

Policy #: <b>440</b>
Title: <b>REASONABLE ACCOMMODATIONS</b>
Date of Initial Approval: 07-09-1996
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Reviewers: MSA Human Resources; MSA Superintendent

**I. PURPOSE**

The Minnesota State Academies (MSA) are responsible to reasonably accommodate qualified individuals with physical or mental disabilities, who are employees, applicants, board members, or employees seeking promotion, in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. MSA is committed to the fair and equal employment of people with disabilities, and understands that in many cases, reasonable accommodation is the key to this employment. In accordance with the Americans with Disabilities Act (ADA), MSA will work with the employee to provide reasonable accommodations appropriate to the situation.

**II. DEFINITIONS**

A. **“Person with a disability.** A person with a disability is one who...

- i. ...has a physical or mental impairment that substantially limits one or more major life activities or
- ii. ...has a record of such an impairment, or
- iii. ...is regarded as having such an impairment

B. **Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.

C. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature of the operation of the agency.

**III. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION (EMPLOYEE):**

A. The employee will inform their supervisor of the need for an accommodation. The employee (or the supervisor if requested by the employee) will complete the *Request for Reasonable Accommodation* form and submit it to the MSA Human Resources Office. If necessary, the supervisor will work with the Human Resources Director/ADA Coordinator to obtain documentation of the individual’s functional limitations.

- B. When an accommodation has been requested, the supervisor will, in consultation with the employee:
  - i. Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
  - ii. Determine the precise job-related limitation(s);
  - iii. Identify potential accommodations and assess the effectiveness of each; and
  - iv. Select and implement the most appropriate accommodation for both the individual and the employer.
  
- C. The supervisor and/or employee may seek technical assistance from the MSA Human Resources Office and/or the Minnesota Department of Management and Budget as needed.
  
- D. If the supervisor is unable to make a decision about a requested accommodation, they will forward the written request for accommodation along with their recommendation to the MSA superintendent within ten working days of the employee's request. The superintendent, working with MSA's Human Resources Director/ADA Coordinator, will make a decision and provide their response to the supervisor and the employee within 10 working days after receiving the request.
  
- E. If an accommodation cannot overcome existing barriers, or if the requested accommodation would cause undue hardship in the operation of the agency, the employee and MSA's Human Resources Director/ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation, utilizing the following guidance.
  - i. Look for a vacant position that is equivalent to the one held by the employee that may be appropriate.
  - ii. If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, MSA may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, MSA is not required to maintain the employee's salary at the previous level.
  - iii. Look for transfer, mobility, noncompetitive and competitive opportunities within other state agencies that might be of interest for the employee.

**IV. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION (JOB APPLICANT):**

- A. When a request for accommodation is received from a job applicant, the supervisor and a staff member from the MSA Human Resources Office will discuss the request and any possible alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.

- B. If the supervisor and the staff member from the MSA Human Resources Office are unable to make a decision, they will forward a written request for accommodation along with a recommendation to the MSA Superintendent within 3 days following the request.
- C. If the request is approved, the supervisor will make sure that the accommodation is provided. If the request is not approved, the Human Resources Director will inform the applicant in writing within 3 working days.

**V. FUNDING OF REQUESTED ACCOMMODATIONS**

Funding must be secured for reasonable accommodations which do not cause an undue hardship. The supervisor and the MSA Financial Services Director will determine the funding source at the time of the request.

**VI. PROCEDURE FOR DETERMINING WHETHER REQUESTED ACCOMMODATION IS AN UNDUE HARDSHIP**

- A. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and MSA Human Resources Director will meet to review the requested accommodation(s), and will consider:
  - i. *The nature and cost of the accommodation in relation to the size and financial resources of MSA as an employer; and*
  - ii. *The impact of the accommodation on the nature or operation of the department.*
- B. If the supervisor/Human Resources Director determine that the accommodation will impose an undue hardship, the Human Resources Director will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the superintendent within 10 working days following the employee's request or within three working days following an applicant's request.
- C. The superintendent will provide a decision in writing to the Human Resources Officer, supervisor, and employee or applicant within 3 working days after receipt of the analysis and recommendations.

**Legal References:**

42 U.S.C. § 12101 et seq. (*Americans with Disabilities Act*)