

## ADA ACKNOWLEDGEMENT OF UNDERSTANDING: THE ADA MONITORING PROCESS

The Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 were established in order to provide a clear, comprehensive, national mandate for the elimination of discrimination against individuals with disabilities. According to the Equal Employment Opportunity Commission, "Title I of the Americans with Disabilities Act of 1990 (ADA)" requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. ADA Monitoring may be considered a reasonable accommodation, to be determined during the interactive process.

After a thorough review of your ADA Accommodation Documentation and your Position Information Questionnaire (PIQ) in consultation with the appropriate West Virginia University officials, it may be determined that you cannot return to your current position because you cannot perform an essential function of your job, with or without reasonable accommodations. In this case, your functional capacities may qualify you for alternative employment placement. If an accommodation is unsuccessful or unavailable because the accommodation would remove essential functions of the job, or fundamentally alter the nature of the job, the employee may be placed in ADA Monitoring for **up to four months, or until the end of your medical leave (maximum of one year)**. While engaged in the ADA Monitoring Process, an employee will be placed on a medical leave of absence. Appropriate leave must be charged.

### WHO IS ELIGIBLE?

To be eligible for ADA Monitoring, an employee cannot perform the essential functions of the current job, with or without reasonable accommodation. If an accommodation is not available or reasonable, the employee may enter into the ADA Monitoring Program with the assistance of the ADA Coordinator and WVU's Talent Strategy

### WHAT IS THE ADA MONITORING PROCESS?

If an accommodation is unsuccessful, unavailable due to undue hardship, or because the employee cannot perform the essential functions of the current job (with or without accommodation), then the employee may be placed in ADA Monitoring for **up to four months, or until the end of your medical leave (maximum of one year), when applicable**, rather than lose employment for failure to perform essential job duties listed in the your Position Information Questionnaire (PIQ). The ADA Monitoring Process includes:

1. Continued discussions between the employee and the ADA Coordinator related to the interactive process of accommodation.
2. The ADA Coordinator will provide a letter of referral to the employee, current supervisor, and WVU's Talent Strategy, indicating the reason for referral into the ADA Monitoring services.
3. The ADA Coordinator will provide WVU Talent Strategy with information related to the employee's accommodation needs.
4. You will be asked to update your resume, complete a current employment application, and contact Charlotte Swiger, Employment Specialist Senior at 304-293-6573, to arrange an appointment for a skills assessment interview.
5. You are encouraged to personally monitor the posted positions on the WVU Human Resources website and apply for positions with the assistance of Talent Strategy.
6. If an appropriate position is identified that meets your accommodation needs, you will be placed in that position in a non-competitive manner.
7. Should your medical limitations change during this period, it is your responsibility to provide such documentation to the ADA Coordinator.
8. While engaged in the ADA Monitoring Process, an employee will be placed on a medical leave of absence. Appropriate leave must be charged.
9. Refusal to accept a vacant position, consistent with your abilities and accommodation needs will discontinue West Virginia University's obligation under the Americans with Disabilities Act (ADA).

**PLEASE NOTE:**

- Medical information will not be shared without permission from the employee. Restrictions, limitations and accommodations will be discussed with necessary supervisory staff and Human Resources in order to implement accommodations. When necessary, for environmental, health, and safety, and legal matters, employee accommodation information may be shared with persons who will treat such disclosed information confidentially.
- **Your ADA monitoring process will end**
  - **After 4 months; or**
  - **At the end of one year of medical leave of absence, whichever comes first.**



If WVU is unable to place you in a position during this time frame, your ADA Monitoring Process will end.

- A medical leave of absence may not exceed one year. ADA Monitoring is considered to be a part of your one year of medical leave. Contact the Department of Medical Management within the Division of Human Resources to determine your last day of medical leave and for additional information about your rights and responsibilities under leave policies and procedures at 304-293-5700, extension 8.

**By signing below, I hereby acknowledge that I fully understand the ADA Monitoring Process, as outlined herein.**

\_\_\_\_\_  
**Employee**

\_\_\_\_\_  
**Date**