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 individual, including qualified individuals with disabilities. In accordance with the Americans with Disabilities Act, the Minnesota Human Rights Act, and the Rehabilitation Act, the MnSCU system office and colleges and universities 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 policy applies to all current employees, including student employees, employees seeking promotion, and job applicants.

Definitions:

Employer: For purposes of this procedure, the employer is the system office, college or university.

Essential Functions: Essential functions are the fundamental job duties of the position in question. The term does not include the marginal functions of the position.

1. A job function may be considered essential for any of several reasons, including but not limited to the following:

   a. The function may be essential because the reason the position exists is to perform that function;

   b. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or

   c. The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

2. Evidence of whether a particular function is essential includes, but is not limited to:

   a. The employer’s judgment as to which functions are essential;

   b. Written job descriptions;

   c. The amount of time spent on the job performing the function;

   d. The consequences of not requiring the incumbent to perform the function;

   e. The terms of a collective bargaining agreement;

   f. The work experience of past incumbents in the job; and/or

   g. The current work experience of incumbents in similar jobs.

Individual with a Disability: An individual with a disability for the purposes of determining reasonable accommodations is any applicant, current employee, including student employees, or employees seeking promotion, who has a physical or mental impairment which substantially or materially limits one or more of such individual’s major life activities.
Qualified Individual with a Disability: A qualified individual with a disability is an individual with a disability who meets the requisite skill, 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.

Reasonable Accommodations: A reasonable accommodation is a reasonable modification or adjustment to a job or employment practice or the 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 employment 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 it is not an undue hardship as defined below (Undue Hardship definition).

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 under this procedure.

Undue Hardship: In determining whether providing a reasonable accommodation would impose an undue hardship on the employer, the factors to be considered include:

1. The nature and net cost of the accommodation needed;
2. The overall financial resources of the employer involved in the provision of the reasonable accommodation, the number of persons employed, and the effect on expenses and resources;
3. The overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type and location of its facilities;
4. The type of operation or operations of the employer, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the employer in question to the covered entity; and
5. The impact of the accommodation upon the operation of the employer, including the impact on the ability of other employees to perform their duties and the impact on the employer’s ability to conduct business.

Assignment of Responsibility

The Director of Human Resources is responsible for administering requests for reasonable accommodations for current employees, employees seeking promotion, and job applicants.

The ADA Coordinator is available to answer questions and provide information regarding the Reasonable Accommodations in Employment policy and procedure.

Procedure – Current Employees and Employees Seeking Promotion:

Current employees and employees seeking promotion 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 preferences will be given consideration, the University may choose an effective accommodation which is less expensive or easier to provide.

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

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

**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.

**Policy for Funding Accommodations:**

Approved accommodations provided to the individual are the financial responsibility of the University.

**Appeals:**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal, in writing, with the President within 10 working days, for a final decision.

If the individual believes the decision is based on discriminatory reasons, he/she may file a complaint internally through the University’s complaint procedure (MnSCU 1B.1.1 Report/Complaint of Discrimination/Harassment – Investigation and Resolution procedure) or externally.