

**CITY OF MINNEAPOLIS
ANTI-DISCRIMINATION, HARASSMENT, AND RETALIATION PROCEDURES**

Governing Policy: City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy

Applies To: This policy applies to Covered Persons, as defined here. A Covered Person, for purposes of this policy, is defined as a person who perform services for the City of Minneapolis, with or without compensation, including: 1) Regular full-time, part-time and intermittent employees in the classified service; 2) Seasonal full-time employees; 3) All employees in the unclassified service including appointed employees; 4) Politically appointed employees; 5) Elected Officials; 6) Members of Boards and Commissions; 7) Temporary employees; 8) Volunteers; 9) Contractors and consultants; and 10) Interns including Urban Scholars, Step-Up Interns, etc.

Synopsis: Establishes procedures, roles, and responsibilities with regard to the City of Minneapolis' policy prohibiting discrimination, harassment, or retaliation based upon the following protected classes: race, color, creed, religion, ancestry, national origin, gender (including pregnancy), sexual orientation (including gender identity), disability, marital status, familial status, status with regard to public assistance, veteran's status (including Vietnam Era Veteran status), genetic information and age. These procedures also address: 1) the Americans with Disabilities Act (ADA) and the interactive process; and 2) Guidelines for Religious Expression and Exercise in the Workplace. Neither the policy nor these procedures are to be construed as a dispute resolution process under Minn. Stat. § 363A.28 subd.3.

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Administering Departments: Human Resources

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I. Roles and Responsibilities

All employees of the City of Minneapolis play important roles in ensuring compliance with the Anti-Discrimination, Harassment, and Retaliation Policy. City employees must comply with the responsibilities as outlined below and in accordance with the procedures contained below.

Role	Responsibility
Employees	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy and procedures and attend policy training every three years. 2. An employee who has knowledge of, or believes that discrimination, harassment, or retaliation has occurred or is occurring, even if they are not the target of the discrimination, harassment and/or retaliation is responsible for reporting it.
Chief Human Resources Officer (CHRO)	<ol style="list-style-type: none"> 1. Establish, manage, and modify procedures necessary to carry out and comply with the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy and procedures in accordance with applicable laws, City ordinances, policies, and rules. 2. Take necessary action when notified of a complaint. 3. Provide appropriate departments with information about complaint handling procedures. 4. Determine the appropriate means of communicating the Anti-Discrimination, Harassment, and Retaliation Policy and procedures to all employees. 5. Ensure the Human Resources Staff are carrying out their responsibilities and taking necessary actions when an alleged policy violation occurs. 6. Work with Department Leadership to handle complaints or investigations. 7. Work with the HR Investigative Unit to follow through with any complaints or investigations with City employees. 8. Respond to applicants' requests for accommodation in the application process. 9. Ensure that appropriate training is made available to those employees covered by this policy.
Department Heads	<ol style="list-style-type: none"> 1. Understand and perform responsibilities as it pertains to the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy. 2. Comply with the Anti-Discrimination, Harassment, and Retaliation Policy and procedures. 3. Take necessary action when a complaint has been received. 4. Take appropriate action based on investigative results.
Department Leadership	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy and procedures. 2. Cooperate with the HR Investigative Unit with regard to any complaints or investigations involving City employees. 3. Report complaints promptly to your Department Head or Chief Human Resources Officer (CHRO) as appropriate. 4. Any member of the leadership team may intervene by notifying the alleged offender that the specific behaviors will not be tolerated in the workplace.
Investigative Unit of the Human Resources Department	<ol style="list-style-type: none"> 1. Understand and perform responsibilities as it pertains to the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy and procedures. 2. Ensure that a thorough investigation is completed when a complaint is within the scope of the Policy. 3. Maintain confidentiality of data that is not public and provide information only to those with a business need to know. 4. Work with Department Management and/or the Chief Human Resources Officer to conduct investigations into allegations of policy violations when required. 5. The investigator authority is limited to investigating complaints and has no authority to resolve complaints or serve as a third party neutral.
Human Resources Business Partners	<ol style="list-style-type: none"> 1. Consult and provide assistance to Department Heads, Department Leadership, employees, and the HR Investigative Unit, when dealing with a complaint. 2. Comply with all aspects of the Anti-Discrimination, Harassment, and Retaliation Policy and procedures.

II. Definitions

A. Protected Class Status – The following are the protected classes covered by the Anti-Discrimination, Harassment, and Retaliation Policy and Procedures:

1. Age
2. Ancestry
3. Color
4. Creed
5. Disability
6. Familial status
7. Gender (including pregnancy)
8. Genetic information
9. Marital status
10. National origin
11. Race
12. Religion
13. Sexual orientation (including gender identity)
14. Status with regard to public assistance
15. Veteran's status (including Vietnam Era Veteran status)

B. Department Leadership - For purposes of these procedures, Department Leadership refers to a single department and includes, but is not limited to, the Department Head, Assistant or Deputy Director, Division Directors, managers, supervisors, etc. In the Police Department, Department Leadership includes, but is not limited to, sworn employees at the rank of Police Sergeant or higher and in the Fire Department sworn employees at the rank of Fire Captain or higher. This definition also includes anyone directing the work of others.

