

RESOLUTION NO. 78

RESOLUTION ADOPTING TOWN OF MOUNT CARMEL, TENNESSEE POLICY  
ON HIRING, ACCOMMODATING AND RETAINING DISABLED EMPLOYEES

WHEREAS, the Americans with Disabilities Act of 1990, Title I, [42 U.S.C. 12001 et seq.] applies to the Town of Mount Carmel; and

WHEREAS, the adoption of a policy on hiring, accommodating, and retaining disabled employees would make the Town of Mount Carmel's compliance effort more efficient and effective; and

WHEREAS, the welfare of the citizens, inhabitants, employees and future employees of the Town of Mount Carmel would best be served by the adoption of a policy on hiring, accommodating, and retaining disabled employees;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL;

1. The attached Town of Mount Carmel Policy on Hiring, Accommodating, and Retaining Disabled Employees should be and is hereby adopted as the official policy of the Town of Mount Carmel in regard to all matters contained therein;

2. A copy of the attached Policy on Hiring, Accommodating, and Retaining Disabled Employees shall be maintained on file in the Town of Mount Carmel Recorder's Office.

3. This resolution shall take effect upon its passage.

Ronnie L. Davis  
MAYOR

Rita Jones  
CITY RECORDER

APPROVED AS TO FORM  
Michael A. Fark  
CITY ATTORNEY

PASSED: 9-24-92  
(Date)

## TOWN OF MOUNT CARMEL POLICY ON HIRING, ACCOMMODATING, AND RETAINING DISABLED EMPLOYEES

### **Introduction**

Equal Employment opportunities for disabled persons is the policy of the Town of Mount Carmel, not only because it is required by law, but also because it is fair and it helps the Town attract and retain good employees. Therefore, we are committed to take action to employ and advance in employment qualified disabled individuals. We are also committed to eliminating artificial impediments to the employment and advancement of disabled workers by striving to remove barriers to employment, whether physical, social, or arising from misconceptions concerning the abilities of disabled persons.

This commitment includes engaging in outreach programs to find qualified, disabled persons, and conducting Town activities while recruiting, interviewing, hiring, training, and evaluating individuals so that each disabled person's abilities are recognized, and reasonable accommodations are provided that allow disabled employees to perform at their maximum potential.

All managers and supervisors are expected to become familiar with the provisions of this policy and other Town policies and procedures concerning disabled workers, and to discuss these concepts with employees under their supervision. Annual performance evaluations of managers and supervisors shall include an examination of each person's commitment and action in helping the Town implement the goals of this policy.

### **Policy Statement**

Our policy to increase equal employment opportunities to disabled individuals is as follows:

1. Recruit, hire, train, place, and promote qualified individuals without regard to their physical or mental disabilities.
2. Take positive steps to attract, hire, and retain qualified employees with disabilities.
3. Work with disabled job applicants and employees to find reasonable accommodations to each individual's disability so each person can be an effective, valued employee.
4. Base all employment decisions, (including, but not limited to, hiring, job placement, performance evaluations, merit pay, job

transfer, and promotion) upon each individual's performance, after reasonable accommodations have been made.

5. Treat each person as an individual and refrain from acting upon stereotypes concerning disabled people's limitations or work restrictions.
6. Comply with the letter and spirit of all federal and state laws concerning the employment of disabled persons, including the Americans with Disabilities Act and applicable state handicapped laws.
7. Investigate and take appropriate action concerning complaints of discrimination made by disabled job applicants or employees, complaints of failure to make reasonable job accommodations, or other complaints that, if true, violate the spirit of this policy or any relevant law.
8. Cooperate with governmental agencies investigating complaints of discrimination filed by disabled individuals or groups.

#### **Disabled Job Applicants and Employees**

For employment purposes, a disabled person is one who has a physical or mental impairment that substantially limits one or more major life activities, any person who has a past history of such an impairment, or any person who is treated as if he or she has such an impairment. All individuals with nontemporary physical and mental problems that may cause work problems are legally disabled. This definition includes people who are paralyzed, blind, deaf, or have other noticeable disabilities. It also includes people with diabetes, heart problems, bad backs, or other less serious or nonobvious problems. Additional examples of people who are disabled include recovering alcoholics, recovering drug abusers, individuals with mental problems, and individuals with AIDS or the HIV virus.

