

REASONABLE ACCOMMODATION POLICY

B-560



Purpose.

The Southwest Wisconsin Workforce Development Board (SWWDB) will make reasonable effort to enable individuals with disabilities to participate, as independently as possible, in employment and program activities at facilities leased by SWWDB and at area ~~job centers-American Job Centers.~~ SWWDB ~~is committed to processing requests for reasonable accommodations and will provide~~ reasonable accommodations, where appropriate, in a prompt and efficient manner. ~~In compliance to 29 CFR Part 38 "Implementation of in accordance with the Nondiscrimination and Equal Opportunity Provisions of time frames set forth in the Workforce Innovation and Opportunity Act", the Reasonable Accommodation Policy supports SWWDB commitment to meeting needs of individuals with disabilities in employment and service delivery activities following policy.~~

- Style Definition: Personnel Manual
- Style Definition: Policy-Legal
- Style Definition: List Paragraph
- Formatted: Justified
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted: No underline

Policy.

In accordance with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and ~~Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and other~~ applicable state and local disability related regulations, ~~SWWDB shall provide~~ SWWDB is committed to providing reasonable accommodations ~~and modifications~~ to qualified persons with disabilities, ~~who are employees,~~ applicants for employment and program participants unless to do so would cause an undue hardship or pose a direct threat.

- Formatted: Justified
- Formatted: Font: Calibri, 11 pt
- Formatted: Font: Calibri, 11 pt

~~With regard to any aid, benefit, service, training, and employment, SWWDB shall provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.~~

~~Unless determined an "undue hardship", SWWDB shall, at a minimum, provide reasonable accommodation when:~~

SWWDB must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job;
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events); and
- A qualified program participant with a disability needs an accommodation to enjoy equal access to its policies, practices, and procedures for the registration for and provision of core, intensive, training and support program services.

- Formatted: Space After: 0 pt
- Formatted: Justified

~~A determination of undue hardship is a detailed process that incorporates several factors relating to SWWDB's financial resources, operations, and facilities/sites. This process is detailed in SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.~~

REASONABLE ACCOMMODATION POLICY

B-560



~~With regard to any aid, benefit, service, training, and employment, SWWDB shall also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on a disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.~~

~~A determination that a request for an accommodation would fundamentally alter the nature of SWWDB's services, programs or activities is a detailed process that is listed SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.~~

Who is covered by this policy

Applicants, candidates, employees and program participants with physical or mental impairments that substantially limits one or more major life activities or have a record, history or is regarded as having such impairment.

What is reasonable accommodation

The term "reasonable accommodation" means a modification or ~~adjustment~~adjustments to the job, the work environment, or the way things usually are done that enable a qualified individual with a disability to enjoy an equal employment opportunity. Essential functions are, by definition, those that the individual who holds the job would have to perform, with or without reasonable accommodation, in order to be considered qualified for the position.

Formatted: No Spacing

Not all Accommodation requests can be honored. Sometimes an applicant, employee or program participant may ask for an accommodation that is not reasonable or necessary, that poses an "undue hardship" (i.e. too costly or disruptive to operation) on the organization or its employees or that might threaten the safety of the individual who has made the request or of others. Even in those cases, SWWDB will discuss whether some other form of workplace accommodation may be effective.

Formatted: Font: Arial, 10 pt, Underline

How to request a reasonable accommodation

It shall be the responsibility of the applicant, employee or program participant to inform SWWDB that an accommodation is needed. An accommodation request may be made to any of the following:

Formatted: Justified

- SWWDB's Equal Opportunity /Equal Employment Opportunity Officer
- Immediate supervisor or program career specialist ~~/case manager~~
- SWWDB's Human Resource office

Timing of the request

Formatted: Justified

An applicant, employee or program participant may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs SWWDB to provide or change something because of a medical condition.

REASONABLE ACCOMMODATION POLICY

B-560



The reasonable accommodation process begins as soon as possible after the request is made.

Formatted: Justified

Form of the request

The applicant, employee or program participant is responsible for requesting a reasonable accommodation or providing sufficient notice to ~~SWWDB or partner~~the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability." ~~Oral requests must be documented in writing to ensure efficient processing of requests. Request form is available.~~

Formatted: No underline,

Formatted: Justified

Oral requests must be documented in writing to ensure efficient processing of requests. Request form is available. ~~The Reasonable Accommodation Policy was developed to ensure individuals with disabilities are provided full access to employment opportunities and SWWDB-administered program benefits. It provides an overview of SWWDB intent to proactively address~~

When an individual needs the same reasonable accommodation requests. This policy is supported SWWDB Procedure, B-560-1 Reasonable Accommodation Determination.

Formatted

~~SWWDB's Equal Opportunity Officer (EOO), appointed by the Chief Executive Officer (CEO), shall provide technical implementation guidance relating to this policy, and conduct monitoring of service providers to ensure their compliance to this policy and corresponding procedure.~~

Equal Opportunity Officer
Ryan Schomber
1900 Center Avenue
Janesville, WI 53546
Email: r.schomber@swwdb.org
Phone: (608) 314-3300 Ext. 303
Fax: (608) 741-3528

~~SWWDB expects all employees, clients, program participants, vendors, associates, and agencies receiving funding from SWWDB to comply with this policy of reasonable on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation and, as appropriate, develop their own reasonable accommodation policies and procedures.~~

Formatted

~~Non-response to requests or retaliation against persons request for is required the first time only. However, the individual requesting an accommodation(s) or information on accommodations is prohibited. Non-compliance to this policy or any type of retaliation will be subject to disciplinary action or~~

Formatted

REASONABLE ACCOMMODATION POLICY

B-560



~~sanctions up to and including employment termination, discharge or expulsion from SWWDB sponsored activities, and/or non-renewal of contracts.~~

~~The Chief Executive Officer (CEO) shall ensure the Reasonable Accommodation Policy must give appropriate advance notice each subsequent time the accommodation is compliant to government regulations and ensure applicants, employees, and participants are afforded reasonable accommodation to fullest extent allowed within the guidelines of this policy and corresponding procedures. The CEO shall ensure staff members, including service providers, receive reasonable accommodation training. The Equal Opportunity Officer, under the direction of and in consultation with the CEO, shall be operationally responsible for the documentation, training, and compliance efforts relating to this policy needed.~~

Formatted

Analysis for processing the request

Before approving or denying a request for accommodation, SWWDB will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position;
 - or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
 - Enable a qualified program participant with a disability to enjoy equal access to its policies, practices, and procedures for the registration for and provision of core, intensive, training and support program services.
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and SWWDB; and
5. Determine whether the reasonable accommodation will impose an undue hardship on SWWDB's operations.

An employee's accommodation preference is always seriously considered, but SWWDB is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an individual is blind. In these cases, SWWDB will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, SWWDB may require medical information showing that the requestor has a covered disability that requires accommodation.

REASONABLE ACCOMMODATION POLICY

B-560



Where medical documentation is necessary, SWWDB must make the request and use the Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider. SWWDB must also obtain the requestor's completed and signed Authorization for Release of Medical Information before sending the letter to, or otherwise communicating with, the medical provider.

Only medical documentation specifically related to the individual's request for accommodation and ability to perform the essential functions of the position or program participation will be requested.

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records.

Approval of requests for reasonable accommodation

When a decision is made that a reasonable accommodation will be provided, SWWDB will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information.

If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Denial of requests for reasonable accommodation

SWWDB may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency EO/EEO Officer; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. When a decision denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, SWWDB must designate a process for review when an applicant, employee or program participant chooses to appeal the denial of a reasonable accommodation request.

Southwest Wisconsin Workforce Development Board
1370 N Water Street – Post Office Box 656
Platteville, Wisconsin 53818-0656

REASONABLE ACCOMMODATION POLICY

B-560

This process:

- Must include review by an agency official;
- May include review by the State EO/EEO Officer
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission. Wisconsin's local field office: EEOC Field Office (Milwaukee): Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 500, Milwaukee, WI 53203-2292. EEOC National Contact Center toll-free at 1-800-669-4000 or 1-800-669-6820 (TTY).

Formatted: Space Before: 10 pt, After: 10 pt, Bulleted + Level: 1 + Aligned at: 0.38" + Indent at: 0.63"

SWWDB's Equal Opportunity Officer (EOO), appointed by the Chief Executive Officer (CEO), shall provide technical implementation guidance relating to this policy, and conduct monitoring of service providers to ensure their compliance to this policy and corresponding procedure.

Equal Opportunity Officer

Ryan Schomber
1717 Center Avenue
Janesville, WI 53546
Email: r.schomber@swwdb.org
Phone: (608) 314-3300 Ext. 303
Fax: (608) 342-4429

SWWDB expects all employees, clients, program participants, vendors, associates, and agencies receiving funding from SWWDB to comply with this policy of reasonable accommodation.

Non-response to requests or retaliation against persons request for an accommodation(s) or information on accommodations is prohibited. Non-compliance to this policy or any type of retaliation will be subject to disciplinary action or sanctions up to and including employment termination, discharge or expulsion from SWWDB sponsored activities, and/or non-renewal of contracts.

The Chief Executive Officer (CEO) shall ensure the Reasonable Accommodation Policy is compliant to government regulations and ensure applicants, employees, and participants are afforded reasonable accommodation to fullest extent allowed within the guidelines of this policy and corresponding procedures. The CEO shall ensure staff members, including service providers, receive reasonable accommodation training. The Equal Opportunity Officer, under the direction of and in consultation with the CEO, shall be operationally responsible for the documentation, training, and compliance efforts relating to this policy.

Formatted: Normal

Southwest Wisconsin Workforce Development Board
 1370 N Water Street – Post Office Box 656
 Platteville, Wisconsin 53818-0656

REASONABLE ACCOMMODATION POLICY

B-560



~~Reference: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, 29 CFR Part 38 (§38.4 (yy), §38.4 (rr), §38.14, and §38.4(z))~~

~~SWWDB Procedure, B.560.1 Reasonable Reference: Americans with Disabilities Act, Section 503 of the Rehabilitation Act, Job Accommodation Determination Network~~

Policy Adopted: December 10, 2004

Policy Revised: December 13, 2017, ~~June 8, 2022~~

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: Bold, Underline

Commented [WJ1]: Not sure if we use the date from the previous policy or start a new date due to the complete change of the policy.

Formatted: Font: Bold, Underline