III. Purpose

The City of Minneapolis is committed to fostering a work environment that is free of discrimination, harassment, and retaliation. This commitment is demonstrated by practicing non-discriminatory actions in all employment decisions and by implementing policies, procedures and programs that prohibit discrimination, harassment, and retaliation. Neither the policy nor these procedures are to be construed as a dispute resolution process under Minn. Stat. § 363A.28 subd.3.

IV. Prohibited Behaviors

A. Discrimination and Harassment

Discrimination and harassment, includes but is not limited to, the following behaviors that are based on an employee's protected class status (As defined under Definitions above):

1. Conduct that imposes conditions on any element of a person's employment unless otherwise permitted or required by applicable law.
2. Conduct of any type (verbal, written, graphic, electronic or physical) which unreasonably interferes with the person's ability to perform their job or creates a hostile, threatening or intimidating work environment.
3. Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal, written, graphic, electronic or physical conduct of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of employment; or submission or rejection of such conduct is used as a basis for employment decisions affecting the employee, or when such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

B. Retaliation

It is a violation of the Anti-Discrimination, Harassment, and Retaliation Policy to retaliate against any individual for initiating or participating in an investigation of a bona fide discrimination, harassment, or retaliation complaint. Retaliation includes, but is not limited to, any adverse treatment that is reasonably likely to deter the complainant or others from reporting discrimination and/or harassment or participating in a discrimination and/or harassment investigation.

Retaliation may also take the form of imposing adverse job consequences on an employee because of his or her refusal to submit to the unlawful requests and/or demands of a supervisor. Acts of retaliation may be overt or covert and may take many forms including verbal, written, graphic, electronic, or physical. Specific examples include:

1. Open hostility to the employee or witnesses;
2. Exclusion/ostracism;
3. Creation or continuation of a hostile environment;
4. Repeated and/or malicious negative remarks about the individual.

C. Knowingly Making False Complaints or Providing False Information

The City of Minneapolis takes all allegations of discrimination, harassment, and retaliation seriously. When the City determines that an employee has filed a complaint that is false, or that was not made in good faith, or has provided false information regarding a complaint, that employee may be subject to disciplinary action up to and including termination. In addition, other employees (e.g. the subject, witnesses, etc.) who knowingly provide false information are subject to disciplinary action including suspension and/or discharge from employment from the City of Minneapolis.

D. Breaches of Confidentiality

All participants in the discrimination, harassment, and/or retaliation complaint investigation process described below, including the person making the complaint, the subject of the complaint, witnesses and any other parties, shall respect the confidentiality of the proceedings. Breaches of confidentiality jeopardize the quality of internal complaint investigations.

Employees are authorized to discuss the case circumstances only with persons whose duties entail a clear and genuine need to know.

V. Complaint Procedures

A. Employee Responsibilities

1. Employees are responsible for understanding and complying with all aspects of this policy, including refraining from discriminating against or harassing any employees, vendors or third parties (such as clients or customers) associated with the City of Minneapolis.
2. Employees shall contribute to a work environment that is free of discrimination, harassment and retaliation.
3. An employee who believes that discrimination, harassment, or retaliation has occurred (or is occurring) may, but is not required to, directly notify the offending party to STOP.
4. Employees may request that someone in Department Leadership (As defined under Definitions on page 2) intervene. Department Leadership may intervene by notifying the alleged offender that the specific behaviors will not be tolerated in the workplace. In such cases, Department Leadership may discuss the matter with the alleged offender alone unless the alleged offender is a member of a collective bargaining unit whose collective bargaining agreement allows for the presence of a union representative.

In situations where the employee's immediate supervisor, the immediate supervisor's

manager, or the employee's Department Head is the offending party, the employee should report it to one of the resources listed directly below.

5. An employee who has knowledge of, or believes that discrimination, harassment or retaliation has occurred or is occurring, even if they are not the target of the discrimination, harassment and/or retaliation, is responsible for reporting it, either verbally or in writing, to any one of the following:
 - a. Supervisor/Manager/Director
 - b. Department Head
 - c. Human Resources Business Partners
 - d. Chief Human Resources Officer (CHRO)
 - e. The Investigative Unit of the Human Resources Department or
 - f. The City of Minneapolis Employee Report Line or "hotline."

The Employee Report Line can be reached by calling 1-877-563-1075.