Job applicants and employees should be considered to be disabled if

1. There is an obvious physical or mental condition that is likely to cause problems in obtaining a job or doing the work involved.
2. The job applicant or employee claims a disability or a medical condition that qualifies as a disability.
3. Information concerning the job applicant or employee's disability otherwise comes to the Town's attention.

In the cases of (2) and (3), a qualified physician may be asked to confirm or deny the individual's disabled status, state any necessary work restrictions, and suggest reasonable accommodations, if appropriate.

## **Voluntary Self-Identification of Disabilities**

Many job applicants and employees actively hide their physical or mental problems because of fear that such information will be used against them. However, we encourage job applicants and employees to voluntarily identify themselves as disabled if they have any work restrictions or need for accommodations. No discrimination will be allowed against those who identify their disabilities. Instead, the information given shall be used to consider, and if appropriate, implement reasonable work accommodations. Only through reasonable accommodations can the Town aid each individual and realize our goals.

## **Medical Examinations**

Nothing in this policy statement shall prevent the Town from requiring physical or mental health examinations by qualified physicians, or from collecting medical information on an individual after a job applicant is tentatively hired or later during an individual's term of employment. However, no disabled applicant or employee shall be singled out for medical testing, unless his or her job performance is unsatisfactory, and there is probable cause to believe a physical or mental impairment may be the cause of the poor performance. In all other cases, all employees must be treated the same.

## **Confidentiality**

All information collected concerning employee health and disabilities shall be kept in a secured place of storage, separate from the employee personnel records. This information shall be disclosed only on a "need to know" basis. Distribution of medical information will be limited to individuals who need the data for purposes of job placement and making reasonable accommodations; managers and supervisors, if needed for effective supervision; health or safety professionals who may be called upon to provide medical attention; and proper government officials investigating compliance with various disability discrimination laws.

## **Reasonable Accommodations**

The Town is committed to making reasonable accommodations for the known physical and mental disabilities of qualified job applicants and employees. All managers and supervisors are expected to cooperate with the Town and with the disabled person to devise changes in work procedures, equipment, or other aspects of a job position so that a disabled person may successfully perform the major duties of the job. While the disabled person should be included in the decision-making process, the final decision as to reasonable accommodations shall be made by the appropriate Town officials, not the employee.

## **Education and Training**

The Town of Mount Carmel is committed to providing orientation and training to newly hired and newly disabled employees with physical or mental impairments. We are also committed to providing appropriate training and education concerning disabled workers to managers, supervisors, and other employees.

The Mayor's office, in cooperation with managers and supervisors, is responsible for conducting orientation and training of disabled employees. It shall also be the duty of the Mayor's office to develop and institute a training program for managers, supervisors and employees in compliance with the requirements of the Americans with Disabilities Act, state handicapped employment laws, and other relevant laws. This training should include methods that may be used to increase the number of disabled employees, and effectively accommodate the disabilities of all employees. The Mayor's office shall periodically distribute additional training materials.

## **Duties of Managers and Supervisors**

Managers and supervisors are responsible for the following:

1. Taking appropriate action to institute reasonable job accommodations that are needed for any obvious or self-identified disability of an employee under their supervision.
2. Working with the Mayor's office and any disabled person to devise reasonable accommodations
3. Implementing reasonable accommodations
4. Complying with medical or work restrictions imposed by the Mayor's office
5. Consulting with the Mayor's office to learn any health and safety requirements necessary to protect any disabled person under their supervision, including emergency procedures
6. Monitoring the success of the disabled employee and working with the employee and others so that desired modifications and accommodations can be instituted, as needed
7. Reviewing the Town policy and any additional information concerning disabled workers distributed by the Town, and conducting a formal review of Town disability policies at least once per year
8. Giving a yearly update to employees under their supervision concerning the Town disability policy, and inviting current employees to self-identify any disability so that the manager or supervisor,

alone or in conjunction with appropriate staff members, may make reasonable accommodations to improve employee's work performance

### **Conclusion**

Questions concerning this policy, complaints of discrimination, and requests for information concerning reasonable accommodations shall be made to the Mayor's office.