

## POLICY

### Disability Management and Reasonable Accommodation Policy

HR 3-6 Reference #

**Category:** Human Resources

**Business Unit Responsible:** RA: Human Resources

**Policy Owner:** Director of Human Resources

**Policy Contact:** Deborah Aebi, Senior Human Resources Manager

**Synopsis:** Ensure equal opportunity in all employment practices to qualified individuals with disabilities, provide for reasonable accommodation, and prohibit discrimination.

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## POLICY

The Metropolitan Council complies with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. The Council and its divisions will provide reasonable accommodation to qualified employees and applicants with disabilities, unless doing so will cause an undue hardship to the organization. Reasonable accommodations will be provided to an employee with a disability who requests an accommodation to perform the essential functions of their position so they may have equal access to the benefits and privileges of their employment. Reasonable accommodations are provided to a job applicant with a disability who requests an accommodation during the recruitment and selection process.

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## PURPOSE AND SCOPE

This policy and related procedures ensure compliance with all federal, state, and local laws, establishes a written and readily accessible procedure regarding reasonable accommodations to all employees and job applicants, provides guidance and resources about reasonable accommodations, outlines an interactive dialogue process to engage employees, explore reasonable accommodations, and establishes a timely and thorough review process for requests for reasonable accommodation. The policy ensures equal opportunity in the recruitment and selection process and outlines the Council's commitment to helping qualified individuals with a disability perform the essential functions of a job and receive equal benefits and privileges of employment. Equal employment opportunity, inclusion and access are necessary to the Council's ability to meet the needs of the region.

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## IMPLEMENTATION & ACCOUNTABILITY

The Director of Human Resources is responsible for enforcing this policy. The Director of Human Resources will review denied reasonable accommodations via an appeal process provided for in the Disability Management Procedure.

All Council employees are expected to conduct themselves in accordance with the spirit and requirements of this policy.

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## PROCEDURES

- Disability Management Procedure (HR 3-6a)

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## DEFINITIONS

**Applicant:** A person who expresses interest in employment by completing an application.

**Disability:** A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

**Disability Management Conference:** Employees who are unable to perform the essential functions of their position because of a physical or mental impairment are required to communicate with their manager and the Occupational Health staff (in HR) at established intervals during a Disability Management Conference. This conference is an interactive process, which may include discussing the employee's eligibility under the FMLA and exploring reasonable accommodations that would enable the employee to return to work. If the employee is on a leave of absence, the parties will discuss the employee's planned date of return, and the employee's need, if any, for continued reasonable accommodation. The employee is generally required to produce updated medical information regarding their functional limitations and requested accommodation at each conference.

**Essential functions:** A function can be essential if the job exists solely for the purpose of performing the function, if a limited number of other employees could perform the functions, or the functions are specialized and the individual is hired based on their ability to perform such functions. Essential functions are determined by Human Resources.

**Fitness for duty:** An evaluation by a designated medical provider that may be required for employees returning from a medical leave of absence to assess the employee's ability to resume work and perform the essential functions of a job.

**Interactive process:** The communication process between an employee who has requested an accommodation and the employee's supervisor or manager, Occupational Health, and the Human Resources Business Partner (when applicable), to clarify the nature of the disability and the employee's functional limitations in order to identify whether an effective reasonable accommodation exists which would enable the employee to perform the essential functions of their job. To be interactive, all sides must communicate and exchange information. The employer must provide the job description and essential functions of the job, and the employee must provide information from the employee's health care provider to establish that the employee has a disability, requiring a reasonable accommodation in order to perform the essential functions of the employee's job. Engaging in the interactive process does not require the Council to grant the specific, preferred accommodation the employee requests.

**Qualified individual with a disability:** An individual who satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires and can perform the essential functions of the job with or without a reasonable accommodation.

**Leave and accommodation management officer:** The designated leave and accommodation management officer will work with Occupational Health, managers in the division, and the Office of Equal Opportunity (OEO) (when applicable) to ensure full consideration of options for reasonable accommodation.

**Major life activities:** Can include both activities and bodily functions. Activities include but are not limited to the following: actions required to care for oneself, manual tasks, sight (vision), hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Bodily functions include but are not limited to the following:

functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Medical disqualification:** An employee may be deemed medically disqualified and terminated from employment in accordance with established procedures, bargaining unit contract provisions, and applicable federal, state and local law when an employee is unable to perform the essential functions of their job, with or without reasonable accommodation. The medical disqualification process may be initiated at any time the Council determines, after engaging in the Disability Management Conference process, that there is no reasonable accommodation which would enable the employee to return to work. The medical disqualification process will be initiated no later than 240 calendar days (approximately 8 months) after the employee commences a leave of absence or is otherwise unable to perform the essential functions of their position, although extensions to leave will be evaluated on a case-by-case basis as a possible further reasonable accommodation.

**Medical documentation:** Information from the employee’s or applicant’s health care or rehabilitation provider sufficient to enable the Council to determine whether an individual has a qualified disability and whether a reasonable accommodation would enable the individual to perform the essential functions of the position. The Council may ask clarifying questions of the medical provider to identify an effective, reasonable accommodation. The medical provider must be licensed to administer medical care in their jurisdiction.

