

4001 B

Definitions: Disability Non-Discrimination

Regulation

Original Adoption: 03/25/2008

Effective Date: 03/26/2008

Revision Dates:

I. PURPOSE

The purpose of this regulation is to supply definitions of terms used in Policy 4001, Disability Non-Discrimination.

II. DEFINITIONS

A. “Disability” with respect to any individual means:

1. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. a record of such an impairment; or
3. being regarded as having such an impairment.

B. “Essential functions of the employment” shall mean the fundamental job duties or tasks that must be a fundamental part of the job, and not marginal, and may or may not be listed in the written job description of the position.

C. “Qualified individual with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

D. “Reasonable accommodation” means actions taken by the District to allow the applicant or employee to fulfill the essential functions of the employment regardless of the known physical or mental disability of the individual, which may include, but does not necessarily require:

1. making existing facilities used by employees readily accessible to and usable by individuals with disabilities;
2. job-restructuring;
3. a part-time or modified work schedule;
4. reassignment to a vacant position;
5. acquisition or modification of equipment or devices;
6. appropriate adjustment or modifications of examinations, training materials or policies;
7. provision of qualified readers or interpreters;
8. additional break periods;
9. retraining or job coaching;

10. telecommuting;
 11. job sharing; and/or
 12. assigning marginal tasks to others.
- E. “Undue hardship” means actions taken by the District requiring significant or unreasonable difficulty or expense considered in light of the following:
1. the nature and cost of the accommodation required or requested;
 2. the financial resources of the District;
 3. the number of employees in the District;
 4. the impact of the accommodation on the operation of the District considering the location of the job held or desired by the applicant or employee;
 5. the type of operation at the location of the job held or desired by the applicant or employee;
 6. documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or knowledgeable disabled persons or organizations that do not establish an agreed accommodation.

Legal References:

42 U.S.C. §12101 *et seq.* (The Americans with Disabilities Act)
Minnesota Statutes chapter 363A (The Minnesota Human Rights Act)

Cross References:

MPS Policy 4000 (Equal Employment Opportunity)
MPS Policy 4002 (Harassment and Violence Prohibition)
MPS Policy 5000 (Equal Education Opportunity)
MPS Policy 5750 (Disability and Nondiscrimination)