

Issued by: **Human Resources**  
Approval: Augie Schulke, EVP, HR  
VNA Policy Review Committee

PP No: HR\_137  
Revision No: 1.0  
Effective Date: 31 Jan 2016

**SUBJECT: Employment of Persons with Disabilities**

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## **1.0 SCOPE**

This Veolia North America (VNA) policy applies in its entirety to all non-union United States employees and United States locations of Veolia North America (“Company”).

As we operate in multiple states, for the purpose of brevity, we cannot list every situation where laws may differ from the requirements of this policy. If there is a difference between this policy and applicable law, then the law always governs.

Nothing in these policies should be construed to limit an employee’s right to engage in any activity protected under applicable law, including but not limited to, Section 7 of the National Labor Relations Act.

## **2.0 PURPOSE**

The purpose of this policy is to establish a collective understanding and uniform procedures around the Company’s employment of persons with disabilities.

## **3.0 REFERENCES AND FORMS**

Employee Return to Work from Non-Work-Related Injuries and Illnesses Policy (HR\_140)  
Employee Return to Work from Work-Related Injuries and Illnesses Policy (HR\_141)

## **4.0 DEFINITIONS**

**Qualified Person:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such person holds or desires. It means that the person satisfies the requisite skill, experience, education and other job-related requirements of the position.

**Disability:** (1) A physical or mental impairment, which substantially limits one or more of that person's major life activities; (2) A record of such an impairment; or (3) Being regarded as having such an impairment.

**Physical or Mental Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Substantially Limits:** Generally, an impairment is a disability if it “substantially limits” the ability of a person to perform one or more major life activities as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the person from performing a major life activity in order for it to be considered a disability.

The determination of whether an impairment “substantially limits” a major life activity shall be made without regard to functional improvements that are provided by mitigating measures such as medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies, use of assistive technology, auxiliary aids/services and learned behavioral or adaptive neurological modifications.

**Major Life Activity:** A basic activity which the average person in the general population can perform with little or no difficulty. Examples of “major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

**Reasonable Accommodation:** An accommodation is “reasonable” when it is both feasible and effective in meeting the person’s needs. It allows the person to perform the essential functions of the job. “Reasonable accommodation” means modifications or adjustments to the job application process, the work environment, the way a job is customarily performed, or benefits provided that enable a qualified person with a disability to be considered for or perform the job. Examples include making existing facilities used by employees readily accessible to and usable by persons with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations or training materials, the provision of qualified readers or interpreters and other similar accommodations.

**Essential Functions:** Tasks, activities and skills that the person who holds the position must be able to perform with or without reasonable accommodation. Essential functions are the

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fundamental job duties of the position. The function may be essential because: (1) the position exists to perform that function; or (2) limited number of employees are available among whom the performance of that job function can be distributed; or (3) the function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function. “Essential functions” are not marginal functions of the position.

**Direct Threat:** A significant risk of substantial harm to the health and safety of the person or others that cannot be eliminated or reduced through reasonable accommodations.

**Undue Hardship:** When the proposed accommodation would be too difficult or too expensive to provide, in light of the Company’s size, financial resources, and the needs of the business.

## **5.0 POLICY**

The Company provides equal employment opportunities for qualified persons with disabilities, qualified persons regarded as having disabilities, qualified persons with a record of having disabilities and those associated with individuals with disabilities as a good business practice and in compliance with the Americans with Disabilities Act, as amended, the Vocational Rehabilitation Act and all other applicable federal, state and local laws. Accordingly, the Company does not discriminate against qualified persons with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms or conditions of employment.

Employees and applicants for employment with a disability (“persons”) may request accommodations to enable the person to apply for employment and to perform jobs for which they are qualified. This policy defines responsibilities and establishes guidelines to be used in determining whether requested accommodations are reasonable, and the guidelines will be applied in a manner consistent with the philosophy of individual treatment.

- 5.1 Generally. The Company’s Human Resources department is responsible for implementing this policy. When employment decisions need to be made about a qualified person who has a medical condition, Human Resources may collaborate with Environmental, Health and Safety, the Company’s Medical Review Officer(s) and applicable managers to conduct an individualize assessment of the issues.

As examples, should the Company need to decide whether an otherwise qualified applicant for employment with a medical condition can perform the essential functions of the job with or without an accommodation, the Company must conduct an individualized assessment of the specific person, qualifications, job

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functions and accommodations.

Should the Company learn that an employee returning to work from an injury or illness has been given work restrictions by his or her treating health care provider, the Company must conduct an individualized assessment of the specific person, medical condition, job functions and work restrictions.

At a minimum, the following questions should be considered:

- Does the person have a disability as that term is defined under the Americans with Disabilities Act or under applicable state or local law?
- Is the person otherwise qualified to perform the job?
- What are the essential functions of the job?
- Is the person able, with or without reasonable accommodation, to perform the essential functions of the job?
- What is/are the reasonable accommodation(s) to be considered?
- Is the accommodation necessary for the person to safely and effectively perform the job?
- Are there alternative accommodations to be considered that are less costly but equally effective?
- Is the accommodation medically necessary?
- Will the person pose a significant risk of substantial harm to the health and safety of him/herself or others that cannot be eliminated or reduced through reasonable accommodations?
- Will the accommodation fundamentally alter the conduct of business (e.g., require that a work process be redesigned)?
- What is the estimated cost of the accommodation?

The above questions are not exclusive or exhaustive but merely provide investigative starting points so that the Company can conduct an individualized assessment of the matter. All other relevant factors shall be considered.