**Reasonable accommodation:** An adjustment to or alteration of the work environment that enables a qualified individual with a disability to apply for a position, perform essential job duties, or receive equal benefits and privileges of employment as are received by similarly situated employees without disabilities. Reasonable accommodations may include modifications to a job application process, modification of a work method or work schedule, reassignment to a vacant position for which the employee is qualified, or physical or environmental adjustments to a workspace.

**Undue hardship:** When a specific accommodation request would create significant difficulty, resources, or expense, be unduly extensive, substantial or disruptive, or fundamentally alter the nature or operation of the position or the department. Undue hardship is determined on a case-by-case basis considering factors that include the nature and cost of the request and the impact of the request on the operations of the Council. The Council is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

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## ROLES & RESPONSIBILITIES

Role	Responsibilities
Employees	Employees are responsible for requesting a reasonable accommodation, participating in the interactive process, including scheduled Disability Management Conferences, and promptly responding to requests for information from Occupational Health.
Division Leaders	Division leaders are responsible for ensuring their managers and employees comply with this policy, including providing resources to manager and supervisors to fully implement a reasonable accommodation.
Managers, Supervisors	Managers and supervisors are responsible for contacting and working with an Occupational Health representative and Human Resources business partner when they first receive notice that an employee has difficulty performing their job, when an employee presents work restrictions, or requests a reasonable accommodation to perform their job duties.

Office of Equal Opportunity	<p>Office of Equal Opportunity staff will be consulted when no reasonable accommodation can be identified, when a requested accommodation is deemed either unreasonable or deemed to create an undue business hardship for the Council, and prior to a medical disqualification.</p> <p>The Office of Equal Opportunity independently investigates disability-related complaints.</p>
Leave and Accommodation Management Officer	<p>The designated leave and accommodation management officer is the Council's decision-maker for employment-related reasonable accommodation requests. The officer will be consulted when issues, conflicts or questions arise in the interactive process, prior to denying a request for accommodation because of undue hardship, or because the request is deemed unreasonable, and prior to the medical disqualification of an employee.</p> <p>The designated leave and accommodation management officer will consult with the Office of Equal Opportunity staff prior to denying a requested accommodation because it is not reasonable or creates an undue hardship, and prior to any employee medical disqualification.</p> <p>The leave and accommodation management officer is a designee of the Human Resources department and is appointed by the Director of Human Resources.</p>
Human Resources	<p>Talent Management representatives are responsible to notify an Occupational Health representative when an applicant with a disability needs an accommodation during the recruitment and selection process or requests assistance in the recruiting, selection or onboarding process.</p> <p>The Occupational Health representative will assist an applicant with a disability requiring a reasonable accommodation to participate in the recruitment and selection process.</p> <p>The Occupational Health representative will work with the employee with a disability, the manager/supervisor, and when necessary, the Division Director, to identify whether a reasonable accommodation exists and to ensure the agreed upon reasonable accommodation is effective.</p> <p>The Occupational Health representative is responsible for leading the disability management process when an employee is unable to perform the essential job duties of their position with or without reasonable accommodation.</p> <p>The Occupational Health staff engages with occupational physicians and/or treating physicians regarding the employee's medical needs.</p> <p>The Human Resources business partner supports managers in the event additional coaching, training, or other corrective measures are needed outside of the interactive process.</p>

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## RESOURCES

### Related Procedures:

- Family Medical Leave Act Procedure (HR 6-1e)
- Leaves of Absence Procedure (HR 6-1c)

### Statutory Resources

- [Americans with Disabilities Act \(ADA\) of 1990 and ADA Amendments Act \(ADAAA\) of 2008](#)
- [Section 508 Amendment to the Rehabilitation Act of 1973](#)
- [Minnesota Data Practices Act](#)
- 29 CFR 1630

**Keywords:** Reasonable accommodation, Interactive Process, Disability Management, Disability Management Conference, Medical Disqualification, 4-2-2

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## HISTORY

### Version 5 – Approval Date (Business Item 2020-241)

xx/xx/2020 – Identifies that the medical disqualification process may be initiated at any time after engaging in the Disability Management Conference process where there is no reasonable accommodation which would enable the employee to return to work. Updated definitions, responsibilities, interactive process steps and escalation/appeal processes.

### Version 4 – Approval Date

05/08/2019 - Updated definitions, responsibilities, interactive process steps and escalation process.

### Version 3 Approval Date

02/04/2015 – Replaced Reasonable Accommodation and Workplace Adjustments Policy (4-2-2) and Disability Management Policy (4-10). Also, made sure policy focuses on keeping employees at work to comply with the ADA and ADAAA. Made Human Resources the department primarily responsible for Disability Management.

### Version 2 Approval Date

07/25/2006

### Version 1 – Approval Date

12/17/1998 Original Creation Date

### Last Reviewed Date

Last Periodic Review Date

### Next Content Review Date

Next Periodic Review Date

### Former Reference #

4-2-2

### Version

Version