

Applies to University Staff effective 7/1/15

University of Wisconsin-Madison Classified Staff Disability Accommodation Policy

*(Revised February 20, 1996, Revised 11 February 1999,
Revised 13 May 2005, Revised 15 February 2013)*

I. Statement of Purpose

It is the policy of the University of Wisconsin-Madison to provide reasonable accommodations for qualified individuals with disabilities who are employees or applicants for employment. UW-Madison will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified individuals with disabilities. Employing units/departments will provide reasonable accommodations in a timely manner. Employment opportunities shall not be denied because of the need to make reasonable accommodations.

II. Campus Contacts

Divisional Disability Representative (DDR). Each dean/director has appointed a DDR to respond to disability-related employment matters. DDRs assist supervisors, managers, and employees in reviewing and responding to disability accommodation requests. They are authorized to request, receive, and maintain confidential medical information for employees in their divisions. Contact information for DDRs is available on the OED website (www.oed.wisc.edu/disability/) and at the Office for Equity and Diversity (OED), 263-2378.

Disability Coordinator/Employment, OED, 179A Bascom Hall, 263-2378, Wisconsin Telecommunications Relay Service (WTRS) 7-1-1. The Disability Coordinator/Employment will provide assistance and advice to the employing unit and the employee at any point in the process to ensure compliance with federal and state laws and university policy.

ADA Coordinator, Division of Legal & Executive Affairs, 361 Bascom Hall, 263-7400, Wisconsin Telecommunications Relay Service (WTRS) 7-1-1. The chancellor has appointed the ADA Coordinator to be responsible for campus-wide compliance with the ADA and to review appeals of disability accommodation decisions.

III. Definitions

Disability. Americans with Disabilities Act of 1990 (42 U.S.C. 12102): “Disability” means, with respect to an individual:

- ◁ A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;
- ◁ A record of having such an impairment; or
- ◁ Being regarded as having such an impairment.

State Fair Employment Act (111.32): An individual with a disability:

- < Has a physical or mental impairment which makes achievement unusually difficult or limits the capacity to work;
- < Has a record of such an impairment; or
- < Is perceived as having such an impairment.

Major Life Activities include, but are not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, sleeping, breathing, learning, and working.

Qualified Individual With A Disability has the experience, education and/or training to perform the essential functions of a position (those duties for which the position was created), with or without reasonable accommodation.

Reasonable Accommodation is a modification of a job or work environment in a manner that will enable a qualified individual with a disability to perform essential functions of the job. Reasonable accommodations include, but are not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices or equipment, providing readers or interpreters, and modifying work areas.

Undue Hardship includes any action that is unduly costly, extensive, or disruptive. An employer is not required to make an accommodation if it would impose an undue hardship.

IV. Employees

A. Notice

Employees will be informed about their right to request reasonable accommodations:

- < in the letter of appointment and/or in any employee orientations;
- < in the Staff Benefits booklet and Employee Handbook for Classified Employees;
- < by periodic public notice in Wisconsin Week, the official newspaper of record for UW-Madison;
- < when a survey is conducted that invites employees to self-identify as persons with disabilities.

B. Informal Procedures to Request Accommodations

An employee may elect to request accommodations informally or formally. Employees are encouraged to use informal procedures whenever possible.

To request an accommodation informally, a classified staff member discusses the need for accommodation with his or her immediate supervisor, principal investigator, department chair, program director, or DDR. The employee or employing unit may contact the Disability Coordinator/Employment in OED for advice and information without initiating formal accommodation procedures.

If an informal request is approved, the department or unit should inform the DDR. The DDR will report the accommodation to the Disability Coordinator/Employment using the Disability Accommodation Request Form for Classified Employees (DER-DAA-10) B available on the OED website (www.oed.wisc.edu/disability/) or at the OED (263-2378). The completed form may be submitted without identifying the employee's name or disability.

If the department or unit wishes to modify or deny an informal request, or the issues are not straightforward, the formal process should be used.

C. Formal Procedures to Request Accommodations

Formal procedures should be used when accommodation issues are complex, when a department wishes to modify or deny an informal request for accommodation, or when informal procedures have been exhausted.

To request an accommodation formally, a classified staff member submits Disability Accommodation Request Form for Classified Employees (DER-DAA-10) to his or her DDR.

