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## Minnesota Court of Appeals Affirms that the Minnesota Human Rights Act Does Not Impose a Duty on Employers to Engage in an Interactive Process to Identify Possible Disability Accommodations

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- **Minnesota Court of Appeals Affirms that the Minnesota Human Rights Act Does Not Impose a Duty on Employers to Engage in an Interactive Process to Identify Possible Disability Accommodations**

The case is *Thaleaha McBee v. Team Industries, Inc.* [No. 03-CV-15-1470, January 16, 2018]. There McBee was an employee of Team, and engineering and manufacturing company operating a foundry and aluminum die-casting facility.

Among the essential functions of the job held by McBee was the ability “...to operate, maintain, and repair heavy machinery, move heavy metal parts, and lift objects weighing 30 pounds or more.”

McBee provided Team with a letter from her physician imposing a ten pound lifting restriction due to her having spinal disc narrowing, a bulged disc, and bone spurs in her vertebrae. Two days later, after placing McBee on a machine that did not require lifting of more than ten pounds, and after a meeting with Team’s human resources department to discuss possible accommodations, Team terminated McBee due to concerns relating to her medical conditions. McBee filed suit under the Minnesota Human Rights Act (MHRA) alleging, among other things, that Team violated the Act by failing to engage with her in an interactive process to survey possible accommodations.

The district court gave summary judgment to Team and McBee took her appeal to the Minnesota Court of Appeals which affirmed the summary judgment concluding with regard to the interactive process that the MHRA does not require an employer to engage in such an interactive process.

In its decision that Court of Appeals noted that “While federal cases interpreting the Americans with Disabilities Act (ADA) generally guide our interpretation of the MHRA, the interactive process requirement is one area where the two laws diverge.” The court went on to note that ADA regulations suggest and Eighth Circuit case law requires such an interactive process for claims under the ADA.

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However, the court noted “...such a requirement does not appear in the MHRA, in any state rules, or in any published Minnesota case law. Because the ADA predates the MHRA, we must assume that the Minnesota legislature consciously refrained from including in the MHRA the interactive process language of the ADA.”

The court went on to acknowledge that the Eighth Circuit has held that the MHRA requires an interactive process but that the Eighth Circuit cited federal law (language in the ADA) for this ruling and not language in the MHRA. “Based on the statutory language omitting such a process, we hold that the MHRA does not require an employer to engage in an interactive process to determine an appropriate reasonable accommodation.”

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