

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 State and Federal related legislation affecting individuals with disabilities and individuals who are pregnant. Human Resources shall consult regularly with the City Attorney and the Director of Civil Rights to ensure that the City's employment policies and procedures comply with the ADA and related legislation.

Background: The City of Madison is committed to celebrating diversity and fostering an inclusive workforce. It has been a long-standing policy and practice of the City of Madison to provide employees with disabilities and to provide accommodations so they can perform their duties safely, efficiently, and effectively. In addition to accommodating current employees, the Human Resources Department also provides accommodations to applicants for city positions to ensure they have 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 Pregnant Worker's Fairness Act, the Wisconsin Fair Employment Act, the Madison General Ordinances, and other relevant laws promoting the rights of individuals with disabilities to enjoy equal opportunity in the workforce. Accordingly, it is the policy of the City to provide reasonable workplace accommodations to qualified City employees and applicants with disabilities and/or who are pregnant. The City also takes action to protect these individuals from retaliation based on their request for, or use of, an accommodation. Any individual who feels they have been retaliated against may file a complaint with the City's Department of Civil Rights.

Accommodation Request Procedure: The employee or applicant for employment may request a reasonable accommodation at any time during the hiring process (application, interview, hiring, onboarding) or during their employment with the City. 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 describe the accommodation being requested.

Employees may submit a Request for Reasonable Accommodation form to the Occupational Accommodations Specialist. The employee should provide information about their disability, the accommodation they are requesting and how the accommodation would help them perform their job. Forms are available by contacting Human Resources at hr@cityofmadison.com in the Human Resources Department. An employee is not required to complete a Request for Reasonable Accommodation Form and may make a verbal request to the Occupational Accommodations Specialist.

2. Employees and applicants should 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.

Supervisors who suspect an employee may benefit from reasonable accommodations or have concerns that existing accommodations are not effective should consult with the Occupational Accommodation Coordinator who will assist with discussions regarding the interactive accommodations process.

Determination of Disability and/or Pregnancy: 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 understanding the individual's disability-related needs and how those needs might be met through reasonable accommodation(s). For the purpose of this Administrative Procedure Memorandum, an individual with a disability is a person who:

1. Has a 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 the employee may need to perform their job;
2. Employees may be required to provide the Occupational Accommodations Specialist with verification of their disability and to provide additional verification related to the need of specific accommodations. Failure to provide additional verification when requested by the Occupational Accommodations Specialist may end, or delay, the interactive accommodations process; and
3. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

Determination of Qualifications: The Occupational Accommodation Specialist, when necessary, will 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 a person who meets the minimum qualifications of the position and who, with or without reasonable accommodation, can perform the essential functions of such position.

Essential Functions of the Job: Essential functions are the basic tasks an employee must be able to perform with or without accommodations. They are tasks for which the position exists that cannot be reassigned or redistributed. For example, an essential function might be “communicating in writing” whereas “typing” is only one means of accomplishing this task. Similarly, an employee may be required to “travel” within their job duties, but is not necessarily required to “drive” or “possess a driver’s license” unless they are required to operate a City vehicle. In determining the essential functions of a job, the Occupational Accommodation Specialist will review the job description, consider the actual work experience of present and past employees in the job, the amount of time spent performing the job functions, the consequences of not requiring an employee to perform a function and the terms of relevant collective bargaining agreements. If no current position description 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 within 10 business days of the applicant/employee request for accommodation to engage in the interactive process. The interactive process is where the employee and employer mutually explore how the requested accommodation, or an alternative accommodation, will help the employee perform their job. 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 regarding job duties and, as necessary and when authorized by the individual, also consult with health care providers, vocational rehabilitation specialists, and/or other individuals with specific expertise in either the disability or what accommodation will be effective.

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, job task observation, and interviews with other employees and management as required.

2. 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. In some cases, the first accommodation agreed upon through the interactive process may not help the person to perform their job. Additional meetings between the employee and the Occupational Accommodations Specialist may be required to find an effective accommodation.

Some examples of reasonable accommodations may include, but are not limited to, job restructuring of non-essential functions, modified work schedules, reassignment to a vacant position, modifying equipment or devices the employee uses as part of their job or acquiring equipment or devices the employee can use in their job. The City is not required to reallocate the essential functions of an employee's job but may restructure a job by altering when and/or how an essential function is performed. Whenever possible, the applicant's or the employee's preferred method of accommodation will be considered. The final decision, however, rests with the Human Resources Department.

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. Wherever possible, accommodations will be provided within 30 business days of a decision.

Accommodation Placement Process: When a determination has been made that the employee cannot be reasonably accommodated in their current position the following will occur:

1. The Occupational Accommodation Specialist will ask the Appointing Authority if they have any vacant positions at an equal or lower pay range within their agency. The Occupational Accommodations Specialist will review the vacancies with the employee to determine whether the employee's skills and abilities are suitable for the vacant position and if any reasonable accommodations need to be made to ensure success in

the new position. The Human Resources Services Manager will make the final placement determination.

2. If there are no available positions within the department, the Human Resources 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 Human Resources Services Manager will determine if the employee meets the minimum qualifications needed for the position as established by the official classification specification and recent job postings for the position. If the employee meets the minimum qualifications for the position, and wants the job, they will be invited to complete the appropriate examination for the position if one is needed. If the employee successfully passes the examination, the Human Resources Services Manager shall then certify the individual for an interview with the hiring manager for the position. Placement in the new position will be mandatory unless it can be demonstrated that any necessary accommodations would cause an undue hardship for the Department. This determination will be made by the Human Resources Director after consultation with the Occupational Accommodation Specialist and 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.
3. If the placement is terminated, The Occupational Accommodation Specialist and Human Resources 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 and the process outlined above will begin again.
4. Performance problems which are unrelated to accommodation issues will be handled through the appropriate disciplinary process.
5. 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.
6. The Occupational Accommodations Specialist will conduct the review for an appropriate placement for 60 business days. If there are no authorized vacant positions for which the employee is qualified to perform, with or without a reasonable accommodation, within the 60 business day period, the employee will terminate City employment.
7. Employees in disability layoff status are not eligible for accommodation placement.

Nothing in this section shall be interpreted to disqualify an employee for applying and competing for a position in a higher salary range if the employee wishes to do so.

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: Any 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.

Employees with an approved accommodation should contact the Occupational Accommodations Specialist if: (1) they encounter a problem implementing the approved accommodation within their department or work unit; (2) if the approved accommodation is no longer effective in helping them perform their job; (3) the employee needs an additional accommodation.

Denial: If the employee's request for reasonable accommodation is denied, the Occupational Accommodations Specialist will notify the employee of the denial and the reason(s) for the denial. If the employee disagrees with the decision to deny the reasonable accommodation, the employee has the right to file an appeal with the Human Resources Director.



Satya Rhodes-Conway
Mayor

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