



## ADMINISTRATIVE PRACTICES MANUAL

**SUBJECT: AMERICANS WITH DISABILITIES ACT –  
EMPLOYEE ACCOMMODATIONS**

### POLICY STATEMENT

It is the policy of Dane County to comply with the Americans with Disabilities Act (ADA) and its amendments as that law relates to ensuring employees with known disabilities are given effective reasonable accommodations when their disability does not allow them to perform the essential functions of their job.

It is the goal of Dane County to provide employees with known disabilities with reasonable, reliable, timely, and effective accommodations that will permit the employees to do all the essential functions of their job. This can only be done through one-on-one communication with requesting employees.. If at any time the employee interrupts the interactive process then the process will be placed on hold.

The ADA Coordinator is responsible for overseeing the ADA interactive reasonable accommodation process. Supervisors, managers, and department heads must work directly with the requesting employee and the ADA Coordinator in the interactive process before implementing or rejecting an accommodation under the ADA. This includes, but is not limited to making programmatic changes and/or purchasing of ADA related assistive technology.

### PROCEDURE: EMPLOYEE REQUEST FOR AN ACCOMMODATION

Dane County is put on notice of an ADA issue when an employee (or his/her representative) discloses to their supervisor or to the ADA Coordinator that they are having difficulty doing their job due to a disability. Either the employee or the ADA Coordinator (after receiving notice) will then complete an *Employee Request for Reasonable Accommodation* form (attached as Appendix A to this policy). If the employee fills out the form, then the employee will give the form to his/her supervisor, who will document receipt of the employee's request by signing where indicated and either the employee or his/her supervisor will forward the form to the ADA Coordinator. If the ADA Coordinator fills out the form, he/she will document why the employee and his/her supervisor did not complete the form.

As described in a separate ADA policy, all Dane County employees are protected from discrimination and harassment based upon a real or perceived disability. Therefore, unless and until a manager/supervisor has been placed on notice that there is a link between an employee's work performance and the employee's disability, Dane County will not assume that there is a link. All employees, including employees who have requested an accommodation, are expected to perform all the essential functions of their job **without an accommodation** until a temporary or a permanent accommodation is in place.



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### **PROCEDURE: TEMPORARY MEASURES**

To demonstrate good faith efforts to accommodate employees with disabilities, the ADA Coordinator will work with managers, supervisors and/or Department Heads to try to find a temporary accommodation while the ADA interactive process researches the feasibility of a permanent accommodation, and if needed, during the implementation period for the chosen accommodation.

Temporary accommodations are not always available, practical, or permitted, but may include:

- A temporary job restructuring that would permit the employee to perform those job tasks for which an accommodation is not needed;
- A temporary change in the employee's schedule or shift (to accommodate, for example, reported side effects of a medication);
- When an employee with impaired vision will experience a delay in obtaining software, the services of a reader might be provided on an interim basis
- When structural renovations are required, the employee might be allowed to temporarily work remotely until the facility is accessible.

An employee may be placed on leave of absence while an employee's request for an accommodation is being processed, and/or after an accommodation is granted but is not yet in place.

### **PROCEDURE: DOCUMENTATION OF EMPLOYEE'S DISABILITY & NEED FOR AN ACCOMMODATION**

Dane County will only accommodate employees who are "qualified individuals with a disability" as that term is defined by law. If an employee's disability is not obvious, then the ADA Coordinator will request that the employee supply documentation about the employee's disability and the employee's functional limitations. The ADA Coordinator will use this documentation to then determine if the employee has an ADA covered disability, and may also use it to help develop a possible effective accommodation.

The ADA Coordinator will maintain all employee information and all medical information regarding disability in a separate file. On an as needed basis, the ADA Coordinator will share minimal information with employee's supervisor and management of that employee's department. In addition, the ADA Coordinator will also share minimum necessary information with members of the ADA Team (defined below).

### **PROCEDURE: INTERACTIVE REASONABLE ACCOMMODATION PROCESS**

After an employee makes a request for an accommodation, the employee and ADA Coordinator will have an initial meeting to discuss the employee's rights under the ADA,



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the employee's current situation, and if possible determine if the employee is qualified under the ADA. The ADA Coordinator will describe the interactive process and if the employee has an obvious disability the ADA Coordinator will begin the interactive process of assessing for possible effective reasonable accommodations.

