MINNESOTA STATE UNIVERSITY MOORHEAD
REASONABLE ACCOMMODATION POLICY AND PROCEDURES

POLICY:

It is the policy of The Minnesota State Colleges and Universities (MnSCU), of which Minnesota State University Moorhead is a member, to encourage the employment and promotion of any qualified person, including persons with disabilities. The MnSCU system office and colleges and universities will provide reasonable accommodations directly related to performing the essential functions of a job or competing for a job on the basis qualifications, without regard to a person’s disability.

Each MnSCU college and university shall develop procedures, practices and standards to carry out the intent and spirit of the Americans with Disabilities Act of 1990 consistent with the following principles.

1. Reasonable accommodation will not be provided for non-job related personal needs of individuals, even though the individual may be disabled. In such cases questions may arise as to whether the accommodation is personal or job-related. The primary factor in evaluating an accommodation’s job relatedness is whether the accommodation specifically assists the person in daily activities, on and off the job. In the latter case, a reasonable accommodation is not required.

2. If MnSCU denies employment or advancement in employment based on an individual with a disability’s inability to perform and declines to make reasonable accommodations to the physical or mental needs of an employee with a disability or job applicant with a disability to enable the individual to perform the essential functions of the job, it must be demonstrated that: a) the accommodation would impose an undue hardship on the MnSCU system office, colleges and universities; b) the accommodation does not overcome the effects of the person’s disability which allows that person to perform the essential job functions; or c) the person with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job.

3. Transportation to and from work is the responsibility of the employee with a disability. The MnSCU system, colleges and universities will not provide transportation to and from work as part of reasonable accommodation.

4. Each MnSCU college and university is responsible for establishing a procedure for employees with disabilities to make requests for reasonable accommodations. Such a procedure, at a minimum, must include the following:
   a. MnSCU policy statement and definitions.
   b. Assignment and identification of a staff member responsible for administering reasonable accommodations.
   c. Where a college or university determines it cannot provide reasonable accommodation due, in part, to financial considerations, the college/university shall consult with the system office prior to a final determination.
   d. Provide a process for appealing a denial of a request for reasonable accommodations.
DEFINITIONS:

Individual with a Disability – An individual with a disability is any employee, including student employee, or applicant, who:

1. Has a physical or mental impairment which substantially limits one or more of such person’s major life activities.

2. Has a record of such impairment, which means that a person has a history of, or has been classified as, having a mental or physical impairment that substantially limits one or more major life activities.

3. Is regarded as having such an impairment, which means:

   a. Has a physical or mental impairment that may not substantially limit major life activities, but is treated by an employer as constituting such a limitation;

   b. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or

   c. Has no impairment but is treated by an employer as having such an impairment.

Qualified Individual with a Disability – A qualified individual with a disability is an employee, including student employee, or applicant, who meets the minimum education, experience and training requirements of the job and who, with or without reasonable accommodation, can perform the essential functions of the job.

Temporary Disabling Condition – Generally, a disabling medical or mental condition which is expected to be temporary and from which the individual is expected to recover is not a disability. However, if the temporary disabling condition develops into a substantial impairment, it may be considered a disability and reasonable accommodations may be considered.

Reasonable Accommodation – A reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to perform the essential functions of the job and to access equal employment opportunities. Reasonable accommodations may also include those things which make a facility and its operations readily accessible to and usable by persons with disabilities. Under the ADA the employer has a responsibility to make reasonable accommodations only to known disabilities of employees, including student employees, and job applicants.

Undue Hardship – In determining whether or not the making of a reasonable accommodation should impose an “undue hardship” on the operation of the MnSCU system office, colleges and universities, the following factors must be considered:

1. The overall size of the program (i.e., the number and type of facilities, size of budget);

2. The type of operation, including the composition and structure of the workforce;

3. The cost of the accommodation needed;

4. The reasonable ability to finance the accommodation at each site of the business; and

5. Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.
**Direct Threat** – An individual presents a direct threat where the individual cannot perform the essential functions of the job without creating a significant risk to the health and safety of the individual or others, and the risk cannot be eliminated by reasonable accommodation.

**PROCEDURE – EXISTING EMPLOYEES**

Employees who wish to request a reasonable accommodation shall contact the Director of Human Resources. He/she shall, in consultation with the employee:

1. Discuss the purpose and essential functions of the particular job involved. Completion of a job analysis may be necessary;

2. Determine the precise job-related limitation;

3. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and

4. Select and implement the accommodation that is most appropriate for both the employee and the employer. While an individual’s preference will be given consideration, Minnesota State University Moorhead is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

Minnesota State University Moorhead may request documentation of the employee’s disability and functional limitations to support the request for accommodation.

In making the determination of an appropriate accommodation, the supervisor, the ADA Coordinator and the bargaining unit representative may also be contacted to discuss the request.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the University, a reassignment may be considered. The Director of Human Resources may first look for a vacant position equivalent to the one presently held by the employee in terms of pay and other job status. If the employee with the disability is not qualified for such a position, the University may reassign the employee to a lower graded vacant position for which the employee is qualified, as a reasonable accommodation. If this occurs, the University is not required to maintain the individual’s salary at the previous level.

Moorhead State University is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

**PROCEDURE – JOB APPLICANTS**

When a request for accommodation is received from an applicant, the Director of Human Resources will discuss the needed accommodation and possible alternatives with the applicant.

The Director of Human Resources will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

**DENIAL OF REQUEST FOR ACCOMMODATION**

If a request for accommodation is denied, the Director of Human Resources will inform the employee or applicant of the reason(s) for nonapproval, in writing. This information will be kept on file in the Human Resources Office, for a minimum of three years. All denials will be reviewed by the ADA Coordinator.
APPEAL PROCESS

An employee or applicant who has been denied accommodation may appeal to the President or designee, in writing, within 10 working days of the notification of denial. The President or designee shall issue his/her decision, in writing, within 10 working days of receipt of the appeal, and mail copies of his/her decision to the employee, the Director of Human Resources and the ADA Coordinator.

An employee or applicant who has been denied accommodation also has a right to file a complaint of discrimination with the Minnesota Department of Human Rights and/or the U.S. Equal Employment Opportunity Commission.

Minnesota Department of Human Rights
Army Corps of Engineers Centre
190 E. 5th Street, Suite 700
St. Paul, MN  55101

U.S. Equal Employment Opportunity Commission
Minneapolis Area Office
330 2nd Avenue South, Suite 430
Minneapolis, MN  55401-2224