

UNIVERSITY OF WISCONSIN – STEVENS POINT AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) was signed into law July 26, 1990. The term "disability" means, with respect to an individual:

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

The ADA provides a clear and comprehensive mandate that eliminates discrimination against individuals with disabilities. The ADA addresses discrimination against individuals with disabilities in such critical areas as employment, education, housing, public accommodations, transportation, communication, recreation, health services and access to public services. Any individual can request information about services and/or accommodations at UWSP by contacting the UW-Stevens Point ADA Coordinator.

The ADA Coordinator at Stevens Point is:

Mai Vang
210E Old Main Building
Stevens Point, WI 54481
Phone: (715) 346-2002
Fax: (715) 346-3698
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REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

Policy Statement

It is the policy of the University of Wisconsin-Stevens Point (UWSP) that qualified individuals with disabilities not be discriminated against because of their disability in regard to job application procedures, hiring, and other terms and conditions of employment. It is further the policy of UWSP to provide reasonable accommodations to qualified individuals with disabilities in all aspects of the employment process.

The UW-Stevens Point is prepared to modify or adjust the job application process or the job or work environment to make reasonable accommodations to the known physical or mental limitations of the applicant or employee to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly-situated employees without disabilities, unless the accommodation would impose an undue hardship or pose a direct threat of substantial harm to the health or safety of the applicant, employee or others.

Procedures

This policy and procedures paper will be distributed to all new employees to make them aware of their right to request an accommodation.

I. DEFINITIONS

- A. The term **disability** means, with respect to an individual:
 - 1. a mental or physical impairment which substantially limits one or more of the major life activities of such individual;
 - 2. a record of such impairment; or
 - 3. being regarded as having such an impairment.

The following conditions are excluded from the definition of disability: transvestitism, pedophilia, exhibitionism, voyeurism, compulsive gambling, kleptomania, pyromania, gender identity disorders, current psychoactive substance use disorders, and other sexual behavior disorders.

For purposes of this policy, the term "disability" is used with the understanding that it has the same meaning as "handicap" in state and federal law. (see State Fair Employment Act [s. 111.32 (8)]; Section 504 of the Federal Rehabilitation Act and 45 CFR 85.3; Americans with disabilities Act and 29 CFR 1630).

- B. The term **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- C. The term **qualified individual with a disability** means an individual with a disability who satisfies the requisite 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.
- D. The term reasonable accommodation means a modification or adjustment to a job, the work environment, the job application process, or the way things are usually done that enables a qualified individual with a disability to perform the essential functions of the job and to enjoy an equal employment opportunity. Reasonable accommodation includes, but is not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assisting devices or equipment, providing readers or interpreters, and modifying examinations, training materials or policies.

II. REQUESTING ACCOMMODATIONS

A. Applicants for Employment

1. All UW-Stevens Point position announcements will contain the statement, "It is the policy of the University of Wisconsin-Stevens Point to provide reasonable accommodations to qualified individuals with a disability who are applicants for employment or employees."
2. Each applicant invited for an interview shall again be informed of the University of Wisconsin-Stevens Point policy requiring reasonable accommodations to be provided in the hiring process.
3. All applicants should make requests for accommodations through the contact person as identified in the vacancy announcement. When requested by an applicant with a disability, the University of Wisconsin-Stevens Point is prepared to modify or adjust the job application process to make reasonable accommodation to the known physical or mental limitations of the applicant to enable the applicant to be considered for the position he/she desires.
4. Each applicant is responsible for making timely and complete disclosures and specific requests regarding accommodations to meet his or her particular needs in order to enable UWSP to provide an appropriate response. It is strongly recommended that requests for accommodations be made as soon as possible to avoid delays in providing reasonable accommodations.
5. An interviewer may not ask an applicant whether or not he/she has a disability. This includes both physical and psychological disabilities. If the applicant volunteers information about a disability, the interviewer shall not ask any questions relating to the nature or extent of the disability or whether treatment will be necessary.
6. With respect to the ability to perform required job duties, an interviewer may ask each applicant whether or not he/she is able to perform the essential functions of the job applied for with or without reasonable accommodation.
 - a) If an applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job but does not volunteer comment on the need for accommodation, then no inquiry shall be made about the need for an accommodation.
 - b) If, however, the applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job and does volunteer the need for an accommodation, the interviewer may ask the applicant how he/she will perform the essential functions of the position and what accommodation will be necessary.

