

# AMERICANS WITH DISABILITIES ACT COMPLIANCE PROCEDURES

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The Credit Union has adopted a policy that it will provide its services to its members in compliance with the Americans with Disabilities Act and, to the fullest extent possible, without barriers to those members with disabilities. This policy further provides that employment will be provided on a basis free of discrimination because of disability. These procedures are to be implemented by the Credit Union in order to comply with the Act, to continue to provide services and employment without discrimination, and to eliminate physical barriers to those with disabilities.

**Definitions:** The following definitions shall apply:

1. **Qualified individual with a disability:** a person with a disability who satisfies the job-related requirements of a position and who can, with or without reasonable accommodation, perform essential functions of the position.
2. **Disability:** a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment (whether or not currently present), or being regarded as having such an impairment.
3. **Physical or mental impairment:** any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body's major systems, or any mental or psychological disorder such as retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
4. **Major life activity:** includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, sitting, standing, reaching, lifting, learning, and working.
5. **Substantially limits:** a person is unable to perform a major life activity that the average person can perform or is significantly restricted as to the condition, manner, or duration under which he or she can perform a major life activity compared to the average person.
6. **Qualification standards:** personal and professional attributes, including skill, experience, education, physical, medical, and other requirements established by employers as requirements for a position. Qualified individuals with a disability by definition meet qualification standards.

7. Reasonable accommodation with respect to benefits and privileges of employment: equal access to benefits and privileges, but not necessarily the exact same resulting benefits and privileges.

### **Employment Without Discrimination Because of Any Disability**

The Credit Union shall provide employment without discrimination because of a disability of an applicant or employee. The Credit Union will employ qualified individuals with disabilities whenever these individuals are the best qualified applicants. Reasonable accommodation may be made for present or future employees with disabilities.

**Responsibility.** The immediate supervisor shall be responsible for implementing these procedures for any employees supervised. Requests for credit union funding of reasonable accommodations or changes affecting other work groups are to be referred to the branch manager.

When new employees are considered, the manager or supervisor making the hiring decision shall be responsible for assuring that a disability is not considered in the employment decision. The immediate supervisor is responsible for establishing the essential functions of the position.

**Essential Functions.** Essential functions shall be established for each position. Factors to consider when establishing essential functions are:

1. Whether the position exists to perform that particular function.
2. Whether there are a limited number of employees among who the job functions can be distributed.
3. The amount of time spent on the function.
4. The necessity of the function being performed without interruption and upon demand of members.
5. Past practices of persons in the job.

**Marginal Duties.** Marginal duties are those performed by the person in the job and which are required to provide the Credit Union's functions, but are not essential functions as stated in the job description. Marginal duties can generally be assigned to other employees, can be interrupted or scheduled to be performed when member

demand for essential functions is reduced, or can be performed in alternative ways. Employees with disabilities are required to perform their jobs, including marginal duties which can be performed.

**Job Descriptions.** Supervisors, with managerial approval, will establish job descriptions for each position within their area of responsibility. If the same function is performed for different supervisors, the supervisors will meet and collectively establish job descriptions. Job descriptions will establish essential functions, marginal duties, and qualifications for the position.

The qualifications for the position will include education and/or equivalent experience requirements, communication skills, office machine and/or typing capabilities, technical credit union operations knowledge or ability, minimum experience requirements, and computer knowledge and capabilities. The qualification are not to include the absence of disabilities or the types of disabilities which may be accommodated.

**Applicant Interview Procedures.** Applicants will receive a copy of the job description during their interviews. After reviewing the job description, functions, and qualifications, applicants should certify that:

1. They understand the functions and qualifications.
2. They can perform the essential functions and have the qualifications.
3. They may require special assistance or accommodations in the application process to fully demonstrate their abilities and qualifications.
4. They may require reasonable accommodation for the position.

