

# CORNING JOINT FIRE DISTRICT

## *Americans with Disabilities Act Policy*

*Adopted: October 23, 2019*

*Revised:*

Policy #:	
Policy:	Americans with Disabilities Act Policy
Effective Date:	October 23, 2019
Authority:	42 U.S.C 126; Town Law § 176 (11) and (21)
Cross-reference:	

It is the policy of the Corning Joint Fire District (hereinafter “the District”) to refrain from discriminating against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation (if any), training, or other terms, conditions, and privileges of service within the District. In implementing this policy, the District is guided by the applicable definitions stated in the Americans with Disabilities Act (hereinafter “ADA”) or in case law construing the ADA, as well as applicable state and local law.

The District will reasonably accommodate qualified individuals with a disability so that they can perform essential functions required of a particular job with the District. An individual who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other employee or 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 that cannot be eliminated by reasonable accommodation will not be hired on a volunteer basis or otherwise by the District.

Consistent with this policy, the District will provide reasonable accommodations to a qualified individual with a disability who has made the District aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the District. Employees with a disability who believe that they need a reasonable accommodation to perform the essential functions of their job should contact the District Board of Fire Commissioners.

The Board of Fire Commissioners is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

### **Definitions**

As used in this policy, “disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment or has a record of such an impairment is also deemed a “disabled individual”. An individual may also be deemed “disabled” if that person is

regarded as having such an impairment. Pursuant to amendments made to the ADA in 2008, if the condition is transitory and minor – defined as having an actual or expected duration of 6 months or less – then the condition does not qualify as a disability.

Generally, ameliorative measures such as medications and medical devices will not be considered in making a disability determination, although ordinary eyeglasses may be taken into consideration. On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being “disabled” if the person otherwise meets the definition of “disabled.” “Major life activity” may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

“Direct threat to safety” refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

A “qualified individual with a disability” refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

“Reasonable accommodation” refers to making existing facilities readily accessible to and usable by individuals with disabilities including, but not limited to: job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

“Undue hardship” refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include:

- (1) the nature and cost of the accommodation;
- (2) the overall financial resources of the District;
- (3) the number of persons employed by the District;
- (4) the effect on expenses and resources of the District;
- (5) the overall number of employees and facilities; and
- (6) the operations of the District.

“Essential job functions” refers to those activities of a job that are the core to performing the job in question.