

## GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to requests for medical information under the ADA.

“Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## WHAT SHOULD I DO IF I HAVE QUESTIONS OR BELIEVE I HAVE A DISABILITY?

### CONTACT:

Violet Heath  
Human Resources Manager  
City of Colorado Springs  
30 S. Nevada Ave., Suite 604  
Colorado Springs, CO 80903

(719) 385-5131

### RESOURCE:

U.S. Equal Employment Opportunity  
Commission  
Denver District Office  
303 E. 17th Avenue, Suite 510  
Denver, CO 80203

800-669-4000 (voice)  
303-866-1085 (fax)  
800-669-6820 (TTY)



# The Americans with Disabilities Act

**The City of Colorado Springs  
is an Equal Opportunity and  
Affirmative Action employer.  
The City will not tolerate  
unlawful discrimination against  
any employee with a disability.**

## ARE YOU PROTECTED BY THE ADA?

Title I of the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 protect a qualified individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job. The City of Colorado Springs complies with Title I of the ADA and the ADA Amendments through its Personnel Policies and Procedures Manual.

A person has a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities or major bodily functions; has a record of such impairment; or is perceived or regarded as having an impairment.

The ADA prohibits employment discrimination against qualified individuals with disabilities. The ADA defines a qualified individual with a disability as an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, who, with or without reasonable accommodation, can perform the essential functions of that job. This means two things:

1. You must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses.
2. You must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot fire or refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

## WHAT IS REASONABLE ACCOMMODATION?

Reasonable accommodation is any reasonable change or adjustment to a job or work environment that permits an employee with a disability to perform the essential functions of a job or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodations may include providing or modifying equipment or devices; job restructuring; part-time or modified work schedules; reassignment to a vacant position for which you are qualified; adjusting or modifying examinations, training materials or policies; providing readers and interpreters; or making the workplace readily accessible to and usable by people with disabilities.

## QUESTIONS AND ANSWERS ABOUT THE ADA

**Q** When is an employer required to make a reasonable accommodation?

**A** An employer is only required to accommodate a known disability of a qualified employee. The requirement generally will be triggered by a request from an individual with a disability, who frequently will be able to suggest an appropriate accommodation. If the individual does not request an accommodation, the employer is not obligated to provide one except when an individual's known disability impairs his or her ability to know of, or effectively communicate a need for, an accommodation that is obvious to the employer. If a person with a disability requests but cannot suggest an appropriate accommodation, the employer and the individual should work together to identify one.

**Q** Should I tell my employer that I have a disability?

**A** If you think you have a disability that prevents you from performing the essential job functions and you will need a reasonable accommodation in order to perform essential job functions, you should inform Violet Heath, Human Resources Manager, that an accommodation will be needed. Employers are required to provide reasonable accommodation only for the physical or mental limitations of a qualified individual with a disability of which they are aware. **It is the responsibility of the employee to inform the employer that an accommodation is needed. You must contact Violet Heath if you wish consideration under the ADA.**

**Q** Is an injured worker automatically covered by the ADA?

**A** No. Only injured workers who meet the ADA's definition of an individual with a disability are considered disabled under the ADA, regardless of whether they satisfy criteria for receiving benefits under workers' compensation or other disability laws. A worker also must be qualified, with or without reasonable accommodation, to be protected by the ADA. Work-related injuries do not always cause physical or mental impairments severe enough to substantially limit a major life activity. Also, many on-the-job injuries cause temporary impairments which heal within a short period of time with little or no long-term or permanent impact.

Many injured workers who qualify for benefits under workers' compensation or other disability benefits laws may not be protected under the ADA. An employer must consider work related injuries on a case-by-case basis to know if a worker is protected under the ADA.