



PROCEDURES FOR DETERMINING REASONABLE ACCOMMODATIONS IN EMPLOYMENT

I. INTRODUCTION

It is the policy of the University of Wisconsin-Green Bay (UW-Green Bay) to provide reasonable accommodations upon request for qualified individuals with a disability who are employees or applicants for employment. UW-Green Bay will adhere to all applicable federal and local laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified individuals with a disability.

II. DEFINITIONS

ADA/504 Coordinator:

The UW-Green Bay Human Resource and Affirmative Action Office serves as the Coordinator for the Americans with Disabilities Act (ADA) and for Section 504 of the Rehabilitation Act.

Disability:

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 impairment.

Essential Function:

A job function is essential if removal of that function would fundamentally change the job, the position exists to perform that function, the function is highly specialized, or there are a limited number of employees who can perform that function.

Major Life Activities:

This includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Physical or mental impairment is (a) a physiological disorder or condition, cosmetic disfigurement, or anatomical loss including but not limited to epilepsy, paralysis, HIV infection, AIDS, or substantial hearing or vision impairment or (b) a mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. Examples of conditions that would not be disabilities are short-term, non-chronic conditions such as a broken leg, a sprain or the flu. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability:

A person who with a disability who satisfies the requisite skills, experience, education, and other job related requirements of the job he/she seeks to hold, and who, with or without a reasonable accommodation, can perform the essential functions of the position.



Reasonable Accommodation:

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation may include but is not limited to: making facilities accessible, adjusting work schedules, restructuring jobs, the reallocation or redistribution of non-essential, marginal job functions, providing assistive devices or equipment, and modifying work sites. A leave of absence may also be considered where necessary, in conjunction with the Federal and state family medical leave policy and UW-Green Bay's sick leave policy, as well as any collective bargaining agreements.

Substantially limits means a material restriction of the duration, manner or condition under which an individual can perform a major life activity when compared to the average person's ability to perform that same major life activity. Temporary impairments that take significantly longer than normal to heal, long-term impairments, or potentially long-term impairments of indefinite duration may be disabilities if they are severe. Evaluate whether the impairment substantially limits any of the major life activities of the person in question, not whether the impairment is substantially limiting in general. The determination of whether an impairment substantially limits a major life activity shall be made without regard to effects of mitigating measures such as medication, medical supplies, hearing aids, etc. For example, a person with diabetes will still qualify as an individual with a disability, even though the individual may have minimal impairment while on insulin. The one exception is eyeglasses or contact lenses. The effects of corrective lenses on one's vision shall be considered in determining substantially limits. Thus, a person with good vision with corrective lens will not be considered disabled.

III. POLICY AND PROCEDURES

A. Employee Responsibility

Employees are responsible for initiating requests for any desired disability related workplace accommodation, unless the need for the accommodation is obvious. Where circumstances permit, the employee should notify the employer in writing by completing an [ADA Accommodation Request Form](#). An employee should first make a request for a reasonable accommodation to his or her supervisor with a duplicate copy sent to Human Resources. The employee making the request is required to cooperate throughout the process by attending meetings to discuss the needed accommodation and timely providing medical documentation where necessary.

B. Applicants

Applicants who may need an accommodation for a disability to participate in the selection process should contact the Human Resources Office.

C. Interactive Process

The interactive process through which the employee provides any necessary medical documentation and the employer works with the employee to decide upon what accommodation is reasonable will occur between the Human Resources Office and the employee who is seeking the accommodation. Consultation with other offices (such as CIT for technological solutions) will be made as necessary within the confidentiality requirements of the regulations. What constitutes a reasonable accommodation will be made on a case by case basis, utilizing input from the affected employee whenever possible. The Human Resources Office is responsible for documenting all reasonable accommodations.



Supervisor Responsibility

Supervisors are responsible for notifying the Human Resources Office of any employee accommodation or request for accommodation brought to their attention. Note that in certain circumstances it may be appropriate for the employer to initiate the accommodation process. This should only be done in consultation with the Human Resources Office.

Once a reasonable accommodation has been agreed upon as noted in section C above, supervisors are responsible for implementing the reasonable accommodation. Supervisors have the responsibility to keep the request confidential except as necessary for the accommodation. Supervisors are also responsible for monitoring the effectiveness of the accommodation, in consultation with the employee.

E. When a Reasonable Accommodation is not Required

The University is not required to provide a reasonable accommodation if it would impose undue hardship on the employer. Undue hardship refers to any accommodation that would be unduly costly, expensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business. Employers are not required to provide reasonable accommodations to employees who are solely regarded as disabled and are not actually disabled.

The University is not required to employ an individual who poses a significant risk of harm to the health or safety of self or others and who cannot perform the job at a safe level even with reasonable accommodation. In determining whether an individual poses a significant risk of harm, the employer must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to ascertain:

- the nature, duration, and severity of the risk;
- the imminence of the risk;
- the probability that the potential injury will actually occur; and
- whether reasonable modification of policies, practices, or procedures will mitigate the risk.

The Human Resources Office will consult with legal counsel before denying a reasonable accommodation.

F. Recordkeeping

All employee and employment records must be kept for period of two years, as required by the ADA and the Rehabilitation Act. Centralized recordkeeping of requests for and implementation of reasonable accommodations should be kept in a confidential file in the Human Resources Office.

G. Posting

The ADA requires that employers post a notice describing the provisions of the ADA. This posting, as well as this policy, must be made accessible, as needed, to individuals with disabilities.

IV. ADA APPEALS PROCEDURE

If an employee disagrees with the decision regarding an accommodation request, the employee has a right to appeal using the procedure below. Applicants do not have access to this procedure, but have the option to follow the usual discrimination complaint procedures (Wisconsin Personnel Commission, federal Equal Employment Opportunity Commission, etc.).



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1. A complaint should be filed in writing and contain the name and address of the person filing it and a brief description of the alleged violation of the regulations.
2. A complaint should be filed within thirty days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be warranted, shall follow a filed complaint. The ADA Coordinator (for non-employment issues) or the AA/EEO (for employment issues) shall conduct the investigation. These rules contemplate informal but thorough investigations affording all interested parties and their representatives, if any, opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the investigating staff member and a copy sent to the complainant no later than 30 days after its filing.
5. The staff member who investigated the complaint shall maintain the files and records of the University of Wisconsin-Green Bay related to the complaint filed. The ADA Coordinator will maintain the files and records of the University related to non-employee complaints investigated and the AA/EEO will maintain the University's files and records for employment related complaints.
6. The complainant can request a review of the case in instances where he or she is dissatisfied with the resolution. The request for review should be made within 10 days to the Chancellor or the Chancellor's designee. The Chancellor or the Chancellor's designee shall respond to the complaint in writing within thirty days.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as filing an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be constructed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure the University of Wisconsin-Green Bay complies with the ADA and implementing regulations.

CONTACT INFORMATION:

Employees/Applicants: Kimberly Sipiorski, (920) 465-2196

Students/Non-Employees: Greg Smith, (920) 465-2380