

1B.0.1 Reasonable Accommodations in Employment Policy

Purpose: Central Lakes College's policy encourages the employment and promotion of any qualified person, including persons with disabilities. The Minnesota State 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 based on qualifications, without regard to a person's disability.

Each Minnesota State 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 accommodations will not be provided for individuals' non-job-related personal needs, even if they have a disability. In such cases, questions may arise about 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, both on and off the job. In the latter case, a reasonable accommodation is not required.
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 MinnState 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. CLC will not provide transportation to and from work as part of a reasonable accommodation.
4. Each Minnesota State College and university is responsible for establishing a procedure for employees with disabilities to request reasonable accommodations. Such a procedure, at a minimum, must include the following:
 - a. MinnState policy statement and definitions.
 - b. Assignment and identification of staff responsible for administering reasonable accommodations. The Vice President of Human Resources is responsible for determining reasonable accommodations for CLC employees. The Dean of Students,

Wellness & Equity is the ADA Coordinator for CLC and is accountable for the College's ADA compliance.

5. Where a college or university determines that it cannot provide a reasonable accommodation, in part due to financial considerations, the college/university shall consult with the system office before making a final determination.
6. Provide a process for appealing a denial of a request for reasonable accommodations.

DEFINITIONS

Employer: The employer is the system office, College, or university.

Essential Functions: Essential functions are the fundamental job duties of the position. 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 position exists 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 the incumbent is hired for their expertise or ability to perform it.
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.

An individual with a Disability: To determine reasonable accommodations, an individual with a disability is any applicant, current employee, including student employees or employees seeking promotion, who has a physical or mental impairment that substantially or materially limits one or more of that individual's major life activities. Generally, a disabling physical or psychological condition that is expected to be temporary and from which the individual is expected to recover is not a disability under this procedure.

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 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 that make a facility and its operations readily accessible to and usable by individuals with disabilities. Under the law, the employer is responsible for making reasonable accommodations for individuals with a disability only if the disability is known and the accommodations do not constitute an undue hardship.

Providing Reasonable Accommodations: Central Lakes College initially uses a checklist to process requests for reasonable accommodations.

1. Determine if the applicant/employee has a qualified disability.
2. Determine if the applicant/employee is qualified to perform the job's essential functions without an accommodation.
3. Determine if a reasonable accommodation can be made so that the applicant/employee can perform the job.
4. Determine whether the reasonable accommodation is feasible and would not cause an undue hardship to the College's operations.

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

When a qualified individual with a disability requests a reasonable accommodation, several 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 their life or work experience.
2. Consultation occurs informally with the applicant or employee to discuss a potential accommodation that would enable the person to participate in the application process or perform the essential functions of the job.
3. Suppose neither of the above methods is satisfactory. In that case, 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.

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

Central Lakes College sets aside budget dollars from the general fund each year to prepare for possible accommodation requests. These dollars are used to maintain existing adaptive equipment, purchase new equipment, and pay consultation fees. Additional resources for larger

projects that benefit the College are sought through grant writing, donations, and other external sources. If additional funds are needed to cover accommodations beyond the identified budget, the College must transfer the necessary dollars from the general fund.

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 employer's overall financial resources are used to provide reasonable accommodations, determine the number of employees, and assess the impact on expenses and resources.
3. The employer's overall financial resources, the size of the employer's business in terms of the number of 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 effect on the ability of other employees to perform their duties, and the impact on the employer's ability to conduct business.

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

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

Appeals: Employees or applicants dissatisfied with the decision(s) on their accommodation request may file an appeal with the compliance officer within a reasonable period for a final decision. If the individual believes the decision is based on discriminatory reasons, they may file a complaint internally through the agency's complaint procedure.

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