
Subject	Equal Employment Opportunity / ADA
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Section	Employment
Subsection	General
Category	Human Resources
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References

Equal Employment Opportunity - Executive Order 11246, as amended; American with Disabilities Act and The Rehabilitation Act of 1973, as amended; Title VII of the Civil Rights Act of 1964; Vietnam Era Veterans' Readjustment Assistance Act of 1974; Equal Pay Act; 16.765, Wis. Stats.; Wisconsin Fair Employment Law; Wisconsin State Statute s.111.32(13m); Genetic Information Nondiscrimination Act (GINA) of 2008; Age Discrimination in Employment Act of 1967; Minnesota Statutes 177 and 181; Iowa Civil Rights Act; Office of Federal Contract Compliance Programs

Applicable To

All employees, residents/students and applicants for employment of GUNDERSEN.

Detail

It is the policy of GUNDERSEN to provide equal employment opportunities to all employees, residents, students, volunteers, and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, Disability, protected military or veteran status, or genetics. In addition to federal law requirements, GUNDERSEN complies with applicable state and local laws governing nondiscrimination in employment in every location in which GUNDERSEN has facilities.

This policy applies to all terms and conditions of employment including, but not limited to recruiting, hiring, placement, promotion, demotion, termination, transfer, leaves of absence, compensation, benefits, training, layoff, and return from layoff.

Implementation

1. GUNDERSEN is committed to taking affirmative action to ensure that all employees and applicants for employment are treated equally.
2. When required by applicable law, GUNDERSEN will prepare an annual affirmative action plan for women, minorities, covered veterans, and disabled persons consistent with the requirements of Executive Order 11246.
3. Any employee, resident, student, or applicant for employment who qualifies as such is invited to self-identify as an individual with a Disability or a covered veteran.

Inquiries and Complaints:

1. Gundersen expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, Disability, or veteran status. Violations of this policy should be directed to the employee's manager or the Director, Employee and Labor Relations. Inquiries concerning the application of this policy should be directed to the Director, Employee and Labor Relations.
2. Complainants, witnesses, and others who provide information concerning such claims will be protected from retaliation. GUNDERSEN will ensure the confidentiality of individuals bringing complaints of harassment or discrimination to the extent possible.
3. GUNDERSEN's human resource will conduct a prompt and impartial investigation into complaints of harassment or discrimination.
4. Employees, residents, students, or volunteers who engage in unlawful discrimination or retaliation are subject to disciplinary action up to and including termination of their employment.

Individuals with Disabilities:

1. When an individual with a Disability requests accommodation and can be reasonably accommodated without creating an Undue Hardship or causing a Direct Threat to workplace, safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a Direct Threat to the health, safety, and well-being of themselves or others in the workplace when the threat cannot be eliminated by Reasonable Accommodation will not be hired.
2. If an employee has a Disability that requires an accommodation in order to perform the Essential Functions of his or her job, or otherwise enjoy the benefits and privileges of employment, he or she must initiate a request for accommodation by contacting his or her direct supervisor/manager or Human Resources Operations Manager (HROM) and identify an adjustment or change at work that is needed because of a Disability.
3. Gundersen will participate in an interactive process with, and reasonably accommodate, Qualified Individuals with a Disability to that they can perform the Essential Functions of a Job unless doing so causes a Direct Threat to these individuals or others in the workplace and the threat cannot be eliminated by Reasonable Accommodation or if the accommodation creates an Undue Hardship to Gundersen.
4. The Human Resources department, specifically the Director, Employee and Labor Relations, is responsible for implementing this policy, including the resolution of Reasonable Accommodation, safety/Direct Threat, and Undue Hardship issues.
5. When appropriate, temporary modifications may be made pending review of medical information or modifications may be made without relying on whether the employee has a Disability as defined by law. These actions should not be construed as a finding by GUNDERSEN

that it has made a determination that an employee is a Qualified Individual with a Disability under the ADA or Rehabilitation Act.

Definitions:

“Disability” means a physical or mental impairment that substantially limits one or more Major Life Activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

“Major Life Activities” includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

“Direct Threat” means a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by Reasonable Accommodation.

“Essential Functions of the Job” means those job activities that are determined by the employer to be essential or core to performing the job.

“Qualified Individual” means an individual who, with or without Reasonable Accommodation, can perform the Essential Functions of the Job that such individual holds or desires.

“Reasonable Accommodation” includes any changes to a job, an employment practice, or the work environment that enables an individual with a Disability to enjoy equal employment opportunities.

“Undue Hardship” means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an Undue Hardship on an employer, factors to be considered include:

- Nature and cost of the accommodation;
- Overall financial resources of the facility or facilities in the provision of the accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- The overall financial resources of the employer, the size, number, type, and location of facilities.
- The type of operations of the company, including the composition, structure, and functions of the workforce, administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

RESPONSIBILITY:

The Director, Employee and Labor Relations has been appointed Equal Employment Opportunity Officer and is directly responsible for the planning and implementation of GUNDERSEN’S affirmative action program as well as for its day-to-day monitoring of affirmative action related decisions and activities.

The Equal Employment Opportunity Officer may be reached at 608-775-3938 or RDFraser@gundersenhealth.org

Human Resources:

GUNDERSEN'S Human Resources department is responsible for enforcement of GUNDERSEN'S Equal Employment Opportunity Policy.

Managers, Supervisors:

Responsible for ensuring that their employment related practices and decisions comply with all state, federal, and local laws and regulations relating to equal employment opportunities. Share all complaints of harassment or retaliation with the Human Resources department. Share any requests for Reasonable Accommodation with the Human Resources department.

Applicants, Employees, Residents/Students, Staff, Volunteers, Vendors:

Every employee of GUNDERSEN is expected to comply with this Equal Employment Opportunity policy.