




POLICY AND PROCEDURE STATEMENT

SUBJECT EMPLOYEE DISABILITY (ADA)	PAGE 1 OF 2	DATE EFFECTIVE OCTOBER 1, 2018		
SECTION/POLICY NO. 4.14	APPROVED BY  MAYOR	SUPERSEDES VOA V-G, MAY 12, 2008		
PREPARED BY VILLAGE ADMINISTRATOR	 VILLAGE ADMINISTRATOR	APPROVAL DATE	ISSUE DATE 12/31/2017	REVIEW DATE
REFERENCE AMERICANS WITH DISABILITIES ACT (ADA)	 PERSONNEL/BENEFIT COMMITTEE	DISTRIBUTION LIST WEBSITE, MAYOR, COUNCIL CLERK- TREASURER, AND VILLAGE EMPLOYEES		

SCOPE

- I. This Policy applies to Ashville Personnel, Ashville Government, and Contract Staff.

POLICY:

- I. The Village of Ashville’s policy and practice is to comply with the laws against disability discrimination and ensure equal employment opportunity for all qualified persons with disabilities.
- II. “Disability” includes a physical or mental impairment that substantially limits one or more life activities, a record of such impairment, or being regarded as having such impairment. "Physical or mental impairment" may include, but may not be limited to, orthopedic disorders, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, HIV infection, cancer, heart disease, mental retardation, emotional illness, specific learning disabilities, drug addiction, and alcoholism.
- III. The Village of Ashville is committed to ensuring nondiscrimination in all terms, conditions and privileges of employment. .
- IV. The Village of Ashville is committed to providing reasonable accommodation to all employees and applicants, including work site accessibility, as long as the accommodation does not cause an undue hardship on the Village.

PURPOSE:

- I. To comply with the laws against disability discrimination, this policy applies to all employees of the Village of Ashville.

PROCEDURE

1. The individual requesting the accommodation will be asked to outline the nature of the disability and request for reasonable accommodation in writing.
2. The requested for accommodation will be provided to the Appointing Authority or designee.
3. The Appointing Authority or designee will review the request for accommodation.
4. The Appointing Authority or designee will issue a written response to the request.

5. The following will be used as guidelines for the conditions under which Disability Separation may be granted, and procedures for administering its use.
- a. Voluntary Reduction - When an employee becomes physically unable to perform the duties of his/her position, but is still able to perform the duties of a vacant, lower level position, he may voluntarily request reduction to the lower level position. Such request shall be in writing, stating the reason for the request, and, if approved by the Appointing Authority, attached to the document implementing the action.
 - b. Personal Leave - A physically incapacitated employee, who has exhausted his/her accumulated sick leave and for whom voluntary reduction is not practicable, may request up to six (6) months of personal leave only if he can present evidence as to the probable date on which the employee will be able to return to the same or similar position. Such request shall be in writing, with supporting evidence attached. If approved by the Appointing Authority, the request and evidence shall be attached to the document implementing the action.
 - c. Disability Separation Procedures - A Disability Separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized Personal Leave and is:
 - 1. Hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or,
 - 2. Is declared by a licensed physician designated by the Village physically incapable of performing the duties of his/her position. Such examination normally is requested by the Appointing Authority when the employee is unable, or unwilling, to admit his/her incapacity. Its costs shall be paid by the Village.

Any appointment made to a position vacated by Disability Separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature. Should the employee returning from Disability Leave be reinstated to another position, the temporary appointment will be made permanent.

- d. Reinstatement Procedures - Reinstatement rights following Disability Separation extend for three years from the date such leave is granted. Such employee is to be reinstated to the same or similar position within 30 days after making written application and passing a medical examination showing full qualifications to perform the duties of the position. The examination shall be conducted by a physician designated by the Village; its costs shall be paid by the employee. The Village reserves the right to have a second examination conducted at its own expense. If continuing disability precludes reinstatement, the employee may wish to apply to the appropriate retirement system for Disability Retirement. If approved, such separation shall be reported by the Village and placed in the employee's personnel records.

Light duty assignments are discouraged and generally are not available, except as otherwise designated by the Appointing Authority.

The Appointing Authority may send a written reminder to the employee at least two (2) weeks prior to the expiration of his/her Disability Separation. An employee who does not return from Disability Separation, formally resign, or take Disability Retirement, shall be separated with the designation "Failure to Return from Disability Separation."