**Accommodations in the Application Process.** When applicants identify that special assistance may be required to demonstrate their abilities and qualifications, the interview should modify the application process to the extent possible. Available accommodations include the following:

1. Additional time for the completion of written applications or tests.
2. The use of a typewriter to complete applications or tests.
3. Substituting oral application procedures for written procedures or alternative information, i.e., resumes, for application information.

The application process should not include questions or required demonstrations of how the applicant will perform job tasks. Applications will be evaluated on the basis of meeting job requirements.

**Hiring Decisions.** Applicants are qualified applicants with a disability if they can perform all essential functions, meet job qualifications, and have a disability. All applicants will be given full consideration for positions on the same basis.

The existence of a disability will not be considered until after a hiring decision has been made. The supervisor's responsible for hiring should review any required accommodations, investigate the availability and cost of equipment or modifications required as accommodation, evaluate accommodations requiring scheduling changes, assignment of marginal duties, or amendments of work rules or procedures, and determine (in consultation with management) if accommodations will be made without undue hardship.

If the Credit Union can make the accommodation, the successful applicant will be notified. If there is an undue hardship, the applicant will be advised and given the opportunity to assist in providing the accommodation or developing alternative accommodations. If an acceptable solution to the undue hardship is found, the applicant will be hired. If no accommodation can be made without undue hardship, the applicant will not be hired, the Credit Union will decide if the accommodation will be made.

**Reasonable Accommodations.** Reasonable accommodations with respect to benefits and privileges of employment will be made by the credit union. The credit union's program to provide barrier-free facilities is intended, in part, to accommodate its employees. The program is applicable to current and future employees and to existing or future disabilities. Reasonable accommodations will be determined on a case by case basis, The following accommodations are known to be acceptable without undue hardship:

1. Allocation of marginal duties to different employees within a department. Employees with disabilities are still required to complete those marginal duties not restricted by the disability.
2. Adjustment of work schedule, provided the services of the credit union are not adversely affected,
3. Relocation of desks or other equipment, provided it does not require unreasonable construction or expense and does not violate fire or life safety codes.

4. Use of accrued sick, vacation, or personal leave to obtain treatment; unpaid leave may also be used to obtain treatment. Employees are to provide advance notice of when such leave will be needed. If advance scheduling is not possible, employees are required to give their supervisor information about the conditions when treatment may be necessary.

5. Reserved parking for employees. To the extent possible, the reserved spaces will be in the same area as other employee parking.

6. Transfers to other facilities where employees can more easily perform their duties, where barriers have already been removed, where scheduling accommodations can be made, or where essential functions are marginal duties. Employees may also be transferred to facilities closer to their residences or health care providers, Such transfers may only be made if there are job openings or when other transfers or schedule changes can be made.

7. Use of equipment, aids, or services paid for by budgeted funds for employee accommodation. When the equipment, aid, or service can be used outside the Credit Union, consider using third party sources or sharing the cost with the employee.

**Opportunity to Acknowledge Disability.** When a supervisor notes a possible disability and/or performance of an employee is below required performance standards, the supervisor should give the employee the opportunity to acknowledge and discuss the disability. Employees acknowledging such a disability will be given full consideration pursuant to these procedures.

If employees fail or refuse to acknowledge a disability or request accommodations, the supervisor should confirm with the employees their right to have accommodations made. If the employees do not thereafter request accommodations, they may be subject to disciplinary action based on their performance.

**Disciplinary Action or Termination.** The Credit Union intends to provide reasonable accommodation whenever possible. Employees who do not notify, the Credit Union of a disability or who refuse to accept accommodations suggested or made by the Credit Union are not entitled to any relief from job performance standards. Employees are subject to applicable disciplinary action, including termination.

After full consideration of reasonable accommodation alternatives, employees may be terminated or have other job-related action taken if the accommodation cannot be completed without undue hardship to the Credit Union. Employees will receive a written explanation of the Credit Union's positions before job-related action is taken.

Employees will have the chance to suggest other accommodations or job changes. If no accommodation can be agreed to, the Credit Union will take job-related action, including termination.

