

Committee Report

Business Item No. 2015-37

Management Committee

For the Metropolitan Council meeting of March 25, 2015

Subject: Approval of changes to the Metropolitan Council Policy 4-2-2 Disability Management

Proposed Action

That the Metropolitan Council approve changes to the Metropolitan Council Policy 4-2-2 Disability Management and eliminate Policy 4-10.

Summary of Committee Discussion/Questions

Brief discussion. No substantive questions.

Management Committee

Meeting date: March 11, 2015

For the Metropolitan Council meeting of March 25, 2015

Subject: Approval of changes to the Metropolitan Council Policy, 4-2-2 Disability Management

District(s), Member(s): All

Policy/Legal Reference: 4 – Employees in the Workplace

Staff Prepared/Presented: Marcy Syman, Director of Human Resources, 651-602-1417

Division/Department: Human Resources

Proposed Action

That the Metropolitan Council approve changes to the Metropolitan Council Policy 4-2-2 Disability Management and eliminate Policy 4-10.

Background

Policies must be presented to the Council for approval and adoption.

Rationale

These policies have been in place since 1998. The Council has two inter-related policies: 4-2-2 Reasonable Accommodation and Workplace Adjustment and 4-10 Disability Management. Each policy has one implementing procedure. Human Resources and the Office of Equal Opportunity consulted with business unit management to create one new policy to guide two new procedures which clearly outline effective handling of reasonable accommodation that enable employees with disabilities to be able to work and when accommodations can't be made a clear path to be medically disqualified. Changes improve communication with employees, clarify the process and place emphasis on making accommodations so employees can work.

Before

POLICY 4-2-2 Reasonable Accommodation and Workplace Adjustments

Procedure 4-2a Requesting a Reasonable Accommodation or Workplace Adjustment

POLICY 4-10 Disability Management

Procedure 4-10a Disability Management

After

POLICY 4-2-2 Disability Management

Procedure 4-2-2a Disability Management: Reasonable Accommodation

Procedure 4-2-2b Disability Management: Medical Disqualification

Funding

Not Applicable

Known Support / Opposition

The policy and associated procedural changes have been brought before Council unions and revised based on union input.



DISABILITY MANAGEMENT

Section/Number:	4-2-2	Total Pages:	3
Dept. Responsible:	Human Resources – Occ. Health	Effective Date:	12/17/1998
Special Note:	This supersedes any previous reasonable accommodation and disability management policies.	Revision No:	1
		Last Revision Date:	02/25/2015

I. Policy

The Metropolitan Council adheres to all regulations under the Americans with Disabilities Act (ADA 1990), the Americans with Disabilities Act Amendments Act (ADAAA 2008) and the Minnesota Human Rights Act. Accordingly, the Council is committed to providing equal access to its facilities and services and equal employment opportunities for all individuals with disabilities. Discrimination based on a person’s disability and retaliation against an individual who opposes such discriminatory treatment is strictly prohibited.

The Metropolitan Council will attempt to provide reasonable accommodations for the disabilities of qualified applicants and employees that do not impose an undue hardship on the operation of its business.

An employee may be medically disqualified and terminated from their position in accordance with established procedures, bargaining unit contract provisions, and/or applicable state and federal law, if the employee is unable to perform the essential functions of their job with or without an accommodation, or are absent six months (185 days) in a rolling calendar year for medical reasons. An extension beyond six months may be granted upon request by an employee and will be considered on a case by case basis.

II. Purpose of Policy

State and federal statutes require employers to reasonably accommodate the disabilities of qualified persons that do not cause an undue hardship to the employer. This requirement applies to current employees and applicants for employment, as well as employees who become disabled either on or off the job.

The Metropolitan Council also recognizes that situations arise in which an employee is unable to fully perform their job because of an impairment that does not meet the ADAAA’s definition of a disability. In those situations, the Metropolitan Council allows, at management’s discretion and in consideration for business necessity and availability of resources or other considerations, for workplace accommodations to be provided to an employee whose mental or physical impairment limits their ability to completely perform the job without a workplace accommodation. In these circumstances, workplace accommodations are not required by law or regulation.

III. Background and Reasons for Policy

Prior to the 1990, Americans with disabilities were not ensured equal opportunity to the mainstream of American life. This Metropolitan Council Disability Management Policy reflects the Council's continued vitality, strength and vibrancy is through the full realization of the contributions of all of its employees.

IV. Definitions

Disability

The ADA and ADAAA state that an individual has a legal disability when that individual:

- 1) has a physical or mental impairment that substantially limits one or more major life activities;
- 2) has a record of such an impairment; or
- 3) is regarded as having such an impairment.

Major life activities may include, but are not limited to; caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working, as well as the operation of major bodily functions.

Qualified Individual with a Disability

A qualified individual with a disability must:

- 1) satisfy the requisite skill, experience, and other job-related requirements of the employment position; and
- 2) with or without reasonable accommodation, perform the essential functions of the position.

Undue Hardship

Undue hardship is defined as an action that is:

“Excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.”

The determination as to whether a request for reasonable accommodation will cause an undue hardship will be made on a case by case basis.

Reasonable Accommodation

The ADA, ADAAA, and the Minnesota Human Rights Act require the employer to reasonably accommodate the disabilities of qualified employees, applicants, and persons to whom it provides a public service.

Reasonable Accommodations include, but are not limited to:

1. Modifications or adjustments to the job application process that enable a qualified applicant with a disability to be considered for the position desired;
2. Modifications or adjustments to the work environment, or to the manner under which the position held or desired is typically performed, that enable a qualified individual with a disability to perform the essential functions of the position;
3. Allowing paid or unpaid leaves of absences for medical treatment; and
4. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

For more information about reasonable accommodations, please consult the Disability Management - Reasonable Accommodations Procedure (4-2-2a) and the Disability Management – Medical Disqualification Procedure (4-2-2b).

V. Implementation/Accountability for Reasonable Accommodations

Implementing Procedures: 4-2-2a Disability Management - Reasonable Accommodations and 4-2-2b Disability Management – Medical Disqualification

Managers and supervisors will be held accountable for taking prompt and appropriate action to ensure that reasonable accommodations are provided, when appropriate, to the disabilities of all qualified applicants and/or employees.

Revision/Review Tracking

Date	Revision No.	Review Only – No changes
02/25/2015	1	