

## **System Regulation 08.01.02, Civil Rights Protections for Individuals with Disabilities and Certain Other Employees**

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### **Definitions**

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Disability – the term “disability” means, with respect to an individual,

- (a) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (b) a record of such impairment; or
- (c) being regarded as having such an impairment.

Major life activity – a function of central importance to daily life including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, interacting with others, and the operation of major bodily functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Qualified individual – a person who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires, or who can complete the requirements of an educational or training program without a fundamental alteration of that program.

Reasonable accommodations – the removal of barriers (physical or non-physical) to enable individuals with disabilities to enjoy the same or similar opportunities, benefits, and privileges as individuals without disabilities, that do not impose undue hardship on the member. Reasonable accommodations are not required for individuals with a history of a disability or who are regarded as having a disability. Further, members are not required to provide the accommodation requested by an individual with a disability (IWD) if it can provide an alternative effective accommodation.

Regarded as having a disability – the individual establishes that he or she has been subjected to an action prohibited under this regulation because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. However, this will not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

Undue hardship – an action requiring significant difficulty or expense when considered in light of the following factors:

- (a) the nature and cost of the accommodation needed;
- (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 otherwise of such accommodation upon the operation of the facility;

- (c) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities;
- (d) the type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- (e) the disruption to the employment or educational environment; and
- (f) the fundamental alteration of the nature or operation of the work or educational program.