DEPARTMENT OF CORRECTIONS

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Policy Number: 103.310
Title: Reasonable Accommodation
Effective Date: 11/09/26

PURPOSE: To reasonably accommodate qualified individuals (as defined by the Americans with Disabilities Act (ADA)) with known physical or mental disabilities, ~~to enable~~enabling them to compete in the selection process or to perform the essential functions of the job, and to enjoy equal benefits and privileges of employment within the Minnesota Department of Corrections (DOC), in accordance with applicable provisions of law, rules, and h~~h~~uman r~~r~~esources (HR) practices. ~~per Minnesota Management and Budget (MMB) Policy HR/LR Policy #1433 ADA Reasonable Accommodation.~~
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DOC has fully adopted HR/LR Policy #1433 ADA Reasonable Accommodation. The agency follows Minnesota Management and Budget (MMB) HR/LR Policy #1433, "ADA Reasonable Accommodation" with agency additions specified in these procedures.

APPLICABILITY: All qualified applicants, current employees, and employees seeking promotion who have a physical, sensory, or mental impairment that substantially or materially ~~or materially~~ limits one or more ~~of the~~ major life activities.

DEFINITIONS:
Applicant – a person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.~~See definitions in MMB HR/LR Policy #1433 "ADA Reasonable Accommodation".~~

Americans with Disabilities Act (ADA) Coordinator – each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat – a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

Interactive Process – a discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Essential Functions – duties so fundamental that the individual cannot do the job without being able to perform them.

Individual with a Disability – an individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities;
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Major Life Activities - may include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

~~**Direct Threat –** a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.~~

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation – information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider.

Reasonable Accommodation – an adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job;
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
  Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
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  ~~**Reasonable Accommodation –** any change or adjustment to a job, an employment practice, or a work environment that makes it possible for a qualified individual with a disability to enjoy equal employment opportunities. Examples of accommodations may include acquiring or modifying equipment or devices, modifying examinations and training materials, making facilities readily accessible, job restructuring, modifying work schedules, providing qualified readers or interpreters, and reassignment to vacant positions.~~

  ~~**Undue Hardship –** an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature, position, or operation of the department.~~

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;

- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring workspaces;
- Providing accessible parking;
- Providing a sign language interpreter; or
- Providing a reassignment to a vacant position.

Reassignment – reassignment to a vacant position for which an employee is qualified is a "last resort" form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Undue Hardship – a specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

PROCEDURES:

A. Job applicant or employee

1. Per ~~Minnesota Management and Budget (~~MMB~~)~~ HR/LR Policy #1433, ~~an~~ a DOC~~agency~~ applicant or employee may make an initial reasonable accommodation~~-~~ request (preferably by completing the Employee/~~A~~Applicant Request for ADA Reasonable Accommodation f~~f~~orm (attached)) to any or all of the following:
   a) An immediate supervisor or manager in the employee's chain of command;
   b) The DOC~~agency~~ affirmative action officer or designee;
   c) The DOC's ~~agency's~~ regional or agency ~~Americans with Disabilities Act (~~ADA~~)~~ coordinator;
   d) The DOC's regional or agency ~~human resources (HR)~~HR office; or
   ~~a)~~e) Any DOC~~agency~~ official with whom the applicant has contact during the application, interview, or selection process.
2. The regional human resources director (RHRD) must serve as the regional ADA coordinator. ~~-~~The Office for Equity, Access, and Inclusion~~office of diversity~~ provides consultation and assistance to the RHRD.
3. The following processes must follow MMB ~~Policy~~ HR/LR Policy #1433:

a) Timing of the request;

b) Form of the request;

c) Interactive process;

d) DOC's ~~Agency~~ responsibilities for processing the request;

e) Analysis for processing requests; and

~~a)~~f) Obtaining medical documentation in connection with a request for reasonable accommodation.

B. ~~Agency~~ DOC's responsibility for processing the ADA reasonable accommodation request

1. The ~~c~~commissioner has the ultimate responsibility for ensuring compliance with the ADA and this policy.

2. If a~~n~~ reasonable accommodation ~~agreement~~acknowledgement~~-~~ cannot be reached, the ADA coordinator must forward the request for accommodation, along with the ADA coordinator's recommendation, to the ~~department a~~Assistant ~~c~~Commissioner for Agency Services and Supports ~~o~~Operations ~~s~~Support, who must review the request for accommodation, along with the recommendations, and advise regional management.

