

Century Community and Technical College

1B.0.1.1 Reasonable Accommodations in Employment

Students are covered under Minnesota State Colleges and Universities Board Policy 1B.4.0.1 Student ADA Access Complaint Procedure

Century College will not discriminate against any employee or applicant for employment due to physical or mental disability in regard to any position for which the employee or applicant is qualified. Century will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices including: employment, upgrading/promotion, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training. 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.

Century will post this policy on the Human Resources Website, available to all employees and applicants, notices in a form to be prescribed by the Equal Employment Opportunity Commission. Such notices will state Century's obligation under the law to take affirmative action to employ and advance in employment, qualified employees with disabilities and applicants for employment. Qualified employees and/or applicants must meet the essential functions of the position.

Century is bound by the terms of Minnesota Statutes, Section 363.073 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment individuals with physical and mental disabilities.

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 disabled 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.

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 which make a facility and its operations readily

accessible to and usable by individuals with disabilities. Century College will make reasonable accommodations for individuals with a disability only if the disability is known and it is not an undue hardship under Providing Reasonable Accommodations.

Providing Reasonable Accommodations.

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, Century will not provide the accommodation.

Essential Functions are the fundamental job duties of the position in question. The term does not include the marginal functions of the position. 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:

- The accommodation would impose an undue hardship on the college;
- The individual with a disability, with or without reasonable accommodations, is not qualified to perform the essential functions of the particular position;
- Having the individual in the job would create a direct threat because of significant risk to the health and safety of the individual or others and the risk cannot be eliminated by reasonable accommodations.

A job function may be considered essential for any of several reasons, including but not limited to the following:

- The function may be essential because the reason the position exists is to perform that function;
- The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
- 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.

Evidence of whether a particular function is essential includes, but is not limited to:

- college's judgment as to which functions are essential;
- written job descriptions;
- amount of time spent on the job performing the function;
- consequences of not requiring the incumbent to perform the function;
- terms of a collective bargaining agreement;
- work experience of past incumbents in the job; and/or
- current work experience of incumbents in similar jobs.

Undue Hardship: In determining whether providing a reasonable accommodation would impose an undue hardship on the college, the factors to be considered include:

- The nature and net cost of the accommodation needed;
- The overall financial resources of the college involved in the provision of the reasonable accommodation, the number of persons employed, and the effect on expenses and resources;
- The overall financial resources of the college, the overall size of the college with respect to the number of its employees, and the number, type and location of its facilities;
- The composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the college to the covered entity; and
- The impact of the accommodation upon the operation of the college, including the impact on the ability of other employees to perform their duties and the impact on the college's ability to conduct business.

Responsibility for Implementation

Director of Human Resources has been designated Affirmative Action Officer and ADA Coordinator. Appropriate authority has been delegated to obtain necessary administrative support to manage the implementation of the program including but not limited to:

- Develop policy statements, affirmative action programs, and internal and external communication techniques, including discussions with administrators, managers, and supervisors to be certain policies are being followed.
- Identify problem areas in conjunction with supervisors and employees with known disabilities, in the implementation of the affirmative action plan, and develop solutions.
- Keep administrators, managers and supervisors informed of the latest development in the entire affirmative action area.

Request for Accommodations

Human Resources is responsible for requests for accommodations for either employees or applicants. Century has created and developed the following forms to meet the need for accommodations:

- Request for Reasonable Accommodation
- Reasonable Accommodation Agreement
- Complaint of Denial of Rights under the Americans with Disabilities Act

All requests should be directed to Betty Mayer, Director of Human Resources/ADA Coordinator (651-779-5837) or Patricia Fox, Personnel Aide, at 651-779-3989.

Documentation

Documentation of a disability is required from a qualified medical practitioner as part of the reasonable accommodation process. If the nature and extent of the disability is already known to the college and the requested accommodation is minimal, the college may make modifications for its convenience, regardless of whether the employee or applicant meets the requirements for a reasonable accommodation under this policy.

Choice of Accommodation

The college is not required to provide the specific accommodation requested by the individual and may choose an effective alternative, which is less expensive or easier to provide. Prior approval is required for any purchase of equipment to meet an accommodation.

Accommodations provided to the individual are the financial responsibility of Century College and will be charged back to appropriate department.

All requests should be directed to Betty Mayer, Director of Human Resources/ADA Coordinator at 651-779-5837.

References:

Minnesota State Colleges and Universities Board Policy 1B, Equal Education and Employment Opportunities

Minnesota State Colleges and Universities Board Policy 1B.0.1 Reasonable Accommodation in Employment – Procedure

Minnesota Statute 43A.13 & 43A.19

Minnesota Statutes, Section 363.073 of the Minnesota Human Rights Act

Executive Order 96-9, Providing for State Agencies Coordination of the Americans with Disabilities Act

Americans with Disability Act – Title I (1990), Title II (1992) and Title III (1998)

Rehabilitation Act of 1973, Section 504, Subd. 84.14,

Civil Rights Act of 1964

Personnel Policy Memo #1361, Reassignment under the Americans with Disabilities Act and the Minnesota Human Rights Act

Personnel Policy Memo #1358, Americans with Disabilities Act – Title II

AFSCME - Article 34, ADA/Workers Compensation

MAPE – Article 31, American with Disabilities Act

Commissioner’s Plan - Chapter 20, Americans with Disabilities Act

MSCF Article 29, American with Disabilities Act

Managerial Plan, Chapter 20, Americans with Disabilities Act

Date Proposed: 2/18/2008

Date Approved:

Date Implemented:

Date Reviewed: 10-28-2009

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Please Print or Type

Employee Name:	Classification:	Date of Request:
Department:		Supervisor:
*Attach additional sheets for questions below if necessary		
1. Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
2. Type of accommodation requested to perform essential function(s) of position:		
3. Which essential function(s) of your job will the requested accommodation(s) allow you to perform?		
4. Why is the requested accommodation necessary to perform the essential job function(s)?		
Based on nature of the disability and accommodation requested, documentation from a qualified medical practitioner may be required.		
Signature of Employee:		Date:
Signature of Supervisor:		Date:
Signature of Vice President:		Date:
Additional Comments:		

Information on this form shall be confidential with the exceptions according to the **Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, subd. P.L. 101-336, Sec. 102.C.**

REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by the Americans with Disabilities Act (ADA) Coordinator after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the College to the specific accommodation.

Name of Employee

Name of Manager/Supervisor

The request for reasonable accommodation to the needs of the above named disabled employee was: Accepted _____ Denied _____

Justification for the decision (indicate specific factors considered):

If reasonable accommodation was approved was the employee's suggestion accepted?
Yes _____ No _____ Partially _____

Reason:

Describe specific accommodations to be made:

Cost estimate: _____

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.

Signature of Employee

Date

Signature of ADA Coordinator

Date

Signature of Vice President of Finance &
Administrative Services

Date