

ADA POLICY

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

Policy Number	Responsible Department	Effective Date	Approval
#HR-14.01	Human Resources	June, 2022	CEO

I. BACKGROUND

The American with Disabilities Act (“ADA”) is a federal law that prohibits employers with 15 or more employees from discriminating against applicants and employees with disabilities. Pursuant to the ADA, employers are required to provide, when needed, reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job functions of the position.

II. PURPOSE

The Rhode Island Public Transit Authority (“RIPTA” or the “Authority”) is committed to providing equal employment opportunity to all applicants and employees, without regard to any physical or mental disability. It is therefore the policy of RIPTA to comply with all federal and state laws concerning the employment of persons with disabilities. In doing so, RIPTA will not discriminate against qualified individuals with disabilities in regards to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. In addition, RIPTA will reasonably accommodate known disabilities of an otherwise qualified employee or applicant, unless such accommodation would impose an undue hardship on RIPTA’s operations or result in a direct threat to RIPTA’s employees or customers.

This document sets forth RIPTA’s policy concerning the employment of persons with disabilities.

III. RELEVANT DEFINITIONS

Applicants are individuals who have applied for a job position with RIPTA.

With respect to an individual, “disability” means:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Applicants and employees with covered disabilities are protected only if they are “qualified.” A qualified individual with a disability means an individual with a disability who meets the skill, experience, education and other job-related requirements of a

ADA POLICY

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

Policy Number	Responsible Department	Effective Date	Approval
#HR-14.01	Human Resources	June, 2022	CEO

position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job held or desired.

The term "reasonable accommodation" may include: reassignment to a vacant position, granting employees reasonable periods of unpaid medical leave; making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring, including part-time or modified work schedules; acquisition or modification of equipment or devices; and other similar accommodations that allow employees with disabilities to perform the essential functions of their jobs and enjoy the benefits and privileges of employment.

IV. PROCEDURE

RIPTA will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or the accommodation creates an undue hardship to RIPTA. Any applicant or employee who believes he or she requires an accommodation in order to perform the essential functions of his or her job must contact **Maureen Ruzzano, HR Chief Compliance Officer, 401-784-9500 ext. 1109, or email mruzzano@ripta.com** in order to enter into an "interactive process" with RIPTA. Employees and applicants must fully cooperate in this interactive process. Employees and applicants who do not meaningfully cooperate in the accommodation process will be deemed to have waived the right to accommodation.

An employee or applicant begins the interactive process by providing a written request for an accommodation to Human Resources. The request must specify the accommodation the individual is seeking in order to perform his/her job. The employee/applicant must also make every effort to promptly provide RIPTA with current medical information necessary to evaluate an accommodation request, including documentation relating to the alleged disability and necessary accommodation. The documentation must be provided as soon as possible, but no later than fourteen (14) calendar days after the request has been submitted. All such documentation must be provided to and maintained by Human Resources. RIPTA may contact the employee/applicant and his or her doctor regarding the requested accommodation. RIPTA is not bound by the requested accommodation, but instead may deny the accommodation request as unreasonable, propose an alternative to the requested accommodation, may substitute one reasonable accommodation for another, and retains the ultimate discretion to choose between reasonable accommodations. Where there exists, a legitimate business need to know, RIPTA may inform others in the company of the employee or applicant's disability.

ADA POLICY

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

Policy Number	Responsible Department	Effective Date	Approval
#HR-14.01	Human Resources	June, 2022	CEO

Once the requisite information pertaining to the accommodation requested and medical condition is obtained, RIPTA will determine whether the employee or applicant is a qualified individual with a disability or is otherwise entitled to a reasonable accommodation under any federal or state law.

If the employee/applicant is a qualified individual with a disability and the requested accommodation is both reasonable and will not pose an undue hardship or direct threat, RIPTA will make an accommodation in accordance with applicable law. RIPTA will advise the employee/applicant of the accommodation offered.

If, for whatever reason, the employee/applicant is not entitled to an accommodation or an accommodation is not offered because it is unreasonable, would impose an undue hardship or would constitute a direct threat, Human Resources will advise the individual of this in writing.

If no accommodation is available that allows the employee/applicant to perform the work for which he or she is qualified, RIPTA may, but is not obligated to, consider a transfer or reclassification to a vacant position, but only in accordance with any applicable Collective Bargaining Agreement process for filling such positions.

RIPTA notes that an individual who is currently engaged in the illegal use of drugs is excluded from coverage as an "individual with a disability" on the basis of his or her current drug use.

If, at any point in time, the employee or applicant's need for the accommodation ceases to exist, the employee/applicant is required to promptly notify RIPTA of such circumstances. The employee/applicant may also be required to provide medical documentation confirming that the need for the accommodation has ceased to exist. This documentation must be provided as soon as possible, but no later than fourteen (14) calendar days after the need for the accommodation has ceased to exist. Failure to do so may result in disciplinary action. Similarly, RIPTA may reach out to the employee/applicant's doctor if RIPTA believes that the need for the accommodation has ceased to exist. RIPTA reserves the right to require an employee to undergo a fitness-for-duty medical examination if RIPTA believes or suspects that the employee poses a direct threat to the health or safety of him/herself or others, consistent with applicable law.

ADA POLICY

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

Policy Number	Responsible Department	Effective Date	Approval
#HR-14.01	Human Resources	June, 2022	CEO

V. REPORTING REQUIREMENTS

Supervisors and other responsible authority officials who receive any request and/or who engage in any conversation about a perceived or real disability, must refer all such requests to Human Resources.

It is a violation of this policy, and RIPTA's equal employment opportunity principles, for any employee to engage in discrimination, harassment, or retaliation on the basis of an employee or applicant's disability. Engaging in such inappropriate conduct may result in disciplinary action. Supervisors and other responsible authority officials who observe, are informed of, or reasonably suspect possible disability discrimination, harassment, retaliation, or other violations of this policy must immediately report such incidents to Human Resources, who will either initiate or oversee a prompt investigation. Failure to report such incidents to Human Resources will be considered a violation of this policy and may result in disciplinary action.

VI. FILING A COMPLAINT

An employee or applicant who believes that RIPTA has violated this policy in any way, including the belief that he or she has been the target of disability discrimination, harassment, or retaliation must immediately report such violation to **Jenny Williford, 401-784-9500 ext. 1244, or email jwilliford@ripta.com** who will either initiate or oversee a prompt investigation.

If the complaint relates to alleged discriminatory or retaliatory conduct by a Human Resources employee, the complaint can be reported to RIPTA's Chief Legal Counsel, **Steven Colantuono, 401-784-9500 ext. 1139, or email scolantuono@ripta.com** The employee or applicant shall not be subject to any discrimination, harassment, or retaliation for reporting a violation of this policy or any RIPTA policy relating to equal employment opportunities.

VII. QUESTIONS

Finally, if an employee or applicant has any questions regarding a request for accommodation, this policy, or anything related thereto, he or she should contact **Kathy Nadeau, Chief of Human Resources, 401-784-9500 ext. 1156, or email knadeau@ripta.com**.