

 PA TURNPIKE COMMISSION POLICY <i>This is a statement of official Pennsylvania Turnpike Policy</i>		NUMBER: 2.01 APPROVAL DATE: 08-14-2012 EFFECTIVE DATE: 08-29-2012 REVISED DATE: 03-19-2019
POLICY SUBJECT: Disability-Related Employment Practices	RESPONSIBLE DEPARTMENT: Human Resources	

A. PURPOSE:

The Americans with Disabilities Act of 1990 (“ADA”), as amended by the Americans with Disabilities Act Amendment Act (“ADAAA”), and the Pennsylvania Human Relations Act (“PHRA”) make it illegal to discriminate against a qualified person with a disability. Employers are required to reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless otherwise doing so would impose an undue hardship on the operation of the employer’s business. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability.

This policy is issued to reaffirm the policy and procedure(s) of the Pennsylvania Turnpike Commission (also referred to as the “Commission”) on the issue of disability-related employment and to inform all personnel of their rights and responsibilities regarding this subject.

B. SCOPE:

This policy letter applies to all job applicants and all employees of the Commission, at every level. It provides information and guidelines relating to the Commission’s policy on disability-related requests for reasonable accommodation and procedures for reporting and handling complaints of violations of the policy.

C. GENERAL POLICY:

It is the Commission’s policy to comply with all federal, state and local laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission. Furthermore, it is the Commission’s policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Discrimination based upon disability is prohibited by both state and federal law and is also prohibited by the Pennsylvania Turnpike Commission's Fair Employment Practices Policy. The Commission will make every practical effort to provide reasonable accommodation whenever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and provided that any accommodation made does not present an undue hardship to the Commission. Generally, it is the obligation of the employee or applicant with a disability to request a reasonable accommodation or to indicate that s/he has a disability that is preventing him or her from accomplishing the essential functions of the job. Upon request, the Human Resources Department will work with the employee or job applicant to identify: (1) whether the employee/job applicant is a qualified individual with a disability and (2) whether a reasonable accommodation may be available to assist the employee/job applicant to perform the essential functions of the job.

D. DEFINITIONS:

1. 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 such individual holds or desires.
2. The terms "essential functions" refers to the fundamental job duties of the employment position that the individual with a disability holds or desires. This term does not include marginal functions of the position.
3. The term "disability" refers to a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment. Individuals covered only under the "regarded as" prong are not entitled to reasonable accommodation if no actual disability exists.
4. The determination of whether a person has a disability will not take into consideration whether the person is substantially limited in a major life activity when using a mitigating measure other than "ordinary eyeglasses or contact lenses".
5. "Major life activities" may include, but are not limited to, such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, speaking, breathing, learning, reading, bending, communicating, thinking, sitting, reaching, interacting with others, and major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, cardio vascular systems, and reproductive functions.
6. The term "substantially limits" refers to an impairment that prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person

in the general population to perform the same activity. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

7. "Undue hardship" refers to an action requiring significant difficulty or expense, when considered in the light of factors set forth by law.

E. PROCEDURES:

1. The Commission provides reasonable accommodations to applicants and employees who may need them for medical reasons, as required by law. If an applicant or employee believes he or she needs a reasonable accommodation to be able to perform his or her job, the applicant or employee should contact the Human Resources Department to request a reasonable accommodation.
2. In certain circumstances, the Commission may need to request additional medical information or documentation to establish whether an individual's medical condition is protected by law, or to determine whether and what type(s) of accommodations would be effective. The Commission will keep any medical information received as part of an accommodation request confidential. The Commission will communicate with the applicant or employee as it determines whether a requested reasonable accommodation can be provided or if another accommodation can be provided.
3. Retaliation against any applicant or employee who requests a reasonable accommodation is strictly prohibited.
4. If an applicant or employee suspects he or she has been subject to retaliation, the applicant or employee is encouraged to report the retaliation in accordance with Policy Letter 2.23.
5. Every supervisor or manager who learns of any employee's concern about conduct in violation of this policy, whether in a formal or informal complaint, must immediately report the issues raised to the Fair Employment Practices Committee.
6. Employees who violate this policy may be subject to discipline, up to and including termination.

This Policy Letter supersedes all previous Policy Letters on this subject.