At the initial meeting it is important that the employee tell the ADA Coordinator precisely how limitations from a disability affect his/her ability to perform a job task(s). If the employee believes he/she knows what type of reasonable accommodation would be help him/her perform all the essential functions of his/her job, the employee should share that information with the ADA Coordinator.

At the initial meeting, if the disclosed condition is not an obvious disability, the ADA Coordinator will ask the employee to provide sufficient documentation so that the ADA Coordinator can make a determination as to whether the disclosed condition is an ADA disability or not. Once the ADA Coordinator receives documentation of the condition then he/she determines if the employee has an ADA disability and is covered by the ADA.

If the employee does not meet the ADA definition of having a disability, then the ADA Coordinator drafts a notice to this effect to be sent to employee and his or her supervisor. If the employee has an ADA disability, then the interactive process continues with the employee, supervisor and other need-to-know staff trying to develop an effective reasonable accommodation that will enable the employee to perform the essential function(s) in question.

If the ADA Coordinator is able to find an effective accommodation that will enable the employee to perform all the essential functions of his/her job, then the ADA Coordinator will develop a draft letter of the proposed accommodation to take to the ADA Team for review. The ADA Team will then decide the next step(s), which may be sending the letter as written or as edited.

If the ADA Coordinator is unable to find an effective reasonable accommodation that will enable the employee to perform all the essential functions of his/her job, then the ADA Coordinator will inform the ADA Team of the circumstances of the situation. The ADA Team will then decide the next step(s), which may include recommending further research into possible accommodations, or offering the employee a meeting with Employee Relations to discuss reassignment into a current vacant position. The ADA Coordinator will notify the employee of ADA Team's decision.

The ADA Team is responsible for making the final decision regarding requests for reasonable accommodations. The ADA Team is composed of representatives from the following departments/divisions: Administration (Employee Relations, Risk Management, and the ADA Coordinator), the Office of Equal Opportunity, and the Office of the Dane County Corporation Counsel.



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On an individual basis the ADA Team will evaluate each request for an accommodation for its reasonableness, its effectiveness, and assess if it is an undue hardship. Accommodations may be achieved through a mixture of policy, program, structural and technological modifications as appropriate to each individual situation. In general, the ADA Team will evaluate making programmatic modifications before structural changes. The ADA Team and/or the employee requesting the accommodation may request that an outside source be used to address the feasibility of adaptive equipment. The ADA Team, in conjunction with the employee's department, has the responsibility to determine whether a particular accommodation will create an undue hardship on the Department. This determination will be based upon several factors, including (but not limited to) the cost of the accommodation, whether the accommodation will significantly difficult to implement, whether the accommodation will change the nature of the employee's job, and/or whether the accommodation will change the department's/division's programming. The ADA Team may also make this determination in light of the following factors:

- a) The nature of the accommodation and the impact of an accommodation upon the operation of the department / division, using factors such as:
  - the number of employees who will be affected by the accommodation and specifically whether the accommodation will affect the ability of other employees to perform their duties
  - the composition, structure and functions of the work force,
  - the geographic location;
  - the impact of the accommodation on the operations of the facility, and specifically the impact on the facility's ability to conduct business
  
- b) The cost of the accommodation: individual departments/divisions will have the budgetary responsibility for accommodations granted under this policy, therefore, the ADA Team may take into account:
  - whether or not the cost is outside the normal cost of office equipment ,
  - the financial resources of and the effect on the expenses and resources of the department/division
  - the administrative and financial relationship of the facility to higher levels of employer administration and
  - whether the department should, based on its inability to fund the accommodation because of its fiscal situation, request funding from the Department of Administration central ADA fund;

Questions regarding any of this material should be directed to the ADA Coordinator at 267-1520.

### END OF NARRATIVE

**Forms Needed:** Employee Accommodation Request Form- 014-165: "Appendix A"



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### PROCEDURE:

