

# **TIBETAN ASSOCIATION OF NORTHERN CALIFORNIA**

## **ANTIDISCRIMINATION POLICY**

### **POLICY**

The Tibetan Association of Northern California (TANC) is committed to treating all members with respect and dignity, and providing a work environment that is free of all forms of discrimination including discrimination under American Disabilities Act (ADA). Therefore, it is the policy of TANC to comply with all federal and state laws, regulations, and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is TANC's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

### **PURPOSE**

TANC's antidiscrimination policy is intended to promote and ensure respect and dignity for all its employees, interns, and volunteers and to ensure TANC's compliance under the EEOC and ADA.

### **SCOPE**

TANC prohibits all forms of discrimination including against people with disabilities. TANC employees, applicants, interns, and volunteers will not be discriminated against in the areas of age, marital status, medical condition (e.g., cancer or cancer related illness, AIDS/HIV or other related conditions), physical disabilities, mental disabilities, genetic characteristics, genetic information, veteran status, being a member of the military, national origin including holding a driver's license granted for undocumented workers and speaking another language, pregnancy and perceived pregnancy, ethnicity, race, color, religion and religious expression, sex(gender), sexual orientation and gender identity and expression.

This policy extends to employment by, admission to, and participation in, the programs, services, and activities of TANC. This policy applies to employees, independent contractors, interns, and volunteers.

Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

### **IMPLEMENTATION**

The Board of Directors is ultimately responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues. However, the maintenance of a work place that is free from all forms of discrimination and harassment is the obligation of each and every TANC participant. Nothing in this policy shall be interpreted to restrict the rights provided under federal, state or local laws, or in any applicable Memorandum of Understanding.

Contact the TANC Board of Directors with any questions or requests for accommodation.

## **PROCEDURES**

TANC members, employees, interns, or volunteers who believe they are victims of, or are witnesses to, any form of discrimination under the above ADA law, are urged to submit a complaint to the Board of Directors.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

TANC 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 if the accommodation creates an undue hardship to TANC.

All employees are required to comply with the company's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

## **DEFINITIONS OF TERMS**

As used in this ADA policy, the following terms have the indicated meaning:

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- **Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- **Substantially limiting:** In accordance with the ADAAA final regulations, the

determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.

- **Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
  
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
  
- **Undue hardship:** An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - The nature and cost of the accommodation.
  - 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 of such accommodation on the operation of the facility.
  - The overall financial resources of the employer; the size, number, type and location of facilities.
  - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
  
- **Essential functions of the job:** Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

*Refer to Appendix I. TANC COMPLAINT PROCEDURE for redressal*

I have read the above policy and understand that I am protected against discrimination under EEOC and ADA and/or retaliation should it occur, I can file a formal complaint as per TANC's Complaints Procedure. I also understand that there will be no retaliation for my reporting any type of bona fide harassment, discrimination or retaliation.

\_\_\_\_\_  
Employee/Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name in Print