



ADA - Americans with Disabilities Act

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PURPOSE: This policy is designed to help North American Lighting, Inc. (“NAL”) and its directors, officers and employees (“Team Members”) understand the requirements and expectations to eliminate employment discrimination according to the American with Disabilities Act and the Americans with Disabilities Amendments Act (collectively referred to as the “ADA”).

It is the policy of NAL to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (“EEOC”). NAL shall not discriminate against a qualified individual based on disability (as defined below) regarding job application procedures, hiring, advancement, or discharge of Team Members, compensation, job training, and other terms, conditions, and privileges of employment.

PROCEDURES:

NAL 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 NAL.

I. Qualifications:

A person is considered to have a “**disability**” when he or she has (i) a physical or mental impairment that substantially limits one or more major life activities of such individual; (ii) a record of such an impairment; or (iii) established that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

A “**qualified individual**” with a disability is an individual with a disability who meets the skill, experience, education and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

II. Prohibition Against Discrimination:

NAL will not discriminate against the employment of any qualified individual. Prohibited discriminatory practices include:





1. Limiting, segregating, or classifying a job applicant or Team Members in a way that adversely affects the opportunities or status of that person because of the disability of such applicant or Team Member;
2. Participating in a contractual or other arrangement or relationship that has the effect of subjecting a qualified applicant or Team Member with a disability to the discrimination prohibited by the ADA (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to a Team Member of NAL, or an organization providing training and apprenticeship programs);
3. Utilizing standards, criteria, or methods of administration:
 - a. that have the effect of discrimination based on disability; or
 - b. that perpetuate the discrimination of others who are subject to common administrative control;
4. Excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;
5. Failing to make reasonable accommodations when:
 - a. making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual would not impose an undue hardship on NAL's operation; or
 - b. denying employment opportunities to a job applicant or Team Member who is an otherwise qualified individual with a disability, if such denial is based on NAL's need to make reasonable accommodation to the physical or mental impairments of the Team Member or applicant;
6. Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by NAL, is shown to be job-related for the position in question and is consistent with business necessity; and
7. Failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a qualified individual who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such qualified individual that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such Team Member or applicant (except where such skills are the factors that the test purports to measure).

III. Reasonable Accommodation:

NAL will make reasonable accommodations for qualified individuals with a disability to allow the individual to perform the essential functions of a job when:

1. An applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
2. A Team Member with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
3. A Team Member with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., productivity tools, trainings, company sponsored events).

Some examples of reasonable accommodation include:





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1. Making existing facilities used by Team Members readily accessible to and usable by individuals with disabilities,
2. Job restructuring,
3. Reassignment to a vacant position,
4. Acquisition or modification of equipment or devices,
5. Appropriate adjustment or modifications of examinations, training materials or policies,
6. The provision of qualified readers or interpreters, and
7. Other similar accommodations for individuals with disabilities.

The applicant or Team Member has the responsibility to request an accommodation. Human Resources is responsible to receive, begin documentation for, and communicate all accommodation requests.

IV. Exceptions:

Sometimes an applicant or Team Member may ask for an accommodation that is not reasonable or necessary, that poses an “undue hardship” on NAL or its Team Members or that might pose a direct threat. NAL is not required to lower quality or quantity standards to make an accommodation. Nor is NAL obligated to provide personal use items, such as glasses or hearing aids, as accommodations.

Undue Hardship: The term "**undue hardship**" means an action requiring significant difficulty or expense, when considering the other factors of the qualified individual's employment. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

1. the nature and cost of the accommodation needed;
2. the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;
3. the number of persons employed at such facility;
4. the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
5. the overall financial resources of NAL;
6. the overall size of NAL's business of with respect to the number of its employees;
7. the number, type, and location of NAL's facilities;
8. the type of operation or operations of NAL, including the composition, structure, and functions of the workforce; and
9. the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to NAL.

Health and Safety: The term "**direct threat**" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services. NAL will require that an individual not pose a direct threat to the health or safety of himself/herself or others. NAL cannot deny an employment opportunity merely because of a slightly increased risk that can be eliminated by reasonable accommodation. An assessment of "direct threat" must be strictly based on valid medical analysis and/or other objective evidence, and not on speculation. Like any qualification standard, this requirement must apply to all applicants and Team Members, not just to people with disabilities.





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If an individual appears to pose a direct threat because of a disability, NAL must first try to eliminate or reduce the risk to an acceptable level with reasonable accommodation. If an effective accommodation cannot be found, NAL may refuse to hire an applicant or discharge a Team Member who poses a direct threat.

V. Preemployment Inquiries and Medical Examinations:

NAL shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability. Applicants may be asked about their ability to perform specific job-related functions. NAL may not make medical inquiries or conduct a medical examination until after a job offer has been made. NAL may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

1. all entering employees in the same job category are subjected to such an examination regardless of disability;
2. information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
 - a. supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
 - b. first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - c. government officials investigating compliance with the ADA shall be provided relevant information on request; and
3. the results of such examination are used only to determine if the applicant can perform job-related functions.

VI. Physical and Mental Qualification Standards

NAL may establish physical or mental qualifications that are necessary to perform specific jobs (for example, jobs in transportation, construction, and security) or to protect health and safety. However, as with other job qualification standards, if a physical or mental qualification standard screens out an individual with a disability or a class of individuals with disabilities, NAL must be prepared to show that the standard is job-related and consistent with business necessity.

Even if a physical or mental qualification standard is job-related and necessary for NAL's business, if it is applied to exclude an otherwise qualified individual with a disability, NAL must consider whether there is a reasonable accommodation that would enable this person to meet the standard. NAL does not have to consider such accommodations in establishing a standard, but only when an otherwise qualified person with a disability requests an accommodation.

VII. Drug and Alcohol Use

It is not a violation of the ADA for NAL to conduct drug tests to find out if applicants or Team Members are currently using illegal drugs. Tests for illegal use of drugs are not subject to the ADA's restrictions on medical examinations. NAL will hold a Team Member who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that it holds





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other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

VIII. Enforcement and Remedies

If a Team Member believes that they have experienced discrimination under the ADA, they are encouraged to leave a message on NAL’s ethics hotline (the “Link Line”) at (217) 465-6666. The Link Line allows team members to call and leave a message for the President about any issue they wish to be reviewed by him. All messages left on the Link Line are reviewed daily Monday – Friday except on holidays.

Failure to follow this policy could subject NAL to significant damages including but not limited to: compensatory and punitive damages, back pay, front pay, restored benefits, attorney's fees, reasonable accommodation, reinstatement, and job offers if NAL is found to have discriminated against an applicant or Team Member with a disability. Managers and Supervisors must contact the GM of Human Resources and/or the Corporate Compliance Manager if they believe that a circumstance may lead to a violation of the ADA.

IX. Posting Notices

NAL must post notices concerning the provisions of the ADA. The notices must be accessible, as needed, to persons with visual or other reading disabilities. If the notices at your facility are damaged or missing, please contact Human Resources or the Corporate Compliance Manager.

Distribution:	1. Procedure Manual	2. Accounting
3. Design & Development	4. Engineering	5. Manufacturing
6. Materials	7. Personnel	8. Project Management
9. Quality Control	10. Sales	11. Flora Mfg.
12. Salem Mfg.	13. Salem Personnel	