C. Confidentiality ~~requirements~~

~~Per MMB Policy HR/LR #1433, medical information obtained in connection with the reasonable accommodation process must be kept confidential.~~

~~Medical information and inquiries must be kept apart from the general personnel files as a separate, confidential medical record, available only under the limited conditions specified in the ADA and other applicable laws, rules, and policies.~~

~~The ADA coordinator may disclose medical information obtained in connection with the reasonable accommodation process as defined in MMB Policy HR/LR #1433.~~

Accommodation information is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation.

~~1. General information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and to evaluate and report on the agency's performant in hiring, retention, and processing of reasonable accommodation requests.~~

D. The following reasonable accommodation processes must follow MMB ~~Policy~~ HR/LR Policy #1433:

1. Approval of requests for reasonable accommodation; with the additional requirements:
   a) The Reasonable Accommodation Acknowledgement ~~Agreement~~ (attached) must articulate the most appropriate accommodation for both the employee and the

employer.

~~a)~~b) An employee's accommodation preference is always seriously considered. However,~~ but~~ the DOC~~agency~~ is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

~~While agency officials must give consideration to an employee's preference, they are free to choose among equally effective~~equally effective ~~accommodations and may choose the one that is less expensive or easier to provide.~~

2. Procedures for reassignment as a reasonable accommodation.

3. Denial of requests for a reasonable accommodation.

4. Undue hardship; with the additional requirements:
   a) The manager of the ~~office of diversity~~Office for Equity, Access, and Inclusion must discuss the requested accommodation with the ~~a~~Assistant ~~c~~C~~c~~ommissioner for Agency Services and ~~s~~Supports or designee ~~or a deputy commissioner prior to~~before a final determination of undue hardship.

   b) The c~~C~~~~c~~ommissioner must provide a written decision to the ~~a~~A~~a~~ssistant ~~c~~C~~c~~ommissioner for Agency ~~s~~Services and ~~s~~Supports or designee ~~or deputy commissioner,~~ as applicable. The employee requesting the accommodation must be immediately notified, in writing, of the final determination.

5. Determining direct threat.

6. Appeals process in the event of a denial.

~~E.~~ Funding for a reasonable accommodation may be charged to the work area of the affected employee.

~~F.~~

~~Information tracking and records retention~~
~~Facility or field service ADA coordinators must review and maintain all documentation (separate from the employee personnel file) on all requests for reasonable accommodations and accommodation agreements made at their site, according to the agency retention schedule, and provide the aggregate information to the DOC ADA coordinator.~~

~~G.~~E.

~~1. Statewide reporting The DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.~~

~~2. The DOC ADA coordinator retains aggregate reasonable accommodation data according to the agency retention schedule.~~

INTERNAL CONTROLS:

A. The ~~Facility/field service~~regional ADA coordinator must~~s~~ review and maintain all documentation on all requests for reasonable accommodation and accommodation acknowledgements~~agreements~~ made at their site, according to the ~~agency~~ DOC retention schedule.

B. The DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.

C. The DOC ADA coordinator retains aggregate reasonable accommodation data according to the DOC~~agency~~ retention schedule.

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES: 29 CFR 1630.2
The Americans with Disabilities Act (ADA) of 1990 as amended
Minn. Stat. Chapter 363A (The Minnesota Human Rights Act)
MMB HR/LR Policy #1433, "ADA Reasonable Accommodation"
Policy 103.228, "Respectful Workplace"
Policy 103.240, "Return to Work Process"

~~Policy 103.300, "Discrimination-free Workplace"~~

REPLACES: Policy 103.310, "Reasonable Accommodation," ~~5~~6/~~19~~04/1~~5~~9.
All facility policies, memos, or other communications, whether verbal, written, or transmitted by electronic means, regarding this topic.

ATTACHMENTS: ~~Employee Request for Reasonable Accommodation (103.310A)~~
Employee/Applicant Request for ADA Reasonable Accommodation Form (103.310A)~~Authorization for Release of Medical Information ADA Request for Accommodation (103.310B)~~
Authorization for Release of Medical Information for ADA Reasonable Accommodations (103.310B)~~Provider Report/ADA Eligibility and Request for Accommodations (103.310C)~~
Letter Requesting Documentation for Determining ADA Eligibility from a Health Care Provider (103.310C)
ADA Employment Reasonable Accommodation Acknowledgement -(103.310D)
~~Reasonable Accommodation Agreement (103.310D)~~

APPROVAL:
Commissioner of Corrections
~~Deputy Commissioner, Chief of Staff~~Community Services
~~Deputy Commissioner, Client Services and Supports~~ Facility Services
~~Assistant Commissioner, Operations Support~~Agency Services and Supports
~~Assistant Commissioner, Facility Services~~

This document is available in alternative formats to individuals with disabilities by calling (651) 361-7256 (Voice) or (800) 627-3529 (TTY).