



Policy 3243 Workplace Accommodation/Americans with Disabilities Act (ADA Titles I and V)

Version:

Effective Date:

Board or Administrative:

Policy Statement

It is the policy of Dakota County to comply with all federal and state laws concerning the employment of individuals, including those with disabilities. Accordingly, Dakota County provides reasonable accommodations to employees and job applicants with disabilities in accordance with this Policy and federal and state law and prohibits discrimination against employees with disabilities in the areas of application procedures, hiring, employee development, compensation, promotions, benefits, termination and other terms of employment.

Definitions

- *Disability:* With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- *Direct threat:* A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- *Qualified individuals with a Disability:* An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- *Reasonable accommodation:* A modification or an adjustment to a job or the work environment that will enable a qualified individual with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of nondisabled employees.
- *Undue hardship:* An action requiring significant difficulty or expense when considered in light of the following factors:

- The nature and cost of the accommodation needed.
 - The overall financial resources of the facility or facilities involved in providing the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - The overall financial resources of the employer; the size, number, type and location of facilities.
 - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employee.
- *Essential functions of the job:* Job activities Dakota County determines are essential or core to performing the job..

Source

Dakota County Personnel Act, Minnesota Statutes §§ 383D.05, et seq.
Titles I and V of the Americans with Disabilities Act of 1990 (ADA)
The Americans with Disabilities Act Amendments Act of 2008
The Minnesota Human Rights Act

General

Dakota County will reasonably accommodate qualified individuals with a disability unless doing so causes a direct threat and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Dakota County.

A reasonable accommodation may include any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities; job restructuring; offering part-time or modified work schedules; working remotely; reassignment to a position; acquiring or modifying equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; providing qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

All employees are required to comply with the County's safety standards. Dakota County may place current employees who may pose a direct threat on an approved leave until an organizational decision has been made regarding the employee's immediate employment situation.

This policy applies to all current employees and applicants for employment.

Procedure

Employees or applicants for employment seeking an accommodation should contact the Human Resources department. A supervisor or Risk Management may contact Human Resources to request an accommodation on behalf of an employee or applicant. The Dakota County Human Resources department is responsible for implementing this policy and may engage other internal partners including Risk Management and Facilities Management to assist with resolving reasonable accommodation, safety/direct threat and undue hardship issues.

History

Version	Revision Date
1.0	

Related Policies

- Policy 3042 Discrimination, Harrasssment, and Relatiation
- Policy 3101 Candidate Recruitment
- Policy 3242 Leaves of Absence

Contact

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Approval