
matc

Milwaukee Area Technical College

**ADMINISTRATIVE REGULATION
AND PROCEDURE**

Title: ACCESSING ACCOMMODATIONS FOR
EMPLOYEES WITH DISABILITIES

Code: CC0201

Policy Reference: C0200, C0201, C0203 and F0102; Board Minutes, 5/18/92

Reasonable Accommodation

MATC is committed to the fair and equal employment of people with disabilities. It is the policy of MATC to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Americans with Disabilities Act ("ADA") and the Wisconsin Fair Employment Act ("WFEA"), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This procedure applies to all applicants for employment and employees, including employees of MATC seeking promotion and/or transfer.

Responsibility

The Department of Human Resources, in conjunction with the ADA/504 coordinator (identified below), shall be responsible for the implementation of this procedure and ensuring that current and prospective Employee/Applicant's ("Employee/Applicant" or "Employee/Applicant's") with qualifying disabilities are provided reasonable accommodations. The Department of Human Resources (HR) shall inform Employee/Applicant's of MATC's policy and procedures regarding reasonable accommodations for persons with qualifying disabilities.

Key Terms

Disability: For purposes of determining eligibility for reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities.

Reasonable Accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Approving Authority:

Vice President and General Counsel

Date:

Revised 10/12/11

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Confidentiality

MATC will not ask Employee/Applicants if they have a disability; however, MATC may ask follow up questions of all Employee/Applicants who voluntarily indicate they have a disability and direct those Employee/Applicants to the MATC Reasonable Accommodation Request Form (CC0201-Appendix A) as needed. Any medical disclosures, including those related to personal disabilities, will be handled in a confidential manner as required by state and federal law.

Processing Accommodation Requests

1. **Employee/Applicant Submits Accommodation Request Form.** An Employee/Applicant who wants to submit a request for an accommodation for a disability must submit the request on the MATC Reasonable Accommodation Request Form ([CC0201-Appendix A](#)). The form must be submitted to the Associate Vice President of Human Resources and Labor Relations (the “Associate VP”) and include medical documentation of the disability. In order to timely process a request for an accommodation, MATC requests that the Employee/Applicant submit the Request Form and disability documentation within 30 calendar days, if feasible, prior to the first day the requested accommodation is needed.

2. **Information Gathering.** The Employee/Applicant is responsible for gathering and providing HR with all documentation necessary to determine whether the Employee/Applicant has a “qualifying disability” and a present job-related need for reasonable accommodation as defined pursuant to the Americans with Disabilities Act.

The Associate VP, or his or her designee, may request documentation of the individual Employee/Applicant’s functional limitations to support the request, at any time. Failure or refusal to provide supporting documentation may result in denial of the request for accommodation.

3. **Initial Assessment** . The Associate VP, in conjunction with his/her appropriate staff (e.g. Coordinator of Employee/Applicant. Wellness and Risk Management, the Director of Compensation of Benefits, etc), will evaluate the Employee/Applicant’s request and supporting documentation to determine whether the Employee/Applicant has a qualifying disability, and identify the precise job-related limitations presented. The Associate VP, or

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his or her designee, may consult with the Applicant/Employee, as appropriate. If the Associate VP determines that the Employee/Applicant does not have a qualifying disability, or that the Employee/Applicant's disability does not present a job-related limitation or need for job-related accommodation, the Associate VP will promptly notify the Employee/Applicant of that decision in writing. ***If the Employee/Applicant disagrees with the decision, the Employee/Applicant may appeal to the ADA/504 Coordinator as described below.***

4. **Consideration of Accommodation(s) Options.** If it's determined that the Employee/Applicant has a qualifying disability and job-related limitations give rise to a present need for reasonable accommodation, the Associate VP and his/her staff will then, in consultation with the Applicant/Employee and his/her health providers, as appropriate, identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. The Associate VP and his/her staff will then select and implement an effective accommodation. While an individual Applicant/Employee's preferred or suggested accommodation will be given consideration, MATC is free to choose among effective accommodations and may choose the one that is less expensive or easier to provide.

5. **Hardship.** If an accommodation cannot overcome the existing workplace barriers, or if the accommodation would cause an undue hardship on the operation of MATC, the Employee and the Associate VP, or his or her designee, shall work together to determine whether reassignment may be an appropriate accommodation.

6. **Decision.** At the conclusion of the interactive process described above, the Associate VP will promptly notify the Employee/Applicant of the Associate VP's decision in response to the Applicant/Employee's accommodation request by completing and signing the MATC Reasonable Accommodation Request Form. The Associate VP may provide additional information describing the accommodation(s) to be provided, or stating the reason(s) that accommodation will not be provided, as appropriate under the circumstances. ***If the Employee/Applicant disagrees with the decision, the Employee/Applicant may appeal to the ADA/504 Coordinator as described below.***

7. **Approval Authority.** Except in cases of emergency, the Associate VP may not designate his or her responsibility to make decisions regarding the approval or disapproval of requests for accommodations.

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The Appeal Process

Pending the outcome of any appeal, MATC will provide the approved accommodations, if any, that were approved by the Associate VP. By filing this appeal, the Employee/Applicant does not give up his/her right to pursue other appeal processes including through outside agencies.

1. **Submission of Written Appeal.** If an Employee/Applicant./Applicant wants to appeal any decision regarding an accommodation request, the Employee/Applicant must submit the Appeal of Denial of Accommodation Request Form ([CC0201-Appendix B](#)) in writing within 30 days of the receipt of the denial to:

ADA/504 Coordinator
c/o Office of the General Counsel
700 West State Street, Room M278
Milwaukee, WI 53233
(414) 297-6719/ (414) 297-6484(fax)

The Appeal of Denial of Accommodation Request Form should include a brief description for the basis of the appeal, any additional documentation that the Employee/Applicant would like the ADA/504 Coordinator to consider, copies of the Employee/Applicant's accommodation request and copies of any information or documents that were provided to the Associate Vice President for consideration. ***It is the Employee/Applicant's responsibility to provide all necessary documentation at his/her own expense in support of their appeal.***

2. **Processing the Appeal.** The ADA/504 Coordinator will reevaluate the decision of the Associate Vice President, considering the law, all of information used in reaching the decision and any additional information or statements supplied by the Employee/Applicant (including any additional information from medical, vocational rehabilitation or other experts).

The ADA/504 Coordinator may elect to form an ad hoc Accommodations Committee to assist in reviewing the appeal. The ADA/504 Accommodations Committee may consult with outside agencies in the appeal process, and make recommendations to the ADA/504 Coordinator.

The ADA/504 Coordinator may elect to continue to facilitate the interactive process via discussions with the Associate VP, the Employee/Applicant and others as necessary.

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3. **Decision and Notice**. The ADA/504 Coordinator will make the final decision whether to accept, reject or to modify the decision of the Associate VP. The final decision shall be submitted in writing to the Associate VP and the Employee/Applicant./Applicant. The ADA/504 will make all reasonable efforts to reach a decision and notify the Employee/Applicant within 30 calendar days after the appeal is filed. There will be no further appeal of the decision.