
Human Resource Policy Manual



SUBJECT: Reasonable Accommodation
Policy

POLICY #: 22

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EFFECTIVE DATE: July 27, 2006

SUPERCEDES: July 1, 2004

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Reasonable Accommodation

I. POLICY

It is the policy of the Department of Administration to reasonably accommodate qualified individuals (as defined by the Americans with Disabilities Act – ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or to enjoy equal benefits and privileges. An accommodation must provide an opportunity for a person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of an average, similarly situated employee without a disability. In such cases, the department will seek to provide an accommodation unless the accommodation causes an undue hardship or poses a direct threat to the health and safety of others in the workplace.

The Department of Administration will provide accommodations to qualified employees and job applicants with disabilities when such accommodations are directly related to performing a job or competing for a job on an equal basis. Accommodation will not be required for non-job related personal needs of individuals even though they may have a disability. The primary factors to consider in making accommodations is whether the accommodations will enable the person to perform the job on an equal basis, in the most cost-effective manner, and in the most integrated setting possible.

II. SCOPE

The Department of Administration's Reasonable Accommodations Policy applies to all departmental employees with disabilities and to any job applicants with disabilities requesting accommodation during the hiring process.

The Affirmative Action Officer/designee is designated as the department's ADA coordinator and is responsible for compliance with relevant provisions of the Americans with Disabilities Act (ADA).

III. GENERAL PROVISIONS

A. DEFINITIONS

Persons with Disabilities:

A person with a disability, for purposes of this policy, is anyone who meets the definition as stated in the Section 504 regulation of the 1973 Rehabilitation Act as amended in 1978, sub-part A, section 84.3 j1-2 and k104 and Chapter 363 of the State Human Rights Act and the Americans with Disabilities Act of 1990, Subd. P.L. 101-336, Sec. 102 C.

A person with a disability is anyone who:

- Has a physical or mental impairment that substantially or materially limits one or more of such person's major life activities; or
- Has a record of such an impairment; or
- Is regarded as having such impairment.

B. PROCEDURE FOR CURRENT EMPLOYEES REQUESTING REASONABLE ACCOMMODATION

1. Employee

- a. The employee will inform his/her supervisor, manager, Human Resource representative or department Affirmative Action Officer/designee of the need for an accommodation, and document the request by completing the Employee Request for Reasonable Accommodation (attached). If the initial request was made to someone other than the department's Affirmative Action Officer/designee, the individual who received the request must forward it on the Affirmative Action Officer/designee.
- b. Authorize the release of medical documentation, as requested by the Affirmative Action Officer/designee or applicable Human Resources Representative.

2. Supervisor/Manager

- a. Inform the department's Affirmative Action Officer/designee of all requests for accommodation.
- b. Meet with the Affirmative Action Officer/designee or applicable Human Resources Representative, as requested, to discuss the purpose and essential functions of the particular job involved and complete a step-by-step job analysis when necessary to determine the precise job-related limitations and to identify all potential accommodations and their effectiveness.

3. Affirmative Action Officer/designee or applicable Human Resources Representative

- a. The Affirmative Action Officer/designee may request medical documentation of the employee's functional limitations to support the request. All medical information received is designated as private data and will be kept separate from the employee's general personnel file, available only under the limited conditions specified in the Americans with Disabilities Act.
- b. The Affirmative Action Officer/designee will review all medical documentation received and, based on the documentation, will determine if the individual requesting an accommodation has a disability as defined by state and federal law.
- c. If the Affirmative Action Officer/designee determines that the employee has a disability as defined by state or federal law, the Affirmative Action Officer/designee or applicable Human Resources Representative will meet with the employee and supervisor to discuss the purpose and essential functions of the

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particular job involved and complete a step-by-step job analysis when necessary to determine the precise job-related limitations and to identify all potential accommodations and their effectiveness.

- d. The Affirmative Action Officer/designee or applicable Human Resource Representative and supervisor will determine the accommodation that is the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the department is free to choose among equally effective accommodations and may choose the one that is less expensive or more easily accessible.
- e. If the chosen accommodation requires the expenditure of funds, the affirmative action officer /designee will request approval from the appropriate Assistant/Deputy Commissioner. The Assistant/Deputy Commissioner will consider the available alternatives and determine whether the request is reasonable.
- f. If an accommodation cannot be made, or if the accommodation would cause an undue hardship on the operation of the business or pose a direct threat to the health or safety of others in the workplace, the Affirmative Action Officer/designee or applicable Human Resources Representative, the employee and the supervisor will work together to determine whether reassignment may be an appropriate accommodation.
- g. The Affirmative Action Officer/designee will complete the Reasonable Accommodation Agreement form (attached) and obtain necessary signatures.
- h. If a reasonable accommodation cannot be made, the Affirmative Action Officer/designee will provide the employee and supervisor with written notification explaining the reason(s) for denying approval within a reasonable time period, not to exceed 30 days after receipt of all requested medical documentation. Information related to the Department of Human Rights and the Equal Employment Opportunity Commission will be provided to the employee explaining the appeal process.

C. REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS, INCLUDING EMPLOYEES SEEKING PROMOTION

1. Supervisor/Manager

- a. Communication with job applicants who are being invited to an interview shall indicate the willingness of the department to make reasonable accommodation to a known disability.
- b. Immediately inform the Affirmative Action Officer/designee or applicable Human Resources Representative if a request is made by an applicant for an accommodation.

4. Affirmative Action Officer/designee or applicable Human Resources Representative

- a. The Affirmative Action Officer/designee or applicable Human Resources Representative shall contact the job applicant to discuss the needed

accommodation and possible accommodation alternatives.

- b. If the accommodation is approved, the Affirmative Action Officer/designee will take the necessary steps to see that the accommodation is provided.
- c. If the request for accommodation is denied, the Affirmative Action Officer/designee or applicable Human Resources Representative will provide the applicant and hiring supervisor timely written notification explaining the reason(s) for denying the accommodation.

D. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

The Department of Administration will make funds available to provide reasonable accommodations to employees and job applicants with disabilities. The Department is free to choose the specific accommodation provided to qualified persons with disabilities. The person requesting reasonable accommodations may suggest appropriate accommodations; however, the department may provide another accommodation equal to or superior to the one proposed, due to practicality, usefulness, or cost-effectiveness.

All tangible accommodations purchased by the Department of Administration will be the property of the State of Minnesota and shall be used only for job-related functions. The maintenance of equipment will be the responsibility of the department, and projected maintenance costs will be a factor in the initial decision to provide accommodations.

E. REASONABLE ACCOMMODATIONS IN EMERGENCY SITUATIONS

1. Weather Emergency During Work Hours

Capitol Security (Department of Public Safety) monitors the National Weather Services Bulletins through the National Air Warning System (NAWAS). If Capitol Security is informed through the NAWAS system that St. Paul is in danger, a public address announcement will be made immediately directing personnel to relocate.

Upon notification by Capitol Security, the floor wardens, area monitors, and assistants will then assume their particular responsibilities, and each person with a disability who is in need of assistance will be provided with identified individuals who will help him/her during emergency procedures.

In the event of a tornado warning, assistants are designated to help the person with a disability move to the ground floor corridor. If the onset of the severe weather emergency is such that there is insufficient time to relocate to the ground floor, the area monitor shall direct the assistants to help the individual(s) with a disability move to an inner office, where there are no windows or exit doors to the outside.

2. Weather Emergency Notification During Non-Work Hours

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When state officials determine that state offices will be closed, affected supervisors will contact employees identified as needing special notification to tell them of the closing.

3. FIRE EMERGENCY

When the building alarm sounds, assistants are designated to help the person with a disability to relocate him/her to a safe area of the building free from smoke or fire. One assistant will then immediately relocate to the main entrance (or other safe entrance) to await the fire department. Upon arrival of the fire department, the assistant will notify them of the individual's location and will assist fire fighters in locating the person with a disability.

Employee Request for Reasonable Accommodation



Employee Name: _____ Job Title: _____

Supervisor: _____

Date of Request: _____ Division: _____

This information will be used by _____ or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary. However, if I refuse to provide it, the employer may refuse to provide reasonable accommodation.

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.
2. How does it affect your ability to perform the job?
3. Type of accommodation you are requesting:

_____ Making facilities readily accessible	_____ Modification of equipment or devices
_____ Job restructuring	_____ Qualified reader or interpreter
_____ Part time or modified work schedule	_____ Acquisition of equipment or devices
_____ Modification to a rule, policy or practice	_____ Other (specify):

Please describe in detail the accommodation you are requesting.

4. How will the requested accommodation be effective in allowing you to perform the essential functions of your job?
5. Additional Comments:

Signature of Employee: _____ Date: _____

**Reasonable Accommodation
Agreement Form**



This form is to be completed by the Department’s Affirmative Action Officer after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the department to the specific accommodation.

Employee:	Division:
<p>The request for reasonable accommodation to the needs of the above named employee with a disability was:</p> <p><input type="checkbox"/> ACCEPTED <input type="checkbox"/> DENIED</p> <p>Justification for the decision (indicate specific factors considered):</p>	
<p>If reasonable accommodation was approved, was the employee’s suggestion accepted?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIALLY</p> <p>REASON:</p> <p>DESCRIBE specific accommodations to be made:</p>	
COST ESTIMATE:	
I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the department will become property of the State of Minnesota.	
Signature of Employee:	Date
	Date

IV.