

Policy Guidance:

The City of Madison is committed to inclusion and diversity. We recognize that people with disabilities contribute to the City's mission, vision, and values in a variety of ways. [APM 2-22](#) makes clear the City's commitment to meet the access needs of staff and job applicants with disabilities. [APM 2-22](#) also describes the City's obligations to applicants and employees under the Americans with Disabilities Act (ADA) and other related legislation. It is rooted in our vision to be Inclusive, Innovative, and Thriving.

Disability affects approximately 61 million, or 1 in 4 (26%) people in the United States. More than one billion people worldwide have a disability.¹ At the City of Madison, there are currently hundreds of accommodations in place for our employees with disabilities or medical limitations. About 12% of the City's permanent workforce reports having a disability, a need for an accommodation, or both. One out of four of these employees have a mental health disability. Not all disabilities are visible. Disclosing a disability is voluntary. Not all employees with disabilities will request an accommodation. According to a study by Harvard Business Review, 76% of employees with disabilities do not fully disclose their disabilities at work.² Often this is related to stigma and fear of discrimination. Therefore, it is likely that more employees have disabilities than these numbers show.

The City of Madison also provides a Supported Work Program, and partnerships with the Department of Workforce Rehabilitation to provide opportunities for the City to train and hire talented and qualified employees with disabilities.

This document is designed to assist job applicants, employees, and supervisors in the process of requesting and developing equitable and effective reasonable accommodations to meet the needs for Disabled staff and applicants.

Key Terms:

Individual with a Disability - Under the ADA the definition is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Qualified Individual with a Disability – Under the Americans with Disabilities Act, a “qualified individual with a disability” is someone with a disability who has the skills, experience, education and other qualifications to do the essential functions of a job with or without accommodations. The type of disability someone has does not determine whether or not they can do the job.

Qualified Professional – A “qualified professional” is someone who is knowledgeable about the person and their disability-related needs. This could be a doctor, psychologist, therapist, social worker, vocational counselor, occupational therapist or other professional.

Essential Function – “Essential function” is a term for the basic and necessary tasks that someone performs as part of their job. For example: perform clerical tasks, maintain facilities, or communicate with the public.

¹ [Okoro CA, Hollis ND, Cyrus AC, Griffin-Blake S. Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults – United States, 2016.](#)

² [Laurie Henneborn, *Make It Safe for Employees to Disclose Their Disabilities*, 2021.](#)

There are many ways to accomplish these tasks. What is important to consider is if a person with a disability can do their essential job duties with or without accommodations.

Interactive Process – The interactive process is when a person with a disability and their employer work together to determine how to effectively meet the employee’s disability-related needs and how to remove access barriers for the employee to do their job.

Reasonable Accommodation – A “reasonable accommodation” is an adjustment, modification or different way of doing a task. Reasonable accommodations can include assistive technology or devices. Some reasonable accommodations remove barriers employees with disabilities encounter in enjoying the benefits and work activities available to other employees.

About Accessibility and Accommodations

Accessibility is Fluid

Everyone has access needs. The social model of disability recognizes that the built world and systemic ableism are what present barriers to access, not a person’s mind or body. A person with a disability might not need any accommodations in one job environment, but may need several accommodations in a different job environment. Similarly, a person with a disability might need only a few accommodations to perform some tasks, but need several accommodations to perform others.

Accessibility is Individual

Every mind and body is different and there are many different ways of doing a task. People who have the same disability may have different access needs. People also have different experiences of how an accommodation works for them. When developing a reasonable accommodation plan, it is very important to focus on the person’s unique needs, preferences, and choices. Centering the employee in the interactive process will result in more effective and more sustainable accommodation plans.

Additionally, quality accommodation plans result in a more satisfied and productive workforce.

Supervisor Support is a Universal Need

Supervisors are encouraged to find ways to support all of their staff in being effective employees. Whether or not your staff has a disability, it is important that you and your staff have a mutual understanding of the essential functions of their job. A good practice is to use the employee check-in process to talk with all staff, even those who don’t have a disability, about:

1. Their job description and responsibilities.
2. Support they might need to do their jobs effectively and efficiently.
3. The availability of reasonable accommodations for staff with disabilities.
4. Their experience of the work environment and culture.

Engaging in conversations about job duties and support needs consistently with all staff helps to normalize these topics and creates opportunities for your staff to express any challenges they may be experiencing at work.

It is important not to assume all performance concerns are related to a disability. However, if a supervisor suspects an employee may benefit from disability-related accommodations they should reach out to the Occupational Accommodation Specialist. The Occupational Accommodation Specialist can help assess the situation and assist with determining next steps.