A complaint to the Employee Report Line can also be made online at:

- <https://citytalk.minneapolismn.gov/report-issue/workplace-concern/#d.en.187509>

B. Department Leadership Responsibilities

- A.** All members of Department Leadership are responsible for creating an atmosphere free of discrimination, harassment (including sexual harassment), and retaliation.
- B.** Department Leadership is responsible for understanding and complying with all aspects of this policy, ensuring that employees in the areas they manage comply with this policy and attend Anti-Discrimination, Harassment, and Retaliation Policy training every three years, and taking appropriate action when policies are violated, including consulting with Human Resources.
- C.** All members of Department Leadership shall be held to a higher standard of conduct and shall be subject to a higher level of discipline when engaging in discrimination, harassment, or retaliation, or for failing to take prompt action to end it when they are aware it is occurring. Failure of Department Leadership to enforce this policy or his/her own commission of acts of discrimination, harassment, or retaliation will result in discipline up to and including suspension and/or discharge from employment with the City of Minneapolis.
- D.** Any member of Department Leadership who receives a complaint or who has reason to believe discrimination, harassment, or retaliation is occurring or has occurred shall:
 - a. Take prompt action to address the complaint;
 - b. Report the complaint to the Department Head or designee;
 - c. The Department Head or designee shall report the complaint to one of the following: the Director of Human Resources (CHRO) or the Director of Internal Workplace Investigations.

VI. Investigative Procedures - Discrimination, Harassment, and Retaliation

Human Resources, through its investigative unit or its designee, will conduct an effective, thorough, and objective investigation into all allegations of discrimination, harassment, or retaliation that might violate this policy, even in situations where the complainant does not want an investigation to be conducted, or does not want any other action taken.

Employees are required to cooperate fully in any investigation undertaken by the City. Once the investigation is complete, a determination regarding the alleged discrimination, harassment or retaliation will be made. Investigative results will be communicated to the person claiming discrimination, harassment, or retaliation as permitted by law.

The investigative procedures are not a dispute resolution process under Minn. Stat. § 363A.28 subd.3. A sustained violation of this policy may result in remedial action and/or permit the City to take unilateral action, including the imposition of discipline on the offending employee. These procedures provide no remedy or relief to the complaining party.

VII. Disciplinary Procedures

Investigations resulting in a sustained violation of the finding Anti-Discrimination, Harassment, and Retaliation Policy will

result in appropriate action and may result in discipline up to and including suspension or discharge from employment with the City of Minneapolis.

VIII. Complaints Other Than Discrimination, Harassment, or Retaliation

Employees may also report conduct they believe violates other City of Minneapolis or department policies, including issues of respect, workplace behavior, or misconduct *that is not* predicated upon an employee's protected class status. These complaints may be brought to the attention of one of the resources listed in Section V. A4 above, which includes but is not limited to a supervisor, a manager, the Human Resources Business Partner assigned to that Department, or to the City of Minneapolis' Employee Report Line or "hotline" by calling 1-877-563-1075, or online at:

- <https://citytalk.minneapolismn.gov/report-issue/workplace-concern/#d.en.187509>

Complaints brought under other City of Minneapolis or department policies will be handled by the employee's department and will not be investigated under these procedures.

IX. Religious Expression and Exercise in the Workplace

A. Introduction

The procedures outlined below provide guidance to Department Leadership (As defined under Definitions on page 2) and employees regarding religious exercise and expression in the workplace.

These procedures cannot anticipate every conceivable situation that may occur involving religious expression in the workplace. In each instance, the facts should be reviewed on a case-by-case basis. Department Leadership should consult the Department of Human Resources for assistance in interpreting and applying these procedures.

B. Workplace Behavior

1. Except where it would interfere with the efficient delivery of public services, or where expression intrudes upon the legitimate rights of other employees, or for positions subject to uniform dress requirements, or where the expression creates the appearance, to a reasonable observer, of an endorsement by City government of religion, City employees shall not be restricted from religious exercise or expression.
2. Employees will be allowed to engage in private religious expression in their personal work areas, not open to the public, to the same extent as they may engage in non-religious expression.
3. Employees are free to engage in religious expression and conversations with their co-workers, but all employees are expected to be sensitive to the beliefs or non-beliefs of others. Therefore, such expression may be restricted if it interferes with workplace efficiency. Employees who seek to proselytize in the workplace shall cease doing so with respect to any individual who indicates that the communications are unwelcome.
4. In areas regularly accessible to the public, employees should refrain from religious expression or exercise that creates an impression, to a reasonable observer, that the City is sponsoring, endorsing, or inhibiting religion generally, or disfavoring a particular religion.
5. Employees may wear personal religious jewelry, unless circumstances require a ban on similar non-religious jewelry.
6. Employees may display religious art or literature in their personal work areas that are not normally accessible to the public to the same extent as non-religious art and literature, so long as the viewing public would not interpret the display of such items as an endorsement or favoring of religion by the City.
7. Department Leadership may not, explicitly or implicitly, require employees to participate in any religious activity. Department Leadership may not require employees to refrain from participating in religious activity outside the workplace, except to the extent those otherwise neutral, legal restrictions apply to off-duty employee conduct and expression in general. However, members of Department Leadership have the right to religious expression that is not coercive, and is understood to be their personal view, to the same extent as they are entitled to other constitutionally protected expression.

8. Employees shall not be subjected to discrimination, intimidation, ridicule, or insult because of their religious beