

**UW-MADISON**  
**REASSIGNMENT AS AN ACCOMMODATION POLICY AND PROCEDURES**  
*(Revised April 2004, Revised August 2008, Revised February, 2013)*

When an employee cannot be reasonably accommodated in his or her current position, federal and state laws require non-competitive transfer to a vacant position (that is at or below the employee's current level) be considered barring undue hardship. Prior to transfer or reassignment to a vacancy, it must be determined that the employee is qualified for the position and can perform the essential functions of the position with or without reasonable accommodation. The essential functions of the position are generally duties included in the position description for the vacancy. A review of the position description may be required in order to incorporate all current duties. These regulations also require consideration of a voluntary demotion and/or a part-time position, with termination being the last resort. Note that campus policy and disability discrimination laws require the following efforts be exhausted **PRIOR** to consideration of Reassignment as an Accommodation:

- ◁ interactive problem-solving efforts between the supervisor, Divisional Disability Representative (DDR) and the employee to identify reasonable accommodations for the employee's current position, and,
- ◁ consultation between supervisor, DDR and the Office for Equity and Diversity (OED) to explore other options such as technical assistance from the Job Accommodation Network (JAN) and/or the Regional ADA Technical Assistance Office.

An employee who cannot be accommodated in his or her current position will be advised of the Reassignment as an Accommodation process by the DDR and should be referred to the OED Disability Coordinator/Employment, Classified Human Resources (CHR) Director or Academic Personnel Office Director (APO) (or designee) if there are questions about this process.

If an employee has filed an appeal under Section VII of the Classified Staff Disability Accommodation Policy or Section VII of the Academic Staff Disability Accommodation Policy regarding a disability accommodation decision, the employee may request the Reassignment as an Accommodation process be suspended. The DDR will consider a suspension of the Reassignment as an Accommodation process upon written request by the employee and after consultation with the OED Disability Coordinator/Employment.

The following procedures should be used **AFTER** it has been determined that the employee currently is able to work but cannot be accommodated in his or her current position.

**I. Initial Procedures**

- A. The DDR will refer the employee to the Reassignment as an Accommodation process by sending the employee a letter with a copy of the Reassignment as an Accommodation policy. The letter will include a request to meet with the employee to discuss the Reassignment as an Accommodation process.
- B. The DDR and the employee will meet to review the Reassignment as an Accommodation process. They will review the employee's work experience, and other qualifications (knowledge, education, skills, abilities, training, etc.). They will also discuss the employee's job-related functional limitations and any other information the employee wishes to identify.

The discussion will include identifying jobs (classifications) the employee is eligible to transfer into and in which the employee can perform the essential functions of, with or without reasonable accommodation.

The DDR and the employee will also discuss types of positions the employee is willing to consider that may include any or all of the following: a position at the same level, a demotion, full-time or part-time, LTE, project position, and a position outside the current employing unit if there are no appropriate vacancies within the unit.

- C. An employee can choose not to pursue the Reassignment as an Accommodation process. If this is the case, the employee will be required to indicate in writing that he or she declines the process. Termination procedures outlined in Section IV will be initiated.
- D. If the employee does not attend the initial meeting or does not reschedule the meeting, the DDR will send a second letter to the employee giving the employee five business days to respond. If no acceptable response is received, termination procedures outlined in Section IV will be initiated.
- E. The employee will be advised to exercise any transfer rights, to pursue promotional opportunities to maximize employment options, and to consider retraining. The DDR will provide resources to the employee such as contact information for the Department of Vocational Rehabilitation (DVR) and the UW Benefits Services office for the employee to contact.

## **II. Search Procedures**

- A. The search will commence on the day the employee and the DDR meet and will be conducted for 30 calendar days (referred to as “30-day period”).
- B. A letter outlining the search dates will be sent to the employee with a copy to the OED Disability Coordinator/Employment, the employee’s supervisor, and either the CHR or APO Director (or designee).
- C. The DDR with the current position will work with their Human Resources (HR) Specialist in CHR and/or APO and the OED Disability Coordinator/Employment to identify a possible vacancy. A position is considered vacant if a formal offer has not been made to an applicant.
- D. If the employee is interested in other positions, the employee can apply for vacancies for which he or she is qualified. Eligible classified employees can pursue vacancies through the permissive transfer process.
- E. The employee may continue to work in the current unit during the search by assigning alternate duties that are within the employee’s restrictions. If there are no work assignments that can be made, the employee may be placed in leave status during the 30-day period. The employee may use accrued paid leave benefits for which he or she is eligible
- F. If a vacancy is identified, the DDR with the vacancy will determine if the employee is qualified for the vacancy. The DDR with the vacancy will also determine if the employee can perform the essential functions of the position with or without reasonable accommodation.
- G. If there are no reasonable accommodations that can be made in the identified vacant position for which it has been determined the employee is qualified, the search will continue for the remainder of the 30-day period.
- H. If the employee is offered a position as a reassignment and is able to perform the duties of the position with or without reasonable accommodation and the employee declines the offer, the search will end and procedures to terminate employment will commence as outlined in Section IV.

- I. If the 30-day period ends without a reassignment being made termination procedures outlined in Section IV will be initiated.

### **III. Reassignment Procedures**

- A. The employing unit with the vacant position will generally require a six-month period of assessment in order to determine if the employee can perform the essential functions of the position with or without reasonable accommodation. The employing unit can request an extension up to one year (or longer in some positions). The period of assessment can be ended at any time if it is determined the employee is not able to perform the essential functions of the position with or without an accommodation. The OED Disability Coordinator/Employment must be consulted when the employing unit requests to end an assessment period early.
- B. If the employee begins the new position and is not able to perform the essential functions of the reassignment position with or without reasonable accommodation within the assessment period the reassignment has not been an effective accommodation. Subsequent reassignments will be considered on a case-by-case basis.
- C. If the employee is not able to perform the essential functions of the position due to performance issues unrelated to the need for accommodation, policies and practices in place for addressing performance issues will be followed.
- D. If the employee has completed the assessment period in the new position and it is later determined that the employee is no longer able to perform the essential functions of his/her position with or without reasonable accommodation, a new Reassignment as an Accommodation process may be initiated.

### **IV. Termination of Employment**

The DDR, working with the appointing authority, will notify the employee in a letter that his or her employment has been terminated under one of the following conditions:

- A. The employee has not responded within five business days to the final meeting request for the Reassignment as an Accommodation Process;
- B. The employee declines (in writing) pursuing the Reassignment as an Accommodation process;
- D. The employee rejects a vacancy that has been offered as a reassignment;
- D. When no reasonable accommodation can be made including reassignment as an accommodation;
- E. When the 30-day period has been exhausted and no reassignment has been made.

Copies of the termination letter will be provided to the Director of CHR/APO (or designee) and the OED Disability Coordinator/Employment. At the time of termination, the employee will also be informed of possible reinstatement eligibility opportunities.

The employee may request to use the balance of any sick leave hours for which the employee is eligible prior to termination of the employee's position. The use of other accrued paid leave is up the discretion of the employing unit.