

Workplace Expectations and Conduct: Reasonable Accommodations for Employees and Applicants with Disabilities

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Subject: University Human Resources

Policy: Reasonable Accommodations for Employees and Applicants with Disabilities

Effective Date: January 1, 2019

Revised: November 2, 2022

Review Date: November 2, 2025

Applicability: This policy applies to all university employees and applicants for employment at the university

Responsible Parties:

- MSU Billings: Human Resources
 - MSU at Bozeman: Human Resources
 - Great Falls College MSU: Human Resources
 - MSU Northern: Human Resources
-

Scope:

This policy applies to all employees of the following MSU Campuses:

- MSU Bozeman (including MSU Extension, Agricultural Experiment Stations, and Gallatin College)
- MSU Billings (including City College)
- MSU Northern

- **Great Falls College MSU**

For the purpose of this policy, the term “university” means all campuses listed above.

100.00 INTRODUCTION AND PURPOSE

The university wishes to foster an inclusive and diverse workforce free from discrimination. The university will make “reasonable accommodations” in the workplace or application process for an employee or applicant with a disability. This policy outlines the process for exploring possible workplace accommodations and appeals for university employees and applicants with disabilities, including faculty, contract, classified, temporary, and student employees. Students with disabilities seeking accommodations for academics, housing, or extracurricular programs should contact the university student disabilities services office on their campus.

200.00. TERMS AND DEFINITIONS

1. Disability

A person is considered to have a disability, and is entitled to a reasonable accommodation, if the person has a physical or mental impairment that substantially limits one or more major life activities. Major life activity includes, but is 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. It also includes major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Reasonable Accommodations

A reasonable accommodation is a change or adjustment to recruitment, job, or work environment that permits an otherwise qualified person with a disability to participate in the job application process, to perform the essential functions of the job, or to enjoy benefits and privileges of employment the same as employees without disabilities.

Each accommodation request shall be evaluated and determined separately. Accommodations may include, but are not limited to:

- modifying work schedules;
- granting breaks or providing reasonable leave;
- altering how or when job duties are performed;
- moving to different office space;
- making changes in workplace policies;
- providing assistive technology;
- removing an architectural barrier, including reconfiguring work spaces; and

- providing materials in alternative formats (e.g., Braille, large print)

3. Undue Hardship

The university is not required to make an accommodation if it would impose an undue hardship on the operation of the university. "Undue hardship" means an "action requiring significant difficulty or expense when considered in light of a number of factors such as size, resources, nature, and structure of the employer's operation." Undue hardship refers not only to financial difficulty, but to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. The university will assess on a case-by-case basis whether a particular accommodation would impose an undue hardship.

While the university will consider the employee or applicant's preferred accommodation, it may select another accommodation if it is effective in allowing the employee to perform the essential functions of the job or the applicant to compete for the position.

Reassignment to a vacant position will only be considered as an accommodation if no other reasonable accommodations has been effective to assist the otherwise qualified employee to perform essential functions of their current position. In addition, the disabled employee must be qualified for the vacant position with or without reasonable accommodations. Reassignment may not violate an applicable seniority system or collective bargaining agreement.

300.00. THE ACCOMMODATION PROCESS

The process of determining a reasonable accommodation is a collaborative, interactive process between the employee/applicant, the employing unit representative, and the designated Accommodation Coordinator or their designee.

1. Accommodation Coordinator for Employees

Each campus will have a designated Accommodation Coordinator. Contact information for the Accommodation Coordinator is available on the appropriate HR website.

- [MSU Bozeman](#)(including MSU Extension, Gallatin College, and Agricultural Research Centers)
- [MSU Billings](#)(including City College)
- [MSU Northern](#)
- [Great Falls College MSU](#)

2. Applicant Requests

All job postings will contain a statement advising applicants with disabilities they may request reasonable accommodations. Applicants may make requests to the Accommodation Coordinator as directed in the job postings.

3. Employee Requests

Employees may request a disability accommodation from their supervisor or the Accommodation Coordinator. A third party (e.g., family member, medical care provider) may also make the request on the employee's behalf. If a request is made to a supervisor, the supervisor will forward the request to the Accommodation Coordinator as soon as possible. The request may be oral or written. If an employee is uncertain about whether they have a disability or require an accommodation, they may contact the Accommodation Coordinator for guidance.

The university may also begin the interactive process when an employing unit learns through observation that an employee may need an accommodation to assist in performing the job duties because of a disability.

4. Information Requests

To assist in the process, the Accommodation Coordinator may request:

- a description of the disability, if not known or obvious;
- supporting medical documentation, if the need for an accommodation is not known or obvious and/or is necessary to determine the accommodation;
- a description of the limitations that may prevent the employee from performing some of their duties;
- the duties that the employee cannot perform because of the disability; and
- if known, the desired accommodation.

This information is generally provided on forms available from the Accommodation Coordinator.

5. Employee Responsibilities

The employee (or the employee's representative) is responsible for:

- completing the required forms and forwarding the completed forms to the Accommodation Coordinator in accordance with the directions;
- responding to all requests for documentation within time frames established by the Accommodation Coordinator; and
- actively participating in the interactive process.

The Accommodation Coordinator may, with the employee's permission, contact health care providers if there are questions concerning the need for an accommodation and/or to identify any functional limitations of the employee related to the job. Health care providers may also be queried about proposed accommodations; however, the university is ultimately responsible to select the accommodation to be offered to the employee.

400.00. IDENTIFYING POTENTIAL ACCOMMODATIONS

When an employee requests an accommodation, or the employing unit learns of a potential need for an accommodation, the university will collect the information necessary to establish the employee is a person with a disability and identify potential accommodations.

1. Accommodations the Accommodation Coordinator believes will effectively address the limitations of the employee, and will not cause undue hardship, will be offered to the employee.
2. If no accommodation is offered, the reasons for the decision will be provided in writing, including information about appeal procedures.

Employees receiving an accommodation who experience a change in their condition that may require a change in the accommodation may seek additional or different accommodations.

500.00. APPEAL PROCESS

The appeal process is intended to provide staff and faculty with the opportunity to bring forward questions regarding substantive or procedural errors that occurred during the accommodation review process. The appeal process is not intended to initiate a new accommodation review process at a higher level. An accommodation request may be appealed in full or in part.

An appeal from an accommodation decision must be based on one or more of the following grounds:

1. There was a **procedural error** made during the accommodation review process that substantially impacted the outcome of the decision (e.g., the individual was not given an opportunity to participate in an “interactive process,” or the final decision failed to consider all relevant information).
2. The approved accommodation does not address the individual’s functional limitations. **To submit an appeal based on this criteria, the employee must demonstrate that they already attempted to address the error(s) with the person(s) who made the original accommodation decision and were unable to resolve the issue.**

Any appeal shall include: 1) the issue on appeal; 2) a detailed summary of the pertinent facts fulfilling the above criteria for appeal (including the accommodations requested, the accommodations approved, and what constituted a procedural error or how the approved accommodations do not meet the individual’s functional limitations, etc.), and 3) the desired outcome. For appeals to be properly considered, specific information must be provided in response to each of these categories.

General dissatisfaction with an accommodation decision is not grounds for an appeal.

If new information is obtained during the course of the appeal, it must be promptly submitted to the Accommodation Coordinator so that it may be taken into consideration.

Each MSU campus is responsible for determining a process for an accommodation appeal process.

600.00. CONFIDENTIALITY

Information concerning a disability submitted by an applicant, employee, or medical provider shall be maintained confidentially by the Accommodation Coordinator and may be shared only with those who have a need to know in accordance with applicable state and federal laws.

****Questions related to the Reasonable Accommodation Process should be referred to the Accommodation Coordinator.****