

Northland Community and Technical College

4050P Reasonable Accommodations Procedure

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

Subpart A. Employer: The employer is the system office or Northland Community and Technical 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; 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.

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 covered 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 have access to 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 5, Subpart C.

Part 3. Identification of Assigned Staff Member. The responsible person at NCTC in determining reasonable accommodations for employees, applicants, and the general public is Becky Lindseth, Interim Director of Human Resources. The responsible person at NCTC in determining reasonable accommodations for students on both the EGF and TRF Campuses is Sara Johnson, Director of Academic Success Center.

Part 4. 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.

Part 5. Providing Reasonable Accommodations.

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. The process may include the appropriate union representative as provided by the applicable collective bargaining agreement.

Subpart B. Essential Functions. The system office or NCTC 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 under the following provisions:

1. The accommodation would impose an undue hardship on the system office or NCTC as provided under Subpart C.; or
2. The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
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, 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.

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. Individuals who wish to request a reasonable accommodation shall contact the Director of Human Resources. In consultation with the individual, the Director of Human Resources will

1. Discuss the purpose and essential functions of the particular position involved. Completion of a job analysis may be necessary.

In order to be considered for job and promotional opportunities, the individual must

- Satisfy job requirements for educational background, employment experience, skills, licenses, and any other qualifications that are job related.
- Be able to perform those tasks that are essential to the job with or without a reasonable accommodation.

Essential job functions: The system office or NCTC 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

- The accommodation would impose an undue hardship on the system office or NCTC; or
- The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of that particular job; or
- 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.

2. Determine the precise job-related limitation;
3. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual 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 preference will be given consideration, Northland Community and Technical College is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

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 modifying work schedules
4. Reassigning 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 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 is 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.

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.

Each year, Northland Community and Technical College sets aside a budget of \$5000 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.

In making the determination of an appropriate accommodation, the supervisor, the State ADA Coordinator, and the bargaining unit representative may also be contacted to discuss the request.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the college, a reassignment may be considered for current employees. The Director of Human Resources may first look for a vacant position equivalent to the one presently held by the employee in terms of pay and other job status. If the employee with the disability is not qualified for such a position, the college may reassign the employee to a lower graded vacant position for which the employee is qualified, as a reasonable accommodation.

Northland Community and Technical College is not required to create a new job or to bump another employee from a job to provide a reassignment as a reasonable accommodation.

Part 6. Appeals. Individuals who are dissatisfied with the decision(s) pertaining to an accommodation request may file an appeal with the NCTC ADA Coordinator, within a reasonable period of time, for a final decision. If the individual believes the decision is based on discriminatory reasons, then he or she may file a complaint internally through NCTC's complaint procedure.

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.

Date of Adoption: 2/8/07

Date of Implementation: 2/8/07

Date & Subject of Revisions: 3/21/16 updated names/titles

1/22/20 updated names/titles

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

This information will be used by _____ or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary; however, if you refuse to provide it, your employer may refuse to provide reasonable accommodation.

Employee Name	Classification & Working Title	Date of Request
College/Campus	Statement of Limitations (Attach medical statement if requested by manager.)	
<i>Attach additional sheets if necessary.</i>		
1. Type of accommodation requested to perform essential functions of your job:		
2. Which essential function(s) of your job will the requested accommodation allow you to perform?		
3. Why is the requested accommodation necessary to perform the essential job function(s). How will the accommodation be effective?		
4. Have any non-essential job functions been eliminated? Please describe.		
Additional Explanation:		
<i>I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the college will become the property of the State of Minnesota. I understand that future circumstances may cause this agreement to be changed or cancelled.</i>		
Signature of Employee	Date	
<i>It is MnSCU and NCTC policy to ensure that the selection process is accessible to all candidates. Please contact the Human Resources Office at (218) 683-8630 to obtain these materials in an alternative media and/or to request a reasonable accommodation during the selection process.</i>		

Please print or type this page of form and submit to Human Resources Office.