Responsibility	Action
Employee	<ol style="list-style-type: none"><li>1. Makes request to supervisor for a Reasonable accommodation. No “magic words” are necessary, just an asking for help to perform job due to a disability.</li><li>2. Completes Employee Accommodation Request form 014-163. Form is in “more forms” in dcinet, attached to “ADA Employee Accommodations” Policy in the Administrative Practices Manual, or can ask ADA Coordinator for a copy of it.</li><li>3. Submits the Employee Accommodation Request form to supervisor for signature. A supervisor’s signature on “Appendix A” only signifies supervisor is aware of the request.</li></ol>
Employee or Supervisor	<ol style="list-style-type: none"><li>4. Submits request form to the ADA Coordinator.</li></ol>
ADA Coordinator	<ol style="list-style-type: none"><li>5. At initial meeting with employee reviews the accommodation request and this begins the ADA interactive process. ADA Coordinator assesses if employee has an obvious disability as defined by the ADA.<ol style="list-style-type: none"><li>5a. If employee has an obvious disability and is a “qualified individual with a disability” (a “QUID”), then ADA Coordinator begins the interactive process of assessing for possible effective reasonable accommodations. [Go to 6a]</li><li>5b: If the disclosed condition is not an obvious disability, employee is asked to provide sufficient documentation to ADA Coordinator so that a determination can be made if disclosed condition is an ADA disability or not.</li></ol></li></ol>



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Responsibility	Action
ADA Coordinator	<p>6. Once requested documentation is received, determines if the employee has an ADA disability and covered by the ADA.</p> <p>6a. If employee has an ADA disability, commences interactive process with employee, supervisor and other need to know staff to try to develop an effective reasonable accommodation for the employee to be able to do the essential function(s) in question.</p> <p>6b. If employee does not meet the ADA definition of having a disability, the ADA Coordinator drafts a notice to this effect to be sent to employee and his or her supervisor.</p> <p>7. Determines if a proposed effective reasonable accommodation exists to meet the need of the employee covered by the ADA.</p> <p>7a. If a possible effective accommodation idea is found, develops draft letter of the proposed accommodation to take to ADA Team for review and a decision.</p> <p>7b. If no possible effective reasonable accommodation can be determined, then ADA Coordinator informs the ADA Team of circumstances and recommends the accommodation: reassignment to a current vacant position. ADA Team then decides next step(s).</p>
ADA TEAM	<p>8. Meets one or more times during interactive process to review employee's request.</p> <p>8a. Reviews ADA Coordinator's draft letter of proposed accommodation and makes final recommendation decision.</p>



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Responsibility	Action
ADA Coordinator	9. Drafts the final ADA accommodation letter to the employee reflecting the ADA Team's final decision.
Employee	10. If employee decides not to do the approved reasonable accommodation, the employee is no longer covered by the ADA.
ADA Coordinator	11a. Can meet with the employee and/or Immediate supervisor or designee to review the decision of the ADA Team, if necessary.
Department Head or Designee	12. Implements the effective Reasonable accommodation of approved request: 12a. Begins policy or programmatic changes immediately; or 12b. Begins process to purchase needed assistive technology.  13. Submits a request for funding to the Department of Administration if departmental funds are inadequate. This request should be submitted in writing to the ADA Coordinator explaining why there is no funding available through the department. Requests for funding reasonable accommodations shall be reviewed on a case-by-case basis by the ADA Team..
Employee	14. Any employee not accepting the finding of the ADA Team may appeal the Team's decision by filing a written appeal within thirty (30) days from receipt of the ADA Team's final recommendation, to the Director of Administration (DOA), stating the basis of his/her disagreement.
Director, Department of Administration	15. Reviews appeal. Prepares written finding of facts within sixty (60) days of receipt of appeal.



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Employee	16. At any time, any employee not in agreement with the finding of the ADA Team or the Director of the Department of administration has the option of filing a formal complaint with the Equal Employment Opportunity Commission (EEOC), or the WI ERD.
ADA Coordinator	17. Files all information regarding the employee's request for a reasonable accommodation and the outcome of these ADA Coordinator procedures.

**END OF PROCEDURE**

DANE COUNTY AFFIRMATIVE ACTION PLAN

APPENDIX A

Employee Request for an ADA Reasonable Accommodation

Please print or type:

Employee Name: _____ Day Phone: _____ E-mail: _____
Job Title: _____
Department: _____ Division: _____ Supervisor: _____
1. List the job task(s) you are having difficulty performing:   
2. What accommodation(s) for your job task(s) are you requesting?   
3. How will your response to Question #2 allow you to perform the job task(s)?   
4. Will the requested accommodation affect any other of your job tasks?   
Signature of Employee: _____ Date: ____/____/____ Signature of Supervisor: _____ Date: ____/____/____
Your Supervisor and the ADA Accommodations Team have a right to the above information.
Employee: Please use back of form for any additional Comments/Issues/Concerns