

DEPARTMENT OF THE ARMY
St. Paul District, Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Reasonable Accommodation Policy

Appendix D:

Definitions

Terms & Terminology

1. **Qualified individual with a disability** refers to an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires, **without endangering the health and safety of the individual or others**. The individual must have the skills, experience, education, and other requirements of the employment position.

2. **Individual with a disability** means any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment, except as follows. *The term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs when a covered entity acts on the basis of such use (see ADA Section 12114 [Sec 104] for further clarification).

3. **Reasonable accommodation** means any action/decision that does not impose undue hardship on the agency in the operation of its program. Reasonable accommodations include modifications or adjustments to a job application process or the work environment, or that enable a disabled employee to enjoy equal benefits and privileges of employment. Examples of reasonable accommodations can/may include the following:

- Making existing facilities accessible;
- Job restructuring;
- Part-time or modified work schedules;
- Permitting use of paid or unpaid leave;
- Acquiring or modifying equipment;
- Changing tests, training materials, or policies;
- Providing qualified readers or interpreters;
- Providing travel assistants; and
- Reassignment to a vacant position for which the employee is qualified.

4. **Undue hardship** is an action that requires "significant difficulty or expense".

5. **Essential job functions** are based on the organization's judgment and should be well documented as well as included in any job description or advertisement for the job.

DEPARTMENT OF THE ARMY
St. Paul District, Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Reasonable Accommodation Policy

6. **Impairment** includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory, genitourinary, hemic and lymphatic, skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

7. The term **impairment** does not include homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

8. An impairment is considered **substantially limiting** if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the average person in the general population. The determination of whether an individual is substantially limited in a major life activity must be made on a case-by-case basis.

9. The term **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

10. **Terms, conditions, or privileges of employment** may include any of the following:

- Recruitment, advertising, and job application procedures;
- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- Rates of pay or any other form of compensation and changes in compensation;
- Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- Leaves of absence, sick leave, or any other leave;
- Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- Activities sponsored by a covered entity including social and recreational programs; and
- Any other term, condition, or privilege of employment.

DEPARTMENT OF THE ARMY
St. Paul District, Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Reasonable Accommodation Policy

11. **Discrimination** includes any of the following:

- Limiting, segregating, or classifying a job applicant or employee in such a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
- Participating in contractual arrangements with the above effect;
- Utilizing standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability; or that perpetuate the discrimination of others who are subject to common administrative control;
- Excluding or otherwise denying equal jobs or benefits to a qualified individual because of the relationship of that individual to a person with a disability;
- Denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of the organization to make reasonable accommodation to the physical or mental impairments of the employee or applicant;
- Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of disabilities, unless the standard or test is shown to be job-related for the position in question and is consistent with business necessity;
- Failing to select and administer tests concerning employment in the most effective manner to ensure that such tests administered to a person with a disability accurately reflect the skills, aptitude, or other factors that the tests purport to measure, rather than reflecting the person's impaired sensory, manual, or speaking skills, except where such skills are the factors that the test purports to measure.

12. CPAC: Civilian Personnel Agency Centre is the onsite personnel office located at the Corps of Engineer's office in downtown St. Paul, MN.

13. CPOC: Civilian Personnel Operations Centre is the servicing personnel office for the Corps of Engineer's office in downtown St. Paul, however, it is located at the following address:
Southwest Civilian Personnel Operations Centre, 301 Marshall Avenue, Fort Riley, KS 66442.