When Are Accommodations Provided?

Reasonable accommodations may be provided at any time, including in the hiring process, on the job, and to ensure "equal benefits and privileges."

1. Hiring process accommodations

Accommodations help to better ensure equal opportunity in the application process. Generally, job applicants will request accommodations in their application materials or contact the person listed in the job posting. These may include testing accommodations, changing interview formats, or providing interview materials in a different format or in advance.

2. Job accommodations

Accommodations in the workplace enable qualified people with disabilities to perform the essential functions of their job. They may include, but are not limited to, job restructuring, modified work schedule, remote work, modifying tools, equipment, and workstations, assistive technology and devices, use of a job coach, or reassignment to a vacant position.

3. Equal benefits and privileges accommodations

These accommodations enable employees with disabilities to enjoy the same benefits and privileges of employment as non-disabled employees in similar jobs. They may include removing environmental barriers to access, removing barriers to understanding policy and personnel information, and ensuring staff events and activities are accessible.

For Employees with Disabilities

Where to Start?

The interactive process can begin anytime there is a disability-related need in the workplace. For example, in the application, interview, or onboarding process. Staff and applicants with disabilities can start the process by letting the hiring manager, supervisor, or Occupational Accommodations Specialist know about their access needs. You can, with or without assistance from the Supervisor or Occupational Accommodations Specialist, complete the [Form Link].

What information is needed?

To receive reasonable accommodations, you must have a disability. If your disability is apparent, no documentation of your disability should be required. If you have a non-visible disability, you may need to provide a letter from a qualified professional or a record that verifies you have a disability. The City will accept records that are older, so long as your disability has not changed. The City will need information from you that helps match the accommodation to your work environment or duties. The information you choose to share will remain confidential. You may also give the Occupational Accommodations Specialist permission to contact your qualified professional or request records by signing a release of information. Persons seeking adjustments or modifications to their job are required to provide accurate information when requested. This will prevent delays and help facilitate the interactive process.

The Occupational Accommodations Specialist also needs to understand the essential functions of your job and the structure of your work unit. They will look at the job description, consider the actual experiences of past and current employees in the same position and may go onsite to view job tasks. They will consider how much time is spent doing job functions and if non-essential job functions could be reassigned or redistributed.

The Interactive Process

The Interactive process is designed to be easy to participate in and should not take a long time. Once the City has the needed information, the Occupational Accommodations Specialist will meet with you to make sure they understand your needs and your job functions. Together you will determine what accommodations will help you do your job. The decisions you make together should be written into an accommodation plan. Only the accommodations you need will be shared with your supervisor or other staff who are responsible for meeting your access needs. All other information is confidential.

Approving Accommodations

The City makes every effort to provide your preferred accommodation. However, if a less costly accommodation will meet your needs, the City may provide you with the less costly option. The City looks at its budget as a whole, rather than by Department when determining if an accommodation would be too costly.

If the accommodation creates a significant difficulty or expense to implement, the City may offer you an alternative or a different job placement. The goal of a different job placement is to find a position that matches your interests, abilities, and current rate of pay, but this might not always be possible.

A request for a reasonable accommodation may be denied when:

1. You are not a “qualified person with a disability.”
2. The accommodation would cause an undue hardship. An undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the agency.
3. The accommodation would pose a direct threat to the health and safety of the employee or others.

Disability is Dynamic

Access needs can change from day to day or when your work tasks or environment change. If your accommodations are no longer meeting your needs, you can inform your supervisor or the Occupational Accommodations Specialist. You can request to update your accommodation plan at any time.

Your Rights

You have the right to:

- Work in an environment free from harassment and discrimination. The City of Madison prohibits retaliation against staff who request accommodations or disclose a disability.
- Receive the agreed upon accommodations once they have been approved.
- Appeal if you disagree with the City of Madison’s decision to not provide requested accommodations.

If you disagree with your accommodation determination you can appeal by contacting the Human Resources Director at (608) 267-1170. You also have the option to make a complaint with the Department of Civil Rights if you believe discrimination has occurred. The Department of Civil Rights can be reached at 608-266-4910 or APM3-5Complaints@cityofmadison.com or you can file a [complaint online](#).

Peer Support

The Disability Resource Group is made up of employees with disabilities and their allies. This is a great resource for additional support and community. If you have questions about this group and how to participate, you can contact the Disability Rights and Services Specialist at (608) 266-6511 or RHoyt@cityofmadison.com.

Supervisor Responsibilities

Supervisors play an integral role in ensuring that all employees have a safe work environment free from harassment and discrimination. Supervisors are expected to foster a workplace that values diversity and facilitates a sense of belonging. Additionally, they have several responsibilities in the reasonable accommodations process.

