

**SUBJECT: WORKPLACE ACCOMMODATIONS**

Designation: The Director of Human Resources is designated to administer and coordinate the City's employment obligations under the Americans with Disabilities Act (ADA) and other related legislation affecting individuals with disabilities. S/he shall consult regularly with the City Attorney and the Director of Civil Rights to ensure that the City's employment policies and procedures are in compliance with the ADA and related legislation.

Background: It has been a long-standing policy and practice of the City of Madison to provide accommodations for employees with disabilities and to return injured employees to work as soon as they are able to perform their assigned duties safely, efficiently, and effectively. This policy is established in Section 3.53 (18) of the Madison General Ordinances. Additionally, the Human Resources Department regularly accommodates applicants and employees with disabilities in the employment process to provide an equal opportunity to compete for employment and advancement within the City's workforce.

Policy: The City of Madison is committed to the spirit and intent of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Wisconsin Fair Employment Act, the Madison Equal Opportunities and Civil Service Ordinances, and other relevant laws affecting individuals with disabilities and their rights to enjoy equal opportunity. Therefore, it is the policy of the City to provide reasonable workplace accommodations to qualified City employees and applicants with disabilities.

Accommodation Request Procedure: The employee or applicant for employment has the responsibility for requesting a reasonable accommodation. The request can be made as follows:

1. Applicants or employees participating in a selection process may check the appropriate box on the City of Madison Employment Application and provide details of the accommodation being requested.
2. Employees may submit a Request for Reasonable Accommodation form to their immediate supervisor, Department/Division Head, or to the Occupational Accommodations Specialist. This form permits the employee to provide information regarding the accommodation being requested and the disability which makes an accommodation necessary. Forms are available in the Human Resources Department and will be made available in alternate format as requested.
3. Employees and applicants may contact the Occupational Accommodations Specialist directly if they have questions, concerns, or are unsure of the applicability of the City's reasonable accommodation policy to their particular situation.

Determination of Disability: Upon receiving a request for a reasonable accommodation, the Occupational Accommodations Specialist will determine whether the individual meets the benefit eligibility requirements under the law(s). In making this determination, additional information may be required. In the event that additional information is needed, the individual requesting the reasonable accommodation may be required to provide the necessary information directly, or

authorize the Occupational Accommodations Specialist to secure the required information by signing an Authorization for the Release of Confidential Information form. Information requested will be used to assist the Occupational Accommodations Specialist in ascertaining the precise job-related limitations imposed by the individual's disability and how those limitations might be overcome through reasonable accommodation. For the purpose of this Administrative Procedure Memorandum, an individual with a disability is a person who:

1. Has a permanent physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment; or
3. Is regarded as having such an impairment.

Confidentiality: All medical information pertaining to accommodation requests shall be maintained in separate, secured files. They will be treated as confidential medical records, except that:

1. Supervisors and managers will be informed regarding necessary work restrictions or accommodations; and
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

Determination of Qualifications: A review will be conducted by the appropriate Human Resources Department staff when necessary, to determine if the individual requesting the reasonable accommodation is a Qualified Individual with a Disability. For the purpose of this Administrative Procedure Memorandum a Qualified Individual with a Disability is one who satisfies the requisite knowledge, skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. If no current classification specification exists for the position in question, the Human Resources Department will work with the Appointing Authority, or designee, to prepare a list of essential functions for the position.

Determination of Reasonable Accommodation: The following steps will be taken in determining a reasonable accommodation:

1. The Occupational Accommodations Specialist will meet with the employee or applicant to explore how work-related limitations might be overcome through reasonable accommodation. During this meeting, the Occupational Accommodations Specialist will establish and communicate timelines, and provide information regarding rights and responsibilities to the individual requesting the reasonable accommodation. The Occupational Accommodations Specialist will also consult with the Appointing Authority or designee and, as necessary, with health care providers, vocational rehabilitation specialists, and/or other individuals whose expertise may bear on the matter at hand.
2. An analysis of the particular job may be performed to determine its purpose and essential functions. This analysis may include a review of the Position Description, the Classification

Specification, Physical and Environmental Demands Analysis, and interviews with other employees and management as required.

3. Additional meetings may be conducted to secure additional information, explore potential accommodations, and to make recommendations for what, if any, reasonable accommodations will be provided.

Reasonable accommodations may include, but are not limited to, job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquisition or modifications of equipment or devices. The City is not required to reallocate the essential functions of a job, but may restructure a job by altering when and/or how an essential function is performed. Whenever possible, the applicant's or employee's preferred method of accommodation will be considered. The final decision, however, rests with the Appointing Authority.

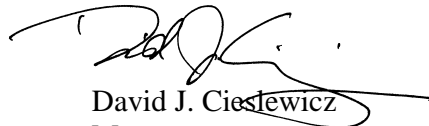
Implementation: Once a decision has been made, the Appointing Authority, or designee, will review the proposed reasonable accommodation with the Occupational Accommodations Specialist and will establish a timeline for implementation.

When a determination has been made that the employee cannot be reasonably accommodated in their current position, the Appointing Authority shall look for vacant positions at an equal or lower range within their agency and review any vacancies with the Personnel Services Manager who will determine if these are positions for which the employee would be eligible. If there are no available positions within the agency, the Personnel Services Manager will review all vacant positions within the City, equal to or lower in salary range, which are authorized to be filled. If such position(s) exists, the Personnel Services Manager will determine if the employee meets the minimum training and experience requirements for the position as established by the official classification specification. If the employee meets the minimum training and experience requirements, s/he will be invited to complete the appropriate examination for the position. If the employee successfully passes the examination, the Personnel Services Manager shall then certify the individual for interview. Placement will be mandatory unless it can be demonstrated that any necessary accommodations would cause an undue hardship. This determination will be made by the Human Resources Director after consultation with the Department/Division Head. Employees placed in new positions will be required to complete a six month evaluation period. If, during the six month evaluation period, an employee has not performed the essential functions of the position in a satisfactory manner, with or without reasonable accommodation(s), the placement will be terminated. The Personnel Services Manager will once again review all vacant positions within the City, equal to or lower in salary range, which are authorized to be filled. Performance problems which are unrelated to accommodation issues will be handled through the appropriate disciplinary process. An employee who displaces into a position in a lower classification shall be placed in a salary step in the lower classification which most closely corresponds with, but does not exceed, the employee's salary at placement. The Personnel Services Manager will conduct the review for an appropriate placement for 60 days. If there are no authorized vacant positions for which the employee is eligible, the Appointing Authority and the Human Resources Director will proceed jointly in terminating the employee under Section 3.53 (18) of the Madison General Ordinances.

It should be noted that employees who have entered into Disability Layoff status need to exercise the right to return to work by following contractual provisions (for represented employees) or the provisions outlined in Chapter 3 of the Madison General Ordinances (for non-represented employees) and are not eligible for an accommodation placement.

Follow-up: Ongoing follow-up will be provided as needed by the Occupational Accommodations Specialist and will be handled on a case by case basis to ensure communication among all affected parties.

Denial: When a decision is made to deny a request for reasonable accommodation, the Appointing Authority will review the proposed denial with the Occupational Accommodations Specialist. Upon completion of this review, the Appointing Authority will notify the individual requesting the reasonable accommodation of the denial.



David J. Cieslewicz  
Mayor

APM No. 2-22  
January 14, 2010

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