



# CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

2/1/06

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The following terms appear throughout this section. This listing is intended to serve as a reference guide.

1. **Applicant** - Individual who has submitted an application for a specific, posted job opening or applicant register within the prescribed time limit and completed all steps required for the application process. Applications for posted job openings must be received in the Department of Human Resources by the specified deadline in order to be considered for employment.

2. **Disability** - An individual is considered to be an individual with a disability under the Americans with Disabilities Act of 1990 (ADA) if he/she:

- has a physical or mental impairment that substantially limits a major life activity (e.g. walking, speaking, breathing, working, performing manual tasks, etc.), or
- has a record of a substantially limiting impairment, or
- is regarded as having a substantially limiting impairment.

There are additional factors which must be considered on a case by case basis to determine if an individual is considered to be a person with a disability under the ADA. Department representatives should consult with the Department of Human Resources for any situations which may be covered under the ADA.

3. **Qualified** - Possessing the minimum knowledge, skills and abilities required to perform the essential functions of a given job with or without reasonable accommodation, possessing any licenses and certifications required to perform the duties of the job, and meeting any specific requirements for education and work experience.

4. **Essential Functions** - Essential functions are the fundamental duties of a position. Essential functions cannot be transferred to another position without fundamentally changing the job. Functions which are only marginal to the job are not essential functions. The following is a partial list of factors that may be considered in determining if a particular function is essential:

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- purpose of the position; does the position exist to perform the function and does removal of the function fundamentally change the job?
- the number of other employees available to perform the function or among whom the responsibility of performing the function can be distributed
- the degree of skill or specialization required to perform the function
- the amount of time spent performing the function

The EEOC regulations list other factors that can be considered in determining if a particular function is essential. Deciding what is an essential function will be determined on a case-by-case basis. Department representatives should contact the Department of Human Resources for any questions regarding the determination of essential functions under the ADA.

5. **Physical Demands** -

Physical activities required to perform the job such as walking, lifting, and bending. Differentiation is made between activities pertaining to essential versus marginal functions.

6. **Reasonable Accommodation** -

A reasonable accommodation is "any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunity" as defined in the EEOC regulations. A reasonable accommodation is one that does not cause undue hardship in implementation. Reasonable accommodation is determined on a case-by-case basis. Department representatives should contact the Department of Human Resources when dealing with situations which may require reasonable accommodation under the ADA.

7. **Equivalent Position** -

A position having the "same pay, benefits and working conditions, including privileges, perquisites and status" as the original position. It must involve the same or substantially similar duties and responsibilities which must entail substantially equivalent skill, effort, responsibility and authority.

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8. **Designated Hiring Manager** - When used in this section, "Designated Hiring Manager" or "Designated Manager" means the department head or the manager appointed by the department head to oversee the selection process, to carry out certain aspects of the process, or to make the final selection recommendation.
  
9. **Military Veteran** - Any applicant who has received an honorable discharge and has (I) provided more than 180 consecutive days of full time, active duty service in the Armed Forces of the United States or reserve components thereof, including the National Guard, or (II) has a service connected disability rating fixed by the United States Veterans Affairs.

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