1. Responding to accommodation requests

Supervisors need to be proactive in recognizing and responding to accommodation requests. These requests might be made in writing or orally. Employees may not be aware of the accommodation process or know how to ask for support. Supervisors should promote awareness of the availability of reasonable accommodations for those entitled to receive them. Supervisors should respect the staff's privacy and choices about pursuing accommodations or not.

Employees are not required to disclose they have a disability in the workplace unless or until they need an accommodation. Even though discrimination and retaliation are prohibited by law, they are a reality for many employees with disabilities. Therefore, it is common for accommodation needs to surface during an employee check-in discussion when it is brought to their attention that their performance has declined or is not meeting standards. They may also be disclosed during discipline situations. It is inappropriate to assume an employee has an obligation to disclose a disability prior to becoming aware of performance issues even if this need arises in a disciplinary discussion. If an employee discloses they have a disability or medical condition during a review or through the discipline process, provide them with information about the reasonable accommodations process and consult with Human Resources and the Occupational Accommodation Specialist.

2. Treating employees with disabilities equitably

Supervisors should consider strategies to improve access and inclusion for all employees, including continuous improvement to make work safer and more efficient. During the interactive process, supervisors should focus on an employee's job performance and treat employees with respect and dignity. They should never ask invasive or personal questions about their staff's health, disability, or make assumptions about what an employee needs or what they can and cannot do. Instead, they should ask the employee about preferred language, barriers they encounter in the workplace, and access needs. Additionally, supervisors should engage in continued education about disability and not rely solely on Disabled staff to educate them about the disability community.

3. Don't make assumptions

Supervisors should not assume an employee's job performance is a result of a disability or medical condition. If a supervisor is managing an employee who is struggling with performance issues, they should reach out to Human Resources staff. There are many factors that can lead to performance issues and Human Resources can assist you with discovering the root cause and determining the most appropriate solution.

4. Maintaining confidentiality of medical information

Supervisors will only receive information about an accommodation or work restriction. They will not be given any medical information about the employee's specific disability. Any information, including the fact that an employee is receiving an accommodation, is strictly confidential. If an employee gives their supervisor any detailed medical documentation it should immediately be forwarded to the appropriate Human Resource staff. Some employees may choose to share information with their supervisor or others they work with. Supervisors should recognize that being open about disability is a part of embracing identity and employees should never

be discouraged from bringing their whole self to work.

Co-workers may notice a modification in someone's work and want to know why. Disability is a protected class. Supervisors must maintain the employee's confidentiality and take reasonable steps to ensure that the employee is not discriminated against or harassed in the workplace. Consult with Human Resources if you are unsure how to respond to questions or need support maintaining a safe work environment for employees. Supervisors should always consult with Human Resources and the employee who is receiving accommodations before sharing any information.

First aid and safety personnel may be informed of an accommodation when the possibility of emergency treatment exists for the employee's disability or medical condition. Employees with disabilities should be involved in decisions about disclosure in emergency planning.

5. Participate in an Interactive Process

Supervisors need to work collaboratively with the employee requesting the accommodation and the Occupational Accommodations Specialist. Engaging in this conversation and providing reasonable accommodations is required by law. Communication is a priority throughout the entire process. It is essential that both the employer and the employee exchange information to work towards the shared goal of identifying effective reasonable accommodations. This is essential to provide equal access and opportunities to people with disabilities.

Pregnancy and Accommodations

The ADA also has protections for employees who experience temporary disabilities while pregnant. In addition, The Pregnant Worker's Fairness Act adds additional federal protections for employees who need accommodations while pregnant. Employees who need accommodations due to pregnancy are encouraged to request accommodations through the process noted above. Some pregnancy related accommodations include but are not limited to providing a stool for a standing position, allowing opportunities to raise legs, flexible scheduling, remote work, and light duty. Leave should be an accommodation of last resort.

Resources

- [Job Accommodations Network \(JAN\)](#) - Technical Assistants making reasonable accommodations
- [Department of Workforce Development](#) - Inclusive services to meet Wisconsin's diverse workforce needs, and advocates for the protection and economic advancement of all Wisconsin workers, employers, and job seekers.
- [Great Lakes Disability & Business Tech Center](#) - Technical Assistants and ADA compliance in general
- [Wisconsin Division of Vocational Rehabilitation](#)
- [Wisconsin Coalition for Advocacy](#) - Information on Mental Illnesses
- [National Alliance on Mental Illness \(NAMI\) Wisconsin](#)
- [US Equal Employment Opportunity Commission \(EEOC\)](#) - Information about federal employment protections under the ADA