## **REASONABLE ACCOMMODATION FOR EMPLOYEES**

**Credit Union Provided Accommodations.** Upon identifying a disability and an accommodation which is not an accommodation listed above, the supervisor should take the following evaluation procedures:

1. Explain in writing the disability, the position of the employee with the disability, and the accommodation. This memorandum should include an analysis of alternative accommodations, cost estimates and sources of funding for the accommodation, analysis of risks, hazards, and other impacts on employees created by the accommodation, the timing of the completion of the accommodation, and the supervisor's recommendation. The employee should explain in writing the need for the accommodation.
2. Identify the budget source for the accommodation.
3. Investigate possible third party, sources for funding.
4. Ask management to evaluate the accommodation. If approved, the accommodation will be made. If disapproved because of lack of funds, the employee will be notified and given the chance to provide alternative accommodation.
5. If more than one accommodation is acceptable, consult the employee in determining the accommodation to be made.
6. Prepare a follow-up memorandum explaining the accommodation made or the reasons why no accommodation was made, Information regarding the requested accommodation and the Credit Union's decision should be maintained as a separate file, not part of the employee's personnel file.

A qualified applicant with a disability is considered an employee, When an applicant has been hired, subject to reasonable accommodation, the above procedures are to be implemented. If accommodation cannot be made without undue hardship on the Credit Union, the applicant should not be hired.

**Accommodation Budget.** The President shall establish a fund for providing accommodations as part of the operating budget. This budget item will be subject to

the Board of Director's approval in accordance with the Credit Union's budget procedures.

## **REMOVAL OF PHYSICAL BARRIERS**

The Credit Union's policy provides that physical barriers to members and others with disabilities are to be removed. The President is responsible for identifying, investigating solutions for, and implementing changes or improvements to eliminate barriers. The procedures to be followed include:

1. All Credit Union facilities will be evaluated. Members and employees with disabilities should assist in the evaluation.
2. A detailed list of barriers requiring removal or modification will be prepared. The list will be prioritized based on the impact it has on disabled members or employees, the cost of removal, and other relevant factors.
3. Barriers which can be removed without significant cost and without adversely affecting operations will be removed as soon as possible.
4. The budgeting procedure provided above should be implemented to remove barriers to the extent possible. Priority will be given to making facilities accessible to the disabled.
5. All facility acquisition, remodeling, or improvement will be completed to meet the needs of the disabled. Barrier-free specifications will be incorporated into new and upgraded facilities.
6. New equipment acquisitions and upgrades will consider the needs of disabled members.

**Services Provided to Members with Disabilities.** Credit Union members with disabilities are to receive Credit Union services to the fullest extent possible. The following procedures will be implemented as soon as practicable:

1. Tellers, new accounts representatives, loan personnel and member information representatives are to maintain clip boards and arrange their work areas to give disabled members suitable writing areas to complete documents.
2. Credit Union personnel are to read, in their entirety, any receipts, statements, disclosures, or loan documents when the member has difficulty reading or

understanding the transaction documentation. Safeguards will be taken to maintain the confidentiality of transactions.

3. If Credit Union facilities are not already accessible to the disabled, Credit Union personnel are authorized to conduct transaction for disabled members wherever necessary.

4. Telephone inquirers and transactions for disabled members are to be completed free of charge and without restriction as to the number or types of transactions to be completed.

5. ATM access will be provided to disabled members requesting access and having the required credit capacity or account availability at no additional charge. No card issuance or transaction fees will be charged.

**Notification to Members with Disabilities.** Members with disabilities will be given general notice of the Credit Union's policy to provide its services to them. Members with disabilities will not be "singled out" and will have the right to decide if they want to take advantage of accommodations or complete their Credit Union business in the same manner as other members.

## **SUMMARY**

These procedures identify the plan of this Credit Union to meet the requirements of the Americans with Disabilities Act. These procedures should be implemented under the President's direction. Changes in the procedures may occur as needed. Other policies and procedures (such as the personnel policy) may require amendment to be consistent with these procedures.