

## REASONABLE ACCOMODATIONS POLICY

### 1.0 Purpose:

It is the policy of Central Lakes College 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 accommodation directly related to performing the essential functions of a job or competing for a job on the basis of 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 Disability Act of 1990 consistent with the following principles.

- 1.1 Reasonable accommodations 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.
- 1.2 If CLC 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 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.
- 1.3 Transportation to and from work is the responsibility of the employee with a disability. CLC will not provide transportation to and from work as part of reasonable accommodation.
- 1.4 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 staff responsible for administering reasonable accommodations. The responsible person at CLC in determining reasonable accommodations for employees is the Director of Human Resources. Judy Richer, Disability Coordinator and Associate Dean of Students is the ADA Coordinator for CLC and is responsible for the College's ADA compliance.
  - 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.

### 2.0 Definitions:

- 2.1 Employer: The employer is the system office, college or university.

2.2 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.

2.3 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. Generally, a disabling physical 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.

2.4 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.

2.5 Reasonable Accommodations: A reasonable accommodation is a 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 made 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.

### 3.0 Providing Reasonable Accommodations:

Central Lakes College uses a checklist to initially process the request for reasonable accommodation.

1. Determine if the applicant/employee has a qualified disability.
2. Determine if the applicant/employee is qualified to perform the essential functions of the job without an accommodation.
3. Determine if there is a reasonable accommodation that can be made so that the applicant/employee can perform the job.
4. Determine if the reasonable accommodation is feasible or would cause an undue hardship to the college operations.

### 3.1 The following are samples of the accommodations provided to potential, new or existing employees:

1. Acquiring or modifying equipment or assistive devices
2. Job restructuring
3. Part-time or modified work schedules
4. Reassignment to a vacant position
5. Adjusting or modifying training materials or policies

6. Providing readers and interpreters
7. Making the workstation accessible to and usable by employees with disabilities

3.2 When a qualified individual with a disability requests a reasonable accommodation, several different methods are used to identify the appropriate accommodation. Each accommodation is made on a case by case basis.

1. The individual may suggest a reasonable accommodation based on his or her own life or work experience.
2. Consultation occurs informally with the applicant or employee about a potential accommodation that would enable the person to participate in the application process or perform the essential functions of the job.
3. If neither of the above methods are satisfactory, the State EEOC, State Rehabilitation Agencies, Job Accommodation Network (JAN) or the State ADA Coordinator may be contacted to assist in identifying or providing services.

3.3 The key to the selection of an accommodation is the effectiveness of the accommodation. It may not be the accommodation that the individual prefers, but it should be the most effective within the scope of the job.

4.0 Each year, Central Lakes College sets aside budget dollars from the general fund to prepare for possible accommodation requests. These dollars are used for maintenance of existing adaptive equipment, purchase of new equipment and for consultation fees. Additional resources, for larger projects that benefit the college as a whole, are sought through grant writing activities, donations and other outside resources. If additional dollars are needed to fund accommodations beyond the identified budget, the College would need to transfer the appropriate dollars from the general fund.

4.1 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.

4.2 When an accommodation has been identified as undue hardship, the following options may be considered:

1. Can we identify another accommodation that is more reasonable?
2. Is there any funding such as vocational rehabilitation that we can access?
3. Would the employee be willing to pay for a part of the cost accommodation?

5.0 Appeals - Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the CLC ADA Coordinator, Judy Richer, within a reasonable period of time, for a final decision. If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure.

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