

METROPOLITAN STATE UNIVERSITY REGULATIONS



Reasonable Accommodations in Employment

University Procedure #520

Section 1. Purpose

It is the policy of the Minnesota State Colleges and Universities (MnSCU), of which Metropolitan State University is a member, to encourage the employment and promotion of any qualified individual, including qualified individuals with disabilities. The university will not discriminate in providing reasonable accommodations to qualified individuals with a disability in regard to job application procedures, hiring, advancement, discharge, employee compensation, job training or other terms, conditions, and privileges of employment. This applies to all current employees, including student employees, employees seeking promotion, and job applicants.

This procedure sets forth the course of action the university will take to respond to requests for reasonable accommodations in employment based on an applicant's or an employee's disability under the terms of the Americans with Disabilities Act (1990) as amended, Section 363 of the Minnesota Human Rights Act, and Section 504 of the Minnesota Rehabilitation Act. The scope of this procedure is limited to reasonable accommodations; it is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Section 2. Authority

This procedure is issued pursuant to the authority granted under Minnesota State Colleges and Universities (MnSCU). Board Policy 1A.1, Part 3, Subpart E, MnSCU Policy 1B.1, MnSCU Procedure 1B.0.1, the Americans with Disabilities Act (1990) as amended, Section 363 of the Minnesota Human Rights Act, and Section 504 of the Minnesota Rehabilitation Act.

Section 3. Effective Date

This procedure shall become effective upon signature by the President, and remain in effect until modified or expressly revoked.

Section 4. Responsibility

The person responsible for implementing this procedure and administering requests for reasonable accommodations is the Chief Human Resources Officer of Metropolitan State University.

Section 5. Procedure

1. Definitions:

- a. “*Employer*” is the university, not the individual supervisor or department.
- b. “*Individual with a disability*” for purposes of determining reasonable accommodation is any applicant, current employee (including student employees), or employee seeking promotion who has a physical or mental impairment which substantially or materially limits one or more of the person’s major life activities. Generally, a disabling physical or mental condition which is expected to be temporary and from which the individual is expected to recover is not considered a disability for purposes of this policy.
- c. “*Qualified individual with a disability*” is an individual with a disability who meets the requisite skills, education, experience, and other job-related requirements of the job and who, with or without reasonable accommodation, can perform the essential functions of the job.
- d. “*Essential functions*” are the fundamental job duties of the position in question. The term does not include the marginal functions of the position.
 - i. A job function may be considered essential for any of several reasons, including but not limited to the following:
 1. The reason the job exists is to perform that function.
 2. The limited number of employees available among whom the performance of that job function can be distributed.
 3. The incumbent in the position is hired for his/her expertise or ability to perform that highly specialized function.
 - ii. Evidence of whether a particular function is essential includes, but is not limited to
 1. The employer’s judgment as to which functions are essential;
 2. Written job descriptions;
 3. The amount of time spent on the job performing the functions;
 4. The consequences of not requiring the incumbent to perform the function;
 5. The terms of a collective bargaining agreement;
 6. The work experience of past incumbents in the job; and/or
 7. The current work experience of incumbents in similar jobs.
- e. “*Reasonable accommodation*” is a modification or adjustment to the job, employment practice, or work environment that enables a qualified individual with a disability to perform the essential functions of the job as identified at the time of the reasonable accommodation request and to access equal opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer has a responsibility to make reasonable accommodations for individuals with a disability only if the disability is known and the accommodation is not an undue hardship for the employer.

2. Right to Representation:

In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.

3. Job-Related Accommodations:

Metropolitan State University will provide, at university expense, reasonable accommodations to qualified employees/job applicants and employees with disabilities seeking promotions when such accommodations are directly related to performing a job or competing for a job on an equal basis provided that the following conditions are met:

- a. The disability is known.
- b. The accommodation is not an undue hardship to the employer.
- c. The accommodation is job-related.

Once a need for reasonable accommodation has been identified, Metropolitan State University retains the authority to choose the specific accommodation and is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide.

All tangible accommodations purchased by the university will be the property of the State of Minnesota and shall be used only for job related functions. The university will consider both cost and maintenance of equipment in the initial decision to provide accommodations.