B. Current Employees or Applicants Offered Job

1. To request a reasonable accommodation, an employee or applicant offered a job is required to submit a written statement to the UW-Stevens Point ADA Coordinator. The written statement must identify the nature of the claimed physical or mental disability, identify the functional limitations with respect to the disability, and identify the requested accommodation(s).
2. An individual who identifies him/herself as having a disability and requests a reasonable accommodation may be required to provide documentation, including medical records, sufficient to establish the existence of the claimed physical or mental impairment and the need for accommodation. The information should be appropriately current and have been prepared by a qualified professional. The employee or applicant offered a job must bear the cost of this initial verification of a disability.
3. The UW-Stevens Point may require an employee or applicant offered a job who is requesting a reasonable accommodation to undergo further testing or evaluation by qualified professionals to verify or further establish the claimed disability, the need for an accommodation, and to provide a basis upon which a reasonable accommodation can be developed or implemented. The cost of such evaluation will be paid by UW-Stevens Point.
4. If an employee is having difficulty performing his/her job, the supervisor, in consultation with the ADA Coordinator, should inform the employee of the existence of UWSP policy to provide reasonable accommodations. If the employee requests a reasonable accommodation, the procedures in this policy shall apply. However, if the employee does not request an accommodation, an accommodation will not be offered nor provided. Please see page 54 for the Reasonable Accommodation Request-Report Form.

III. PROVIDING ACCOMMODATIONS

A. Decision-Making Procedures

1. Each request for an accommodation shall be reviewed on a case-by-case basis. The employee or applicant will be involved in the process of determining potential reasonable accommodations.
2. The UWSP ADA Coordinator will make the decision to approve or deny an accommodation request. If the hiring authority, supervisor or the ADA Coordinator is concerned about providing an accommodation, the hiring authority, supervisor and ADA Coordinator shall consult with the appropriate UWSP Line Officer.
3. The decision to approve or disapprove an accommodation request must be made by the ADA Coordinator in writing and provided to the applicant or employee within 20 working days after the filing of a request. If an accommodation request is denied, the written decision must inform the employee or applicant of the complaint procedures available to that individual as listed in Section IV of this document.
4. Where there is more than one effective accommodation, the final decision as to which accommodation will be provided shall be made by UW-Stevens Point after consideration of the wishes of the individual, the documentation provided, and advice from other appropriate personnel.
5. A qualified individual with a disability is not required to accept an accommodation, aid, service, opportunity or benefit which such qualified individual chooses not to accept. However, if such individual rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired and cannot, as a result of that rejection, perform the essential functions of the position, the individual will not be considered a qualified individual with a disability.
6. UW-Stevens Point does not provide individuals with disabilities with personal devices or assistance for personal use, including, but not limited to, wheelchairs, eye glasses, hearing aids, personal assistance for eating or dressing, or readers for personal use.
7. When no reasonable accommodation is available to allow an employee with a disability to remain in his/her current position, UW-Stevens Point will attempt to reassign that employee to a vacant position which is equivalent in terms of pay and status within UWSP, if available. The employee must be qualified for the vacant position and the position must be vacant or become vacant within a reasonable period of time. Assignment to another vacant position is only available to employees.
8. All material and information collected from an applicant or employee regarding the individual's accommodation request shall be considered confidential information and be kept in a separate file. Upon completion of the decision-making process regarding the accommodation request, all material collected will be kept in a separate, locked file by the ADA Coordinator. This information will be confidential with the following exceptions:
 - a) Supervisors and managers may be informed regarding necessary accommodations or necessary restrictions on the work or duties of the employee.
 - b) First aid and safety personnel may be informed, when appropriate, if the disability might require alternative actions in emergency situations.
 - c) Government officials investigating compliance with nondiscrimination laws shall be provided relevant information on request.
9. The ADA Coordinator will periodically monitor the effectiveness of accommodations provided to applicants or employees.
10. For reporting the Department of Employment Relations (DER) only, the ADA Coordinator will complete a "Reasonable Accommodation Request-Report Form" for each accommodation request and provide a copy to the DER Division of Affirmative Action. The form is attached as Appendix A.

