

TENTATIVE AGREEMENT RE ACCOMODATIONS

4/29/2024

[Copy solely for reference: originals retained by both parties]

Article 28 - Accommodations

28.1 Accessible Workspaces. The Union and the University agree that it is a shared goal for all ESEs to have accessible workplaces.

28.2 Reasonable Accommodations. The University shall provide reasonable accommodation to qualified ESEs. This may include modification or adjustment to a job, work environment, policy, practice, or procedure that enables a qualified ESE to complete the essential functions of the position. An interactive process shall be used to determine what, if any, reasonable accommodation will be made and to monitor the continuing effectiveness of the accommodation.

28.3 Interactive Process. An ESE who believes they may be in need of employment accommodation or support measures may notify their supervisor, department, or appropriate University office of their request.

28.3.1 When an ESE makes a request under this Article, the parties will engage in an interactive process, which is an ongoing dialogue between the ESE and appropriate University representatives (e.g., supervisor, departmental administrator, department or unit head, a disability services representative, and/or other appropriate University administrators). Both the University and the ESE are expected to participate in the interactive process in good faith.

28.3.2 Within five (5) business days of receiving an initial request for reasonable accommodations, the University will acknowledge the request, thus initiating the interactive process. Throughout the interactive process, the University and ESE will engage in reasonably timely communications, taking into consideration the ESE's unique circumstance, consisting of responses within no more than a week.

28.3.3 During the interactive process, the University considers information related to the essential functions of the job, the ESE's functional limitations and/or unique circumstances, possible accommodations, and issues related to the implementation of a reasonable accommodation. This information will be used by the University to determine the type of reasonable accommodation(s) that may be offered and the implementation process. If feasible, the University will present multiple options for reasonable accommodation to the ESE to consider, and the ESE will determine which accommodation(s), if any, will be implemented.

- 28.3.4 ESEs may involve a support person to assist in the interactive process, which may be a Union representative.
- 28.3.5 If requested by the ESE, the supervisor/department administrator, in consultation with the appropriate University administrators may implement an appropriate temporary work adjustment that allows the ESE to complete the essential functions of their job until the interactive process is completed.

28.4 Disability Related Accommodations.

- 28.4.1 If an ESE believes they have a disability and are requesting a modification or adjustment to a job, work environment, policy, practice, or procedure, the ESE should contact HR disability services. The disability services representative will engage in a dialogue about disability related limitations and possible reasonable accommodations with the ESE and may request documentation from a health care provider explaining the extent of the ESE's disability related limitations and the need for accommodation. The definition of disability is included in the University's Accommodating Persons with Disabilities policy, which is available here: <https://policy.wvu.edu/POL-U1600.03-Accommodating-Persons-With-Disabilities>.
- 28.4.2 Options for reasonable accommodation may include, but are not limited to: assistive devices; modification of existing facilities; restructuring the job to eliminate non-essential job functions; and leaves of absence.

28.5 Pregnancy and Postpartum Accommodations. The University provides reasonable pregnancy and postpartum workplace accommodations.

- 28.5.1 The University will allow adequate reasonable break time for an ESE to express breast milk when needed. ESEs shall have access to spaces for the purpose of expressing breast milk which will be a private location (locked and with no view in from the outside), other than a bathroom. If no such designated space exists in reasonable proximity to an ESE's work location, the University will work with the ESE to identify a convenient location and work schedule to accommodate their needs. ESEs shall also have access to a sink with soap for the cleaning and care of pumping equipment nearby the lactation space. In the event a lactation space does not have insulated storage for storing expressed milk, ESEs should contact Human Resources to find an appropriate storage space.
- 28.5.2 The University shall maintain a web page listing the designated lactation stations. These lactation stations will be available to all ESEs.
- 28.5.3 If requested by an ESE, the University will allow the following as a pregnancy or postpartum accommodation (1) provide more frequent, longer, or flexible restroom breaks, (2) modify a no food or drink policy to

allow for breaks to eat or drink, (3) provide seating or allow the employee to sit more frequently if their job requires them to stand, and (4) limit work-related lifting demands to not over 17 pounds or less without the need to provide written certification from a health care provider.

- xx.1.1** In addition, a pregnant ESE may request other workplace accommodation(s). The University and the ESE will engage in an interactive process and the University will consider, on a case-by-case basis and in accordance with applicable law, what if any accommodations will be made. The University may request documentation from a health care provider discussing the extent of the limitations and the need for additional accommodations not listed above.

28.6 Violence Related Safety Accommodations.

- 28.6.1 An ESE may request reasonable safety accommodations in response to threats, an incident, or incidents of violence (e.g. sex and gender-based violence, intimate partner violence, sexual assault, or stalking). Reasonable safety accommodations may include, but are not limited to:
- 28.6.1.1** leave from work, when other solutions are unavailable
 - 28.6.1.2** transfer, reassignment, and modified schedule
 - 28.6.1.3** changed work telephone number, changed work email address, and changed workstation
 - 28.6.1.4** installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement.
- 28.6.2 The University may request verification in support of a request for domestic violence leave but may implement support measures or accommodations in advance of receiving verification. Appropriate documentation can include:
- 28.6.2.1** police reports or court documents
 - 28.6.2.2** an employee's written statement
 - 28.6.2.3** a statement from a provider, clergy, attorney, or advocate

For the University:

RBV 4/29/24

For the Union:

AW 4/29/2024

SK 4/29/2024

EG 4/29/2024

JB 4/29/2024

AA 4/29/24

EGC 4/29/24

GLW 4/29/24

Lydia Henderson 4/29/24