The university will not be responsible for providing accommodations needed to meet the personal needs of individual. Transportation to and from work is the personal responsibility of the employee and will not be provided as part of reasonable accommodation.

4. Undue Hardship:

In determining whether or not the making of a reasonable accommodation would impose an “undue hardship” on the operation of the university program, factors to be considered must include:

- a. The overall size of the program (i.e., number and type of facilities, size of budget);
- b. The type of operation including the composition and structure of the workforce;
- c. The nature and net cost of the accommodation needed;
- d. The impact of the accommodation upon the operation of the university, including the impact on the ability of other employees to perform their duties and the impact on the university’s ability to conduct business.
- e. The reasonable ability to finance the accommodation at each site of business; and
- f. Documented good faith efforts to explore fewer restrictive or less expensive alternatives, including consultation with the person with a disability or with knowledgeable persons with disabilities or organizations.

5. Request for Reasonable Accommodations by Job Applicants

- a. All initial communication with job applicants regarding job vacancies and subsequent invitation for interview will indicate the willingness of the university to make reasonable accommodation. Candidates invited for an interview will be informed to contact the Chief Human Resource Officer immediately if they have special needs which necessitate accommodation during the interview process.
- b. Individuals seeking accommodation will contact the Chief Human Resources Officer/designee to discuss the needed accommodation and possible alternatives. Requests will be handled in a timely manner in order to ensure that the accommodation is provided at the interview.
- c. The Chief Human Resources Officer will approve or deny the request for accommodation. If the accommodation is approved, the Chief Human Resources Officer ensures that the accommodation is provided during the interview process. If the requested accommodation is denied, the Chief Human Resources Officer will advise the applicant of the denial and of their right to file a complaint with the Department of Human Rights, the Equal Employment Opportunity Commission or other legal channels prior to his/her arrival for the interview.
- d. Persons with disabilities who are hired will make requests for accommodation using the same procedures as current employees. The future employee should initiate their request for reasonable accommodations as early as possible prior to starting work.

6. Request for Reasonable Accommodations by Current or New Employees (Including Students)

- a. The employee self-discloses the disability to their (current or future) supervisor or to the university's Chief Human Resources Officer. The employee completes and returns the following written documentation:
 - Employee/Applicant Request for ADA Reasonable Accommodation
 - Authorization for Release of Medical Information for ADA Reasonable Accommodations
 - Documentation for Determining ADA Eligibility from a Medical Provider
- b. Following receipt of the written documentation, the supervisor, Chief Human Resources Officer, and employee with a disability consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistive devices.
- c. The Chief Human Resources Officer will approve or deny reasonable accommodation requests.
- d. The Chief Human Resources Officer will inform persons with disabilities of the approval or denial of their requests for accommodations, the particular accommodations to be provided, and timeline.

7. Denial of Accommodation

The university may deny employment or advancement in employment based on the inability of an individual with a disability to perform the essential functions of the job and may decline to make accommodations to the physical or mental needs of an employee or job applicant with a disability if:

- a. The accommodation would impose an undue hardship on the university; or
- b. The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
- c. Having the individual in the job would create a direct threat because of a significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodation.

The Chief Human Resources Officer will keep records of all formal requests for reasonable accommodation and their resolution (approval or denial). If the university denies a request for reasonable accommodation, the Chief Human Resources Officer will inform the employee in writing of the decision and of the employee's right to appeal within the university or with other government agencies such as the Minnesota Department of Human Rights and the Equal Employment Opportunity Commission.

8. Appeals

An employee may appeal denial of a requested accommodation to the president within ten working days of receipt of the letter of denial. The president will issue a final written determination to the affected parties within ten working days of receipt of appeal. If the employee is still dissatisfied with the decision, she/he may file with federal, state or local human rights departments.

9. Implementation

The university will provide information and materials pertaining to ADA requirements for reasonable accommodation to university supervisors and employees as needed to effectively carry out this procedure.

Section 6. Review

This procedure will be reviewed every five years or as needed.

Section 7. Signatures

Issued on this date: Oct. 3, 2014



Devinder Malhotra, Interim President