Part 1. Purpose. This procedure sets forth the process to be used for responding to requests for reasonable accommodations in employment based on an applicant's or employee's disability. The scope of this procedure is limited to reasonable accommodations, and is not intended to fully describe other provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Part 2. Reasonable Accommodations in Employment. It is the policy of Dakota County Technical College (DCTC) to encourage the employment and promotion of any qualified individual including qualified individuals with disabilities. The college 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.

Part 3. Definitions. For purposes of this procedure, the following terms have the meaning given them.

Subpart A. Employer: The employer is the college.

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

Subpart C. 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.

Subpart D. 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.

Subpart E. 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 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 under Part 6, Subpart C.


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Part 5. Right to Representation. In accordance with applicable collective bargaining agreement language, employees may have the right to request and receive union representation during the reasonable accommodations process.


Subpart A. Job Relatedness. Reasonable accommodations will be provided only for job-related needs of individuals with a disability. The primary factor in evaluating an accommodation's job relatedness is whether the accommodation specifically assists the individual to perform the essential functions of the job as identified at the time of the reasonable accommodation request. If the requested accommodation is primarily for the benefit of the individual with a disability to assist that individual in daily personal activities, the employer is not required to provide the accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability; it may include the appropriate union representative as provided by the applicable collective bargaining agreement.

Subpart B. Essential Functions. The college may deny employment or advancement in employment based on the inability of an individual with a disability to perform the essential functions of the job and may decline to make accommodations to the physical or mental needs of an employee or job applicant with a disability if:

1. The accommodation would impose an undue hardship on the college as provided under Subpart C.
2. The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job.
3. Having the individual in the job would create a direct threat because of a significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodation.

Subpart C. 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, the geographic separateness and administrative or fiscal relationship of the employer in question to the covered entity.
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.
Subpart D. Documentation. Documentation of a disability is required as part of the reasonable accommodation process unless the nature and extent of the disability is already known to the employer, or as a practical matter, the requested accommodation is minimal and the employer makes modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this procedure.

Subpart E. Choice of Accommodations. The employer is not required to provide the specific accommodation requested by the individual and may choose an effective accommodation which is less expensive or easier to provide. Accommodations provided to the individual are the financial responsibility of the employer.

Subpart F. Request Process.

Applicants
- Job applicants requesting accommodations should contact the Director of Human Resources.
- Applicants may be asked to provide documentation from a qualified professional.
- The Human Resources Director or a designated representative will approve or deny accommodation requests in a manner compliant with ADA provisions.
- Appeal procedures are outlined in the ADA Policy Manual and will be provided upon request.

Employees
- Employees requesting accommodations should contact their supervisor.
- Employees may be asked to provide documentation from a qualified professional.
- The supervisor will review the request and consult with the employee, the ADA Coordinator, the Director of Human Resources, and the Dean or Supervisor of the work unit regarding the request and an appropriate response.
- The ADA Coordinator may arrange to have additional medical or rehabilitation specialists evaluate the essential functions of the job and/or employee's capabilities in order to recommend possible accommodations.
- The employee will be informed of the decision regarding the accommodation request in writing within 20 working days. If the 20-day working limit cannot be met, the supervisor will meet with the employee to agree on a reasonable time limit.
- In accordance with applicable collective bargaining agreements, employees may have the right to request and receive union representation during the reasonable accommodations process.

Subpart G. Appeal.
- An employee may appeal the decision to the Affirmative Action Officer within 30 calendar days of receipt of decision.
- Upon receipt of a written appeal, the Affirmative Action Officer will conduct an investigation and provide the employee with a written decision within 25 working days of receiving the appeal. If it is not possible to meet this deadline, the Affirmative Action Officer will indicate, in writing, the need for an extension and set a new deadline.
- If unsatisfied with this determination, any party to the matter may file a written request to the College President for a final determination.

Part 7. Application. Nothing in this procedure is intended to expand, diminish or alter the provisions of the Americans with Disabilities Act or the Minnesota Human Rights Act.

Reference: MnSCU Procedure 1B.01 Reasonable Accommodations in Employment
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