

Section 1: **PURPOSE**

It is the policy of the City of Manteca to comply with all federal and state laws concerning the employment of persons with disabilities. The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. The primary purpose is to provide access to civic life, as well as an understanding of the special needs of people with disabilities and a willingness to accommodate these special needs when providing programs and services.

Section 2: **POLICY**

It is our company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City of Manteca will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The HR department is responsible for implementing this policy, including resolution of reasonable accommodation, safety and undue hardship issues.

The City also provides program accessibility of all of its services to all of its citizens, per the ADA requirements. This is accomplished by ensuring all new construction, alterations, and additions meet current accessibility standards. The City currently maintains features that are necessary to provide access to services, programs and activities. The City of Manteca has assigned the Administrative Services Director as an ADA Coordinator. The Coordinator is to serve as a resource person to City staff and departments, and to be the single point of contact with the public for disability-related matters.

Section 3: DEFINITIONS

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

- A. "Disability" means 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 include the following:
- 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, reading, concentrating, thinking, communicating and working.
- B. Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- C. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- D. "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.
- E. "Reasonable accommodation" may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, 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.
- F. "Undue hardship" means an action requiring significant difficulty or expense by the employer.
- In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- a. The nature and cost of the accommodation.
 - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources or the impact of such accommodation upon the operation of the facility.
 - c. The overall financial resources of the employer; the number, type and location of facilities.
 - d. The type of operations of the company, including the composition, structure and functions of the workforce; relationship of the particular facility to the employer.
- G. "Essential functions of the job" refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.