

6Gx53-1.015 REASONABLE ACCOMMODATION AND UNDUE HARDSHIP:

I. Statement of Policy: The School Board of Polk County, Florida, establishes the Reasonable Accommodation and Undue Hardship policy to comply with the statutory requirement for qualified applicants and employees with disabilities. [Title I of the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq. (1990)] The policy ensures that the Board will not discriminate against “otherwise qualified” individuals with disabilities. Cases will be reviewed on a case-by-case basis in deciding reasonable accommodation and undue hardship. The following definitions shall apply:

- A. *Reasonable accommodation* addresses workplace barriers for individuals with disabilities.
- B. *Undue hardship* refers to financial difficulty, reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.
- C. *Qualified individual* is a person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
- D. An individual with a disability under the ADA is a person who:
 - 1. has a physical or mental impairment that substantially limits one or more major life activities;
 - 2. has a record of such an impairment; or
 - 3. is regarded as having such an impairment.

II. To comply with Title I of the ADA Act and Title VII of the Civil Rights Acts of 1964, the Human Resource Services Division, shall establish the Committee on Reasonable Accommodation and Undue Hardship to review and make recommendations for each request for reasonable accommodation on a case-by-case basis in deciding reasonable accommodation and undue hardship.

- A. **Membership:** Representatives from Business Services, Equity & Compliance, Human Resource Services, Facilities, Food Services, Risk Management, Support Services, an attorney, and an independent physician.
- B. **Accountability:** ADA compliance and processing of requests for reasonable accommodation will be the responsibility of the Office of Equity & Compliance,

Human Resource Services.

- C. Procedures: The Committee on Reasonable Accommodation and Undue Hardship will follow the "Polk County School Board Reasonable Accommodation & Undue Hardship Procedural Manual."

III. Appeals of decision by the Committee on Reasonable Accommodation and Undue Hardship may be made in writing by the qualified applicant or employee with a disability to the Assistant Superintendent of Human Resource Services requesting a review of said decision. The Assistant Superintendent's ruling on the appeal shall be final.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: 42 USC 12101, et seq.; Civil Rights Act of 1964; Florida Statutes 760.01 – 760.11, Florida Civil Rights Act, and Chapter 1012, Personnel

Adopted: January 9, 2007

Amended: