

## THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act is a law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The IFO and Minnesota State University, Mankato are fully committed to ensuring that the civil rights of all faculty and students are protected

### Requesting Reasonable Accommodations

Under the ADA, people with disabilities can ask an employer for reasonable accommodations to enable them to perform the essential functions of their job. A request for reasonable accommodation under the ADA is an interactive process between the individual and the employer. The steps for faculty members seeking an accommodation at Minnesota State University, Mankato are described here:

- 1. The request.** The IFO is available to assist you. Faculty members are encouraged to consult with their IFO disability advocate before contacting HR (List contact information here.) The HR office should then be contacted to request an ADA accommodation.
- 2. Documentation.** When the disability and/or the need for accommodation is not obvious, HR may ask for reasonable medical documentation about the impairment and functional limitations. Medical documentation should describe how the disability affects the essential functions of the job.
- 3. The conversation.** A conversation begins with HR, the faculty member, and the Provost's office as to the type of accommodations requested and granted. The faculty member may choose to have IFO representation or a representative of their choosing during this process.
  - a. The Job Accommodations Network (JAN) provides a list of possible accommodations (<https://askjan.org/>).
  - b. The accommodation must be related to the disability and successfully performing the essential functions of the job.
  - c. It will be helpful to know what accommodations you will be requesting before a meeting with HR.
  - d. Identifying appropriate accommodations is an interactive process/conversation. It may take several conversations; however, HR should respond in a reasonable time to a request for reasonable accommodations.
  - e. If the accommodation is found to pose an undue hardship on the employer, other options should be considered.
- 4. Notification.** Once an accommodation is identified, your dean and department chair will be notified as to the type of accommodation. HR cannot release any medical information to your supervisor or co-workers without your consent. HR and the Provost's office will work with your dean as to what can be shared and the nature of the accommodation. HR and/or the Provost's office should not disclose your accommodation to your co-workers even though in some instances the accommodation may be apparent. Essential elements of the accommodation may be provided to the dean and department chairs as necessary to perform the essential functions of the job.
- 5. Access to medical information.** The ADA requires employers to keep medical information confidential and separate from the employee's standard personnel file. Medical information should only be shared on a "need to know" basis. Only designated HR staff specifically related to ADA should have access to medical information related to ADA or communicate with faculty members on issues related to their accommodation under the ADA.
- 6. Additional documentation.** If a condition is permanent and the faculty member's need for reasonable accommodation has not changed, HR will not request additional or updated documentation. If the faculty member is seeking different or additional accommodations, HR may request new documentation in order to understand the need for the new accommodations.
- 7. Periodic review.** This interactive process can continue if the employee needs change. This process should be initiated by the employee.