

## **SOUTHWEST MINNESOTA STATE UNIVERSITY**

### **POLICY**

#### **REASONABLE ACCOMMODATION**

It is the policy of the Minnesota State Colleges and Universities (MnSCU), of which Southwest Minnesota State University is a member, to encourage the employment and promotion of any qualified person, including persons with disabilities. The system office, college, or 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.

#### **Definitions**

1. Any person who has a physical or mental impairment, which substantially limits one or more of such person's major life activities.
2. Any person who 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. Any person who is regarded as having such and impairment which means:
  - Has a physical or mental impairment that may not substantially limit major life activities but that is treated by others as constituting such a limitation.
  - Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment.
  - Has no impairment, but is treated by others as having such impairment.

#### **Procedure for Requesting a Reasonable Accommodation – Employee/Employees Seeking Promotion**

1. The employee will inform his/her supervisor of the need for an accommodation. The employee or the supervisor, if requested by the employee, will complete the Intake Form, available from the Human Resources Office.
2. When an accommodation has been requested, the supervisor will, in consultation with the employee:
  - Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis)
  - Determine the precise job-related limitation s)
  - Identify potential accommodations and assess the effectiveness of each accommodation.
  - Obtain a release, which enable the University to request information from medical providers.
3. If possible, the supervisor and employee will select and implement the most appropriate accommodation for both the individual and the employer.
4. If the supervisor is unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with the above information to the ADA Coordinator. The ADA Coordinator will review information and request information from the medical providers.

5. The ADA Coordinator working with the Human Resource Office and the supervisor will make the decision and provide the response to the employee within 10 working days after receiving adequate documentation.
6. If the accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of SMSU, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.
  - Look for a vacant position that is equivalent to the one held by the employee.
  - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
  - Look for a transfer, mobility, noncompetitive and competitive opportunities.

### **Procedure for Requesting a Reasonable Accommodation – Job Applicant**

1. When a request for accommodation is received from a job applicant, the supervisor and Human Resources will discuss alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
2. If it is determined that the accommodation will impose an undue hardship, the ADA Coordinator will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the President within 10 working days following the adequate documentation or within three working days following an applicant's request.
3. The President will provide a decision in writing to the ADA Coordinator and the employee or applicant within 3 working days after receipt of the analysis and recommendation.

### **Procedure for Determining Whether Requested Accommodation is an Undue Hardship**

1. If, in the opinion of the supervisor receiving the request for an accommodations, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor, Office of Human resources, ADA Coordinator and Affirmative Action Officer will meet to review the requested accommodation and will consider:
  - The nature and cost of the accommodation in relation to the size and financial resources of SMSU as an employer
  - The impact of the accommodation on the nature or operation of the department.
2. If it is determined that the accommodation will impose an undue hardship, the ADA Coordinator will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the President within 10 working days following the adequate documentation or with three working days following an applicant's request.
3. The President will provide a decision in writing to the ADA Coordinator and the employee or applicant with three working days after receipt of the analysis and recommendation.

### **Funding of Accommodations**

Funding will be approved by the department for reasonable accommodations, which do not cause undue hardship. The supervisor and/or vice president will determine the funding source at the time of the request.