B. Assessing Accommodation Requests

Several factors will be considered before asking an individual to further verify the existence of a disability and when reviewing an accommodation request for reasonableness.

1. Requesting Additional Verification
 - a) Is the employee known to have a disability?
 - b) Does the applicant or employee have an observable disability?
 - c) Does the request expand on an existing accommodation or previously provided accommodation for which a verification was required?
2. Determining Reasonableness of Accommodation Requests
 - a) Are the job functions for which the accommodation is required essential?
 - b) Is the applicant or employee otherwise qualified to perform the essential job functions?
 - c) Does the accommodation accomplish the desired result, i.e., allowing the individual to overcome limitations of the disability to effectively perform the essential functions of the job or to enjoy the benefits and privileges of similarly-situated employees? Is the accommodation necessary and effective?
 - d) Will the accommodation adversely affect the productivity or work environment of other employees in the work unit?
 - e) Is the cost of the accommodation feasible within the UWSP budget? If not, can approval be obtained from the Department of Administration to use funds which are statutorily reserved for reasonable accommodations?

- f) Are there other more cost-effective options which will allow the individual to perform the essential functions of the job?

IV. COMPLAINT PROCESS

A. The UW-Stevens Point has an internal complaint procedure to resolve complaints alleging violations of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. If an applicant, an applicant offered a job, or an employee disagrees with a decision regarding his or her request for an accommodation, a complaint may be filed with the appropriate UWSP line officer pursuant to this internal complaint procedure. The line officers are: Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, Provost/Vice Chancellor, and the Chancellor.

1. Complaints filed pursuant to this internal procedure must be filed within fifteen (15) working days after the complainant is informed of the accommodation decision. Individuals wishing to file such a complaint should immediately contact the Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, Provost/Vice Chancellor or the Chancellor. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

B. At any time, an individual may pursue other remedies available to him/her under applicable state or federal law. An employee may contact UW-Stevens Point's Personnel Office to obtain information on existing complaint/grievance resolution processes.

Appendix A: University of Wisconsin – Stevens Point Reasonable Accommodation Request Report Form (attached)

University of Wisconsin – Stevens Point Reasonable Accommodation Policy Complaint Procedure

This procedure is referenced in section IV "Complaint Process," page 6 of the *University of Wisconsin Reasonable Accommodations Policy and Procedures*.

If an applicant, an applicant offered a job, or an employee files a complaint (see Appendix A, attached) with the appropriate university official, as per the policy "Complaint Process," the University official shall:

1. Appoint a three (3) member committee to review the decision.
2. The committee membership shall consist of individuals who are employees of UW-Stevens Point.
3. Persons involved in the initial decision or members of the unit/department of the complainant are not eligible to serve on the committee.
4. The committee will make its recommendation to the appropriate line officer within fifteen (15) working days after the complaint was filed.
5. The appropriate university official shall inform the complainant of his/her decision five (5) working days after receiving the recommendation from the committee.

To arrive at a recommendation the committee can request additional information from the complainant and/or the ADA Coordinator. If requested by the committee, the complainant may present additional information as well as present supporting documentation/information from a qualified professional. The complainant shall bear the cost for the qualified professional. July, 1998