

Disability Accommodation & Performance A Guide for Supervisors



Generally, the Americans with Disabilities Act (ADA) does not interfere with your ability to define jobs and set performance and conduct expectations. You should address performance and conduct concerns for an employee with a disability in the same manner as you would for any employee you supervise. Most of the time, an employee's disability will have no bearing on his or her performance or conduct. In the event a disability or medical issue does affect performance or conduct, a simple reasonable accommodation may be all that is needed to enable the employee to meet expectations.

What should I do if I suspect that a disability (or chronic medical condition) is contributing to a performance or conduct problem?

If you are concerned that a disability is contributing to an employee's difficulties in the workplace, you should contact your Divisional Disability Representative (DDR). Generally, unless the employee makes a link between a disability and a performance or conduct problem, your primary focus should be to **address the performance or conduct concern**. Assuming that a disability is involved – before an employee makes that link – could lead you to make a biased employment decision.

What if an employee tells me that a disability (or chronic medical condition) is the reason for a performance or conduct problem?

An employee can request a reasonable accommodation at any time. As an employer, we are responsible for considering if this is a request for a disability accommodation and whether reasonable accommodation can be made. Whenever this occurs, you should contact your DDR, who is appointed to manage reasonable accommodations and medical leave in your school, college, or division.

What should I say to the employee?

Acknowledge what the employee has said. Tell the employee that your DDR will work with him or her to determine if a reasonable accommodation is needed, and provide the DDR's name and contact information.

You **should not** ask questions about the employee's disability or chronic medical condition.

You **can** make clear what level of performance is required and ask questions related to the job (without discussing the disability):

What duties of your job are difficult for you to perform?

What do you need to do your job successfully?

Are there any steps that could be taken to help improve your performance?

All medical information is confidential.

This includes verbal and written information the employee shares with you, and even the fact the employee may need or have a reasonable accommodation.

Please give any medical information that you receive to your DDR, who has been designated by your dean/director to hold confidential medical information for your division.

You should not reveal any information about the disability to others, even if the employee previously shared information with others.

Can the discussion about performance or conduct continue after a accommodation request has been made?

Yes, you may continue your conversation if the employee raises a disability or medical issue, and you may proceed with the evaluation or discipline process. You do not need to tolerate or excuse poor performance, withhold discipline or rescind a poor evaluation. You should make it clear that, up to this point, whether or not disability played a role, the employee's performance or conduct merits the employment action taken (e.g., lower evaluation rating, warning).

What should I do next?

After the meeting, you should inform your DDR that the employee has raised a disability issue. In consultation with the DDR, you should send a follow-up letter to the employee, acknowledging that the employee has linked a disability or medical condition with his or her performance or conduct. The letter should include the DDR's name and contact information, and the DDR should receive a copy.

What happens during the reasonable accommodation process?

On a case-by-case basis, the DDR will work with you to determine whether or not the employee is able to continue working, performing part or all of the job. For example, the employee may be able to perform those duties for which an accommodation is not needed. In order to fairly and accurately evaluate the employee's performance, you may need to delay the evaluation process until a reasonable accommodation is in place.

For more information about the disability accommodation process, please refer to

Reasonable Accommodation for Employees with Disabilities: A Guide for Supervisors
<http://oed.wisc.edu/documents/SupvGuide-RA-updated.pdf>

What happens after a reasonable accommodation is put in place?

Your role is to establish clear expectations and continue to monitor the employee's performance and conduct, just as you do for other employees. Your DDR will help you. Please contact your DDR right away if you have concerns that the accommodation is not effective.

Why would an employee wait to request accommodation until concerns are raised?

Many employees with disabilities are able to perform their jobs without accommodation. Ideally, an employee with a disability who needs accommodation will make a request before performance problems arise. However, because of the social stigma associated with disability, or a negative previous experience, an employee may fear being fired or experiencing other forms of workplace discrimination. Or, an employee may not recognize the extent to which a disability or chronic medical condition is affecting his or her job performance.

Find Your Divisional Disability Representative (DDR)

<http://www.oed.wisc.edu/divisional-disability-representatives.htm>

Additional Information

Office for Equity & Diversity
Disability Coordinator/Employment
179A Bascom Hall
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