

**City of Janesville Policy**  
**AMERICANS WITH DISABILITIES ACT (ADA) TITLE I (EMPLOYMENT)**

4.09.1 In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008, and the Wisconsin Fair Employment Act, each as from time to time amended and/or renumbered, the City of Janesville prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City is committed to providing accommodations for eligible employees, citizens, and/or applicants with documented disabilities.

**4.09.2 Application Process**

In accordance with the law, all applicants for City positions must have accessibility to all steps in the selection process and are protected from disability-related questions that could potentially screen them out of the application process e.g., questions likely to elicit information about a disability, medical, or worker's compensation history. Applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform job duties and functions of a particular position, unless all applicants are asked to do this, or if the disability is obvious, or if the applicant discloses a hidden disability.

**4.09.3 Pre-Employment**

Medical examinations will only be conducted after a conditional offer of employment has been made. After an offer has been made it may be conditioned upon the results of a medical examination as long as all individuals in the same category have to undergo a medical exam. The information received during medical examinations shall remain confidential. A supervisor may be told of a candidate's necessary work restrictions and/or accommodation(s).

If the existence of a disability is discovered during the medical examination, the conditional and/or other offer of employment may not be withdrawn unless: (1) the reason is job-related and consistent with business necessity and no reasonable accommodation can be made; (2) the disability poses a *direct threat* to the health and safety of the applicant, other employees, or the general public, and cannot be eliminated by reasonable accommodation.

**4.09.4 Reasonable Accommodation**

The City is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations are reasonable and do not constitute an undue hardship on the City.

4.09.6 An employee who believes (s)he needs a reasonable accommodation to perform an essential function of his or her job should make that request through their

Department or Division Head, or Human Resources Director. The City will work with the employee to determine if his or her disability can be reasonably accommodated.

4.09.7 The employee or job applicant requesting an accommodation must submit a **“Reasonable Accommodation Request Form”** with appropriate supporting documentation to their Department or Division Head, or the Human Resources Director. This documentation should also be completed when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process.

4.09.8 All requests for accommodation shall be responded to in a timely fashion, after the Department or Division Head, with the support of the Human Resources Office, City Attorney’s Office, and/or outside consultant(s), has engaged in the “interactive process” and other required processes, if any, with the employee or applicant making the request. Supervisors are encouraged to request assistance from the Human Resources Office as necessary.

4.09.9 The City reviews all requests for accommodation on a case-by-case basis and may provide a reasonable accommodation to the extent required by law that facilitates to the reasonable extent appropriate the qualified individual with a disability, to achieve the same level of job performance as other similarly skilled employees. The City is not obligated to provide an accommodation that causes an undue hardship on the City.

4.09.10 Documentation of the request for accommodation and the response (provided on the **“Response to Accommodation Request Form”**) by the Department or Division Head and/or Human Resources Director should be forwarded to the Human Resources Office, and shall be kept in a confidential file.

#### 4.09.11 Complaint Procedure

This Complaint Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging employment discrimination on the basis of disability.

The complaint should be submitted in writing by the complainant or his/her designee and contain information about the alleged discrimination such as, name, address, phone number of complainant, and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

Step 1           The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Tara Semenchuk, ADA Coordinator Title I (Employment)  
Assistant Human Resources Director  
City of Janesville  
18 North Jackson Street  
P. O. Box 5005  
Janesville, WI 53547- 5005

Within 15 calendar days after receipt of the complaint, the ADA Coordinator Title I, or his/her designee, will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator Title I, or his/her designee, will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the City of Janesville and offer options for substantive resolution of the complaint.

Step 2 If the response by the ADA Coordinator Title I, or his/her designee, does not satisfactorily resolve the issue, the complainant and/or his/her designee, may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager, or his/her designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager, or his/her designee, will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. The City Manager's decision is final.

All written complaints received by the ADA Coordinator Title I, or his/her designee, appeals to the City Manager, or his/her designee, and responses from these two offices will be retained by the City of Janesville indefinitely.

The right of an individual to a prompt and equitable resolution of the complaint filed with the City shall not be impaired by the individual's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency.

**AMERICANS WITH DISABILITIES ACT (ADA)  
EMPLOYEE ACCOMMODATION REQUEST**

Protection is afforded under the ADA to a qualified individual with a disability, who can perform the essential functions of the position, *with or without reasonable accommodation*. **“Disability”** is defined as (a) a physical or mental impairment that substantially limits one or more of the major life activities of the individual; (b) the individual has a **record** of such an impairment; (c) the individual is **perceived** as having an impairment.

**Instructions:** Please complete the form and attach supporting documentation from your physician and a return to work authorization (as appropriate). Submit completed form to your Department or Division Head or Human Resources Director.

Name:

Address:

Department:

Position

Department or Division Head:

Telephone Numbers: Work:

Home:

Other:

**I. Accommodation Request: Please list accommodations requested and reason for request:**

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Signature:

Date:

## AMERICANS WITH DISABILITIES ACT (ADA) RESPONSE TO ACCOMMODATION REQUEST

|   |             |    |
|---|-------------|----|
| Date:   | Department: |    |
| 1. Accommodation Requested By:  |             |    |
| 2. Is this individual covered by ADA?   | YES         | NO |
| 3. Was the requested accommodation approved?  | YES         | NO |
| If yes, the following accommodations and/or modifications will be implemented:                                  |             |    |
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| Approximate cost of accommodation and/or modification: \$   |             |    |
| If the accommodation is denied, list the reasons for the denial*:   |             |    |
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| * The Department must consult with the Human Resources Director prior to a denial of any accommodation request. |             |    |
| 4. Date of action:  |             |    |
| 5. Response by individual requesting accommodation:   |             |    |
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| Signature:  | Date:       |    |

**CITY OF JANESVILLE  
AMERICANS WITH DISABILITIES ACT NOTICE  
TITLE I AND TITLE II**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Janesville will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The City of Janesville does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** The City of Janesville will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Janesville's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City of Janesville will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Janesville offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Janesville, should contact the City Clerk-Treasurer's Office at (608) 755-3070, TDD (608) 755-3190 as soon as possible but no later than two (2) business days before the scheduled event.

The ADA does not require the City of Janesville to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

| <b>HIRING &amp; EMPLOYMENT PRACTICES<br/>(Title I)</b>   | <b>ACCESSIBILITY, PROGRAMS, SERVICES<br/>(Title II)</b>   |
|--|---|
| Complaints on the basis of disability in the City of Janesville hiring or employment practices should be directed to:  | Complaints that a program, service, or activity of the City of Janesville is not accessible to persons with disabilities should be directed to:                 |
| Tara Semenchuk, ADA Coordinator, Title I<br>Assistant Human Resources Director<br>City of Janesville<br>18 North Jackson Street<br>P. O. Box 5005<br>Janesville, WI 53547-5005 | Thomas Clippert, ADA Coordinator, Title II<br>Building Director<br>City of Janesville<br>18 North Jackson Street<br>P. O. Box 5005<br>Janesville, WI 53547-5005 |

The City of Janesville will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.