- 5.2 An applicant for employment may request accommodations to assist him or her in the employment application process or to help him or her perform the essential functions of the position for which she/he are qualified. If any company representative first learns of the applicant's request, Company representatives in that department shall discuss the request with Human Resources to determine the proper and lawful course of action.

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- 5.3 An employee may request accommodations at any time when the employee believes he or she needs the accommodation to perform the essential functions of the job (or an alternative job if necessary and available).
- 5.4 Managers with employment decision-making authority.
  - 5.4(a) Managers with employment decision-making authority shall not question an applicant for employment about a medical condition, shall not ask applicants to identify a disability and shall not require an applicant to take a medical examination until after the applicant has been offered employment. All medical inquiries and examinations may occur only after the applicant has been offered employment but before the applicant is placed in employment.
  - 5.4(b) Managers with employment decision-making authority must contact Human Resources when an employee or an applicant for employment indicates the need for an accommodation. The manager shall assist Human Resources in preparing for and conducting the interactive process with the employee or applicant for employment to identify the existence, if any, of a reasonable accommodation.
  - 5.4(c) Managers with employment decision-making authority shall approve a requested accommodation if the manager and Human Resources determine the accommodation to be reasonable both under the law and in the context of the Company's business. Environmental, Health and Safety must be immediately consulted if the accommodation raises questions of workplace health and safety.
  - 5.4(d) Managers with employment decision-making authority do not have the authority to deny an accommodation. All denials must be communicated to the person by Human Resources. Failure to follow this policy will result in disciplinary action up to and including termination of employment.
- 5.5 Human Resources.
  - 5.5(a) The Human Resources department is responsible for implementing this policy, including requests for and resolution of reasonable accommodations, safety and direct threat determinations, and undue hardship issues. All requests for accommodations shall be presented to Human Resources.

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- 5.5(b) Human Resources shall determine whether the person is a “qualified person.”
  - 5.5(c) Human Resources will lead the interactive process with the person to identify a reasonable accommodation and will involve Environmental, Health and Safety as appropriate. An accommodation shall be reasonable and offered to the person unless the accommodation is not feasible, does not allow the person to perform the essential functions of the job, poses an undue hardship on the Company or the facts show that despite the accommodation the employee is a direct threat to the health and safety of himself/herself or the health and safety of others.
  - 5.5(d) Human Resources shall communicate to the person the Company’s decision to provide or deny an accommodation. If the preliminary decision is to deny an accommodation, Human Resources shall prepare a memorandum to the Legal Department in which Human Resources states the specific facts of the matter, the specific reasoning for the denial and in which Human Resources expressly asks the Legal Department for legal advice in the matter.
  - 5.5(e) Human Resources shall serve as matter manager for disability accommodation matters in the review process, and, in collaboration with the Legal Department, assure that all decisions are justified under the law.
  - 5.5(f) Human Resources will serve as liaison to the person's personal health care provider and will involve Environmental, Health and Safety and/or the Company’s Medical Review Officer(s) as needed to provide input into the evaluation of the person's request for accommodation as it relates to the job requirements and working conditions.
- 5.6 Environmental, Health and Safety.
- 5.6(a) Environmental, Health and Safety, along with VNA’s Medical Review Officer(s), may administer the Company’s post-offer, pre-placement medical examination and medical surveillance programs. The purpose of the medical examination is to ensure that persons are not placed in a position in which they pose a direct threat to their own health and safety or to the health and safety of others. A direct threat means a significant risk of substantial harm to the health and safety of the person or others that cannot be eliminated or reduced through reasonable accommodations.
  - 5.6(b) Environmental, Health and Safety may provide advice and guidance to Human Resources and the manager with employment decision-making

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authority to determine if a reasonable accommodation exists.

5.7 The Company’s Medical Review Officer(s).

5.7(a) Medical Review Officer(s) shall provide the Company with appropriate medical facts so that the Company can understand the person’s medical condition and how the medical condition may affect the person’s ability to perform the essential functions of the job.

5.7(b) Medical Review Officer(s) shall provide the Company with medical judgments and recommendations regarding issues of accommodation.

5.7(c) Employment-related decisions remain, at all times, with the Company and not with the Medical Review Officer(s).

**6.0 RECORDS**

Records should be retained by the appropriate functional area in compliance with the applicable record retentions policy.

**7.0 COMMUNICATION TO AFFECTED EMPLOYEES**

<b>Employee Group Affected:</b>	<b>Communication Method:</b>
All Employees	Email distribution, intranet
All HR Employees	Webinars, email, intranet

**8.0 POLICY TERMINATION AND/OR AMENDMENT**

The Company reserves the right to amend or rescind, in whole or part, this procedure at any time and without notice. This procedure does not constitute a contract of employment or a promise of benefits or continued employment.

**9.0 REVIEW AND APPROVAL**

<b>Reviewer/Title</b>	<b>Revision No.</b>	<b>Review Date</b>
Human Resource Leadership Team	1.0	15 Dec 2015
General Counsel- Employment and Labor	1.0	15 Dec 2015
VNA Policy Review Committee	1.0	22 Jan 2016

<b>Approved by:</b>	Augie Schulke
<b>Title:</b>	EVP Human Resources
<b>Date:</b>	January 22, 2016

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**10.0 CHANGE HISTORY**

<b>Revision No.</b>	<b>Summary of changes</b>	<b>Issue Date</b>	<b>Effective Date</b>
1.0	Initial issuance	22 Jan 2016	31 Jan 2016