



DELAWARE CITY FIRE COMPANY, NO. 1, INC.  
815 5TH STREET  
P.O. BOX 251  
DELAWARE CITY, DELAWARE 19706-0251

Delaware City Fire Company Documented Policy		
Americans with Disabilities Act		
Policy #: 15-012	Original: January 26, 2018	Revised: July 2022
Approval: Company Floor		Date: 02/21/18

**Objective:** To explain the principles of the Americans with Disabilities Act (ADA) and provide compliance guidelines.

**Statement:** The Delaware City Fire Company, supports the guidelines as enacted by the American with Disabilities Act (ADA) of 1990 and prohibits discrimination against a qualified individual with a disability in any membership practice.

**Definitions:**

**Essential Functions** are the basic job duties that a person must be able to perform, with or without reasonable accommodations.

**Major Life Activities** are those basic activities that a person can perform with little or no difficulty. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**A Qualified Individual with a Disability** is a person who meets legitimate skill, experience, education, and other job-related requirements of an employment position that he or she holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodations

**Reasonable Accommodation** is any modification or adjustment to a job or the work environment that will enable a qualified member with a disability to perform essential job functions, and to enjoy equal benefits and privileges of membership.

**Undue Hardship** is an action requiring significant difficulty, or expense, in relation to the size of the department, the resources available, and the nature of the operation. Undue hardship is defined by the ADA as an action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the department.

**Overview:**

The ADA makes it unlawful to discriminate against a qualified individual with a disability in the membership application process. Under ADA, an individual with a disability is a person who:



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1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment; and
3. Is regarded as having such impairment

A qualified individual with a disability is someone who, with or without a reasonable accommodation, can perform the essential functions of the job in question.

**Activities Prohibited Under the ADA:**

Under ADA, the items listed below are unlawful:

Asking the applicants if they are disabled or about the nature or severity of their disability

Making pre-membership inquiries about the medical / psychological status of an applicant. This includes topics such as vision, blood pressure, previous injuries, or previous illnesses.

Requiring an applicant to take a medical examination before being accepted as a member

Inquiring if an applicant has previously filed a workman's compensation claim.

Refusing to accept an individual as a member because a reasonable accommodation is required for the individual to perform the job.

Failing to accept an application of a new member because of his or her disability.

Rejecting an applicant because he or she has a condition of illness which is likely to become a disability at some point in the future.

**General Guidelines:**

If an individual does not request an accommodation, the department is not obligated to provide one. If a member with a disability requests an accommodation, but cannot suggest one, the department and member should work together to find a suitable accommodation.



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An individual requiring an accommodation must otherwise be qualified, and the disability made known to the department

The department may ask the member if he or she can perform a particular job function.

Under ADA, qualification standards may be established that will exclude individuals who pose a direct threat or significant risk to the health and safety of others, if the risk cannot be lowered to an acceptable level by reasonable accommodation.

The ADA does not prevent agencies from testing applicants for illegal drug use or making decisions based off of verifiable results.

The ADA is intended to enable persons with disabilities to function within the department based off of the same standards and requirements that the department expects of individuals without disabilities.

Any member who believes that his or her rights have been violated under the ADA act must notify the President within 10 calendar days after the individual becomes aware of the violation.

All discussion of reasonable accommodation must be documented and placed in the members personnel file.

### **The Interaction Process**

Generally, it is the obligation of the member to request a reasonable accommodation. A member does not have to use the words "reasonable accommodation" but my let the President know that some change is needed.

Once an accommodation is identified, the department should review them to determine if any of them will actually assist the member with performing the essential functions of the job.

Discussions on reasonable accommodations should not end until the member and department are satisfied that all avenues have been exhausted.