1. The Process

- a. An employee, employing unit, or DDR may consult with the Disability Coordinator/Employment in EDRC for guidance and assistance at any time during the process.
- b. An employee who wants to request an accommodation completes the Disability Accommodation Request Form for Classified Employees (DER-DAA-10) and gives it to his or her DDR. The DDR will then contact the supervisor, department chair, or unit director to make an initial decision to approve, modify or deny the request.
- c. If the request is approved, the DDR will notify the employee of the decision by providing a copy of the completed request form. The DDR will forward the original form to the Disability Coordinator/Employment and file a copy in the division's confidential medical records files.
- d. Before deciding to modify or deny the request, the DDR must consult the Disability Coordinator/Employment.
- e. If the request is modified or denied, the DDR will notify the employee of the decision by providing a copy of the completed request form and a copy of the Appeal Process (described in Part VII of this policy). The DDR will forward the original form to the Disability Coordinator/Employment and file a copy in the division's confidential medical records files.
- f. The university will make a good faith effort to approve, modify or deny an accommodation request within 30 calendar days of the DDR's receipt of the request form.

2. Policies and Guidelines

- a. An employee may be required to provide verification of a disability and accommodation recommendations from a treating specialist. The employee must bear the initial cost of verification. (This may be covered by the employee's health insurance.) If UW-Madison requests a second opinion, the university will bear the cost.

NOTE: All medical information obtained throughout the determination process is considered a "confidential medical record." It must be solicited and received by the DDR, who will provide only information about necessary restrictions and accommodations to managers and supervisors. All medical information and the completed Disability Accommodation Request Form for Classified Employees (DER-DAA-10) will be kept by the DDR in the division's confidential medical records files, separate from personnel records.

- b. The following questions should be considered when determining reasonableness:
- < Are the job functions for which the accommodation is required essential to the overall performance of the job?
 - < Is the applicant or employee otherwise qualified to perform the essential job functions?
 - < Does the accommodation accomplish the desired result (i.e., does it allow the individual to perform the essential functions of the job effectively)?
 - < Are there other accommodation options that will allow the individual to perform the essential functions of the job?
 - < Will the accommodation adversely affect the productivity or work environment of other employees in the work unit?
 - < Will the accommodation be unduly disruptive to the department, unit, school, college, or division?

c. As a general rule, the department, unit, school, or college will purchase equipment only if it is determined that the use of the equipment is necessary in transaction of the official business of that department, unit, school, or college. The equipment may not be of a personal nature (for example, eyeglasses, hearing aids) which the employee reasonably can be expected to provide.

d. When a requested accommodation is outside the department's responsibility (e.g., general facilities modification, parking), the Disability Coordinator/Employment receives and reviews the request with the DDR and the Facilities Planning & Management ADA Contact. If the request is deemed reasonable, FP&M procedures will be followed.

e. When a requested accommodation involves employment-related travel, the Disability Coordinator/Employment receives the accommodation request, verifies that appropriate procedures are followed, and notifies pre-audit of approved requests.

f. The employee will always be the primary person consulted when determining the most appropriate accommodation. Employees may provide or arrange for their own accommodations; however, the procedures in these policies and guidelines must be followed (approval, completed form). This gives documentation of accommodations and ensures that the accommodations are not disruptive to the workplace.

g. After an accommodation is provided, the employee and his or her supervisor shall evaluate the effectiveness of the accommodation, consulting with the Disability Coordinator/Employment as necessary. If modifications to the accommodation are needed, they should be requested using the formal procedures outlined in this policy.

h. If a classified employee acquires a disability and the university is not able to make reasonable accommodation that allows the individual to continue in his or her current position, the university will explore possibilities for employment in other positions through the "UW-Madison Reassignment as an Accommodation Policy and Procedures." The movement to another position may be a transfer, a demotion, or change to part-time employment, and must be made in accordance with Chapter 230 of the Wisconsin Statutes, and applicable Administrative Rules for Chapter 230. It may be necessary to place the individual on leave during the explorations if he or she cannot be accommodated in the current, or a temporary, position. If good faith efforts do not result in a reassignment it will be necessary to terminate the individual's employment with the university. While no legal responsibility exists for alternative employment outside the University of Wisconsin System, employees will be counseled regarding their rights, if any, to other positions in state employment where applicable.

V. Applicants

A. Notice

All applicants who are invited for interviews will be informed of the UW-Madison policy to provide reasonable accommodations for applicants and employees with disabilities. They will be informed that they can request accommodations for interviews and how to make the request.

1. The following paragraph will be included if a letter is used as part of the interview scheduling process:

“It is the policy of the [FILL IN NAME OF UNIT OR DEPARTMENT] to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. If you need assistance or accommodations to interview because of a disability, please contact me at [FILL IN THE ADDRESS OR TELEPHONE NUMBER OF THE PERSON SIGNING THE LETTER. THIS MAY BE THE PERSONNEL REPRESENTATIVE, DEPARTMENTAL ADMINISTRATOR, OR SUPERVISOR, WHOEVER IS APPROPRIATE]. Employment opportunities will not be denied to anyone because of the need to make reasonable accommodations for a person’s disability.”

2. If interview arrangements are made by telephone, this statement (above) will be given as part of the telephone conversation.

3. After being told what the hiring process involves, applicants may be asked whether they will need reasonable accommodation during the hiring process.

B. The Interview Process

1. Applicants may be asked whether they can perform essential job functions, with or without reasonable accommodation. Applicants may not be asked other questions that are likely to elicit information about, or that are closely related to, a disability, including whether an applicant has a particular disability.

2. If an applicant has a known disability, either because it is obvious or because the applicant has voluntarily disclosed a hidden disability, and that known disability is relevant to the job functions, he or she may be asked to describe or demonstrate how he or she would perform the job functions, even if other applicants have not been asked to do so.

C. Employment Decisions

1. Qualified applicants cannot be denied employment solely on the basis of a need to provide a reasonable accommodation.

2. An applicant who has received a job offer and who needs a disability accommodation should request the accommodation by submitting a Disability Accommodation Request Form for Classified Employees (DER-DAA-10) B available on the OED website (www.oed.wisc.edu/disability/) or at the OED (263-2378) B to the employing unit’s DDR. If the applicant’s disability cannot reasonably be accommodated, the offer can be rescinded.

VI. Funding

Financial responsibility for providing reasonable accommodations (other than barrier removal projects) belongs to the employing unit. If the employing unit does not have the financial resources to provide reasonable accommodations from its own budget, the dean or director of the school/college/division should be consulted.

VII. The Appeal Process

Applicants do not have access to this process but may follow external complaint procedures (Wisconsin Workforce Development, Equal Rights Division; federal Equal Employment Opportunity Commission).

An employee who disagrees with a disability accommodation request decision may appeal the decision using the following procedure.

- A. The employee must file a written appeal, stating the reasons for the disagreement, with the UW-Madison ADA Coordinator within 30 calendar days of the date of the decision as shown on the Disability Accommodation Request Form for Classified Employees (DER-DAA-10). The employee shall send copies of the appeal to the DDR and the employing unit. The DDR will notify the dean or director and the Disability Coordinator/Employment of the appeal.
- B. The ADA Coordinator will reevaluate the decision and consider any additional information or statements supplied by the employee, as well as additional information from treating specialists. The ADA Coordinator may consult with the Disability Coordinator/Employment and staff from other agencies, taking care to provide confidentiality for the employee.
- C. The ADA Coordinator shall review the record of the accommodation request and make a final decision regarding the appeal.
- D. The ADA Coordinator shall provide written notification of the appeal decision within 30 calendar days to the employee, employing unit and DDR. The DDR will notify the dean or director and the Disability Coordinator/Employment. If the 30 calendar day time limit cannot be met, the ADA Coordinator will inform the employee, the employing unit and DDR of an alternative time limit, not to exceed an additional 60 calendar days. The DDR will apprise the dean or director and Disability Coordinator/Employment.
- E. This is the final internal appeal process for disagreements regarding accommodation requests.
- F. An external appeal of the ADA Coordinator's decision may be filed with the Wisconsin Employment Relations Commission.

VIII. Other Complaints

Nothing in this policy should be construed to impede or prohibit a timely filing of a discrimination complaint with the appropriate external government agency (Wisconsin Workforce Development, Equal Rights Division; federal Equal Employment Opportunity Commission). This procedure also does not prohibit a timely filing of an internal discrimination complaint, unrelated to a request for an accommodation, with OED.