equipment to those who qualify to ensure equal access to all CSN sponsored activities.

Environmental Health and Safety

It is the intention of the Environmental Health & Safety Organization that all staff, students, and visitors work and learn in an environment devoid of safety and health hazards. It is our goal to provide timely and relevant information including safety and environmental health training, to enable individuals to perform their work safely. Employees requiring special ergonomic and orthopedic work/safety equipment should work with their supervisor and in concert with Environmental Safety and Health which can be reached at (702) 651-7445. Note: These equipment needs may or may not be considered part of the ADA accommodations process.

Equal Opportunity/Affirmative Action Office (an independent department within the Division of Human Resources)

This office examines complaints of discrimination based on immutable characteristics, one of which is disability. If you believe you have been discriminated against in the workplace or educational setting because of a disability, please contact the Affirmative Action Office at (702) 651-4068. Filing complaints with EEO/AO does not preclude other remedies under other Civil Rights jurisdictions.

Division of Human Resources Office

This office provides assistance with all employment related actions including requests for reasonable accommodations. All Requests for Reasonable Accommodations should be directed to Thomas Brown, Associate Vice President for Human Resources. The Division of Human Resources office is located on the fourth floor of Building E on the West Charleston Campus and can be reached at (702) 651-5800.

III. PROCEDURE

As stated in Section II, employees and applicants are responsible for requesting an accommodation under this policy.

- A. The completed [Request for Reasonable Accommodation](#) form should be sent to Thomas Brown, Associate Vice President for Human Resources, 6375 West Charleston Blvd., W40E, Las Vegas, NV 89146, E-mail: Thomas.Brown@csn.edu, Phone: 702-651-7543
- B. The Associate Vice President for Human Resources will contact the employee/applicant to clarify the request and get additional information. If additional medical information is needed, the Associate Vice President for Human Resources will furnish the individual with the [ADA Authorization for Release of Medical Information](#) form.
- C. For employees requesting reasonable accommodations, the Associate Vice President for Human Resources will review the position description for the essential functions. When necessary, the Supervisor will be contacted for additional information/clarification on the essential functions.
- D. The Associate Vice President for Human Resources will evaluate all of the information gathered to determine whether there is an effective, reasonable accommodation that will enable the individual to participate in the applicant process and/or perform the essential functions of the position. The Division of Human Resources will provide the employee/applicant with a written decision concerning the ADA/ADAAA request.
- E. Reasonable accommodation(s) under the ADA and ADAAA may be an ongoing process. At any point in time, the individual receiving the reasonable accommodation may request a reevaluation from the Associate Vice President for Human Resources.
- F. The employee or applicant may appeal the Request for Reasonable Accommodation decision by completing the [ADA Appeal Form](#). The Appeal Form should be sent to the College of Southern Nevada Office of General Counsel, 6375 West Charleston Blvd, W32E, Las Vegas, NV 89146 within 5 working days of receiving the written response. The Office of General Counsel will review and make a final decision within 10 working days.

Information regarding requests for accommodations will be kept confidential and shared with others only if they have a legitimate business reason to know. Supervisors and Managers will be informed of the functional limitations of an employee caused by the physical or mental impairment.

IV. AUTHORITY AND CROSS REFERENCE LINKS

[U.S. Department of Justice, American with Disabilities Act home page](#)
[Chapter 426, Nevada Revised Statutes – Persons with Disabilities](#)
[Request for Reasonable Accommodation form](#)
[ADA Authorization for Release of Medical Information form](#)
[ADA Appeal Form](#)

V. DISCLAIMER (Include in All Policies)

The President has the discretion to suspend or rescind all or any part of this policy or related procedure(s). The President shall notify appropriate CSN personnel, including the Administrative Code Officer and Faculty Senate Chair, of the suspension or rescission.

Questions about this policy should be referred to the CSN Administrative Code Officer (general.counsel@csn.edu, 702.651.7488) and/or Thomas Brown, Associate Vice President for Human Resources, 651-7543, thomas.brown@csn.edu, Office E-414, Charleston Campus.

VI. SIGNATURES

Recommended by:

/s/ Thomas Brown
Thomas Brown
Associate Vice President for Human Resources

07/08/2013
Date

Reviewed for Legal Sufficiency:

/s/ Richard Hinckley
General Counsel

07/09/2013
Date

Approved by:

/s/ Michael D. Richards
CSN President

07/11/2013
Date

VII. ATTACHMENTS

Attachment A: History
Attachment B: Glossary

HISTORY

- Version 1:
 - 07/11/2013: Approved by CSN President (M. Richards)
 - 07/09/2013: Reviewed by General Counsel (R. Hinckley)
 - 07/08/2013: Recommended by Associate Vice President for Human Resources (T. Brown)

Attachment B – Glossary

As used in this ADA policy, the following terms have the indicated meaning:

Disability is defined under the ADA as:

- a physical or mental impairment that substantially limits one or more major life activities;
- a record of such an impairment; or
- being regarded as having such an impairment

Under the ADAAA final regulations, disability is defined using a three-pronged approach:

- a physical or mental impairment that substantially limits one or more major life activity of the individual, or
- a record of a physical or mental impairment that substantially limits a major life activity, or
- when a covered entity takes an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor

Major life activities include the following, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

The ADAAA also includes the term “**major bodily functions**,” which may include 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 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, but are not limited to: 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 also is considered a disability under EEOC final ADAAA regulations.

Direct threat means 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.

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

Essential functions of the job refer to those job activities that are determined by the college to be basic or fundamental to performing the job; these functions cannot be modified.

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.

Attachment B – Glossary (cont'd)

Undue hardship means an action requiring significant difficulty or expense by the college. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation
- The overall financial resources of the campus or location involved in the provision of the reasonable accommodation; the number of persons employed at such campus/location; the effect on expenses and resources; or the impact of such accommodation upon the operation of the campus/location
- The overall financial resources of the college; the size, number, type and location of campuses
- The type of operations of the college, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular campus/location involved in making the accommodation
- The impact of the accommodation on the operation of the campus/location