University of Wisconsin-Madison
Academic Staff Disability Accommodation Policy

I. Statement of Purpose

It is the policy of the University of Wisconsin-Madison to provide reasonable accommodations for qualified disabled individuals 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 disabled individuals. 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 to an individual’s disability.

II. Campus Contacts

Division Level Representative (DLR). Each dean/director has appointed a DLR to respond to disability-related employment matters. DLRs 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 DLRs is available on the disability website (http://www.wisc.edu/edrc/disability/) and at the Equity & Diversity Resource Center (EDRC), 263-2378.

Disability Coordinator/Employment, EDRC, 179A Bascom Hall, 263-2378, Wisconsin Telecommunications Relay Service (WTRS) 711. 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) 711. 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, restructing 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;
- 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, an academic staff member discusses the need for accommodation with his or her immediate supervisor, principal investigator, department chair, program director, or DLR. The employee or employing unit may contact the Disability Coordinator/Employment in EDRC for advice and information without initiating formal accommodation procedures.

If an informal request is approved, the department or unit should inform the DLR. The DLR will report the accommodation to the Disability Coordinator/Employment using the Academic Staff Disability Accommodation Request Form – available on the disability website (http://www.wisc.edu/edrc/disability/) or at the EDRC (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, an academic staff member submits an Academic Staff Disability Accommodation Request Form to his or her DLR.

1. The Process

a. An employee, employing unit, or DLR may consult with the Disability Coordinator/Employment in the EDRC for guidance and assistance at any time during the process.

b. An employee who wants to request an accommodation completes the Academic Staff Disability Accommodation Request Form and gives it to his or her DLR. The DLR 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 DLR will notify the employee of the decision by providing a copy of the completed request form. The DLR 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 DLR must consult the Disability Coordinator/Employment.

e. If the request is modified or denied, the DLR 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 VIII of this policy). The DLR 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 DLR’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 DLR, who will provide only information about necessary restrictions and accommodations to managers and supervisors. All medical information and the completed Academic Staff Disability Accommodation Request Form will be kept by the DLR 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 DLR 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 an academic staff employee acquires a disability and the university is unable 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 “Procedures for Alternative Employment at UW-Madison as an Accommodation for Academic Staff.” 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. The DLR will refer the employee seeking other employment opportunities to the Academic Personnel Office. This service will remain in effect for 60 calendar days from the date of the decision that no reasonable accommodation can be made in the employee’s current position. If good faith efforts do not result in alternative employment, which may be at a comparable or lower level or in a part-time position, it will be necessary to terminate the individual’s employment with the university.

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, 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 an Academic Staff Disability Accommodation Request Form – available on the disability website (http://www.wisc.edu/edrc/disability/) or at the EDRC (263-2378) – to the employing unit’s DLR. 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 Academic Staff Disability Accommodation Request Form. The employee shall send copies of the appeal to the DLR and the employing unit. The DLR 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 DLR. The DLR 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 DLR of an alternative time limit, not to exceed an additional 60 calendar days. The DLR will apprise the dean or director and Disability Coordinator/Employment.

E. This is the final internal appeal process for disagreements regarding accommodation requests. (Grievance resolution as provided for in Academic Staff Policies and Procedures, Chapter 9, is not available.)

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 EDRC.
Colleen McCabe - [assembly] Proposed Amendment to Disability Accommodation Policy

From: dross@ssc.wisc.edu
To: <assembly@lists.services.wisc.edu>
Date: 5/5/2005 2:11 PM
Subject: [assembly] Proposed Amendment to Disability Accommodation Policy

This is an unmoderated listserv for members of the UW-Madison Academic Staff Assembly and the Academic Staff Executive Committee, so use common courtesy when sending messages. Replies will go to everyone, not just the author. All postings will be publicly available at https://lists.wisc.edu/read/?forum=assembly for 90 days.

--------------------------- I discussed some concerns about a particular section of the policy with Nancy Malz (the ADA Coordinator for Employment for UW-Madison) and she does not have a problem with my proposed change below. While she will run it by the DLR (division level representative) committee, there won't be time to do that before our Assembly meeting, so she said I should propose it as an amendment. If I'm violating some ASA rule by doing that, someone will let me know, I'm sure! But I thought it was worth getting the text to people now. I'll work with Colleen to make sure printed copies are available at the meeting.

I will be proposing the following amendment. This makes a small change to the section about allowing additional questions of individuals with a known disability, adding a qualifying clause that indicates that disability should be relevant to the job functions for such questions to be asked. This apparently is standard practice under the ADA and subsequent legal decisions by the federal EEOC and others, but there does need to be relevance between the disability and the job functions.

I felt it was important that that relevance was explicitly included in this policy, both as a clear statement of actual practice in such a "user document" and as a climate issue, especially for individuals in the "applicant" role who may be examining our campus policies before interviewing or even applying.

--Dan Ross, District 465

Proposed Amendment to "Academic Staff Disability Accommodation Policy"

Amend V.B.2 (Applicants, The Interview Process, p. 5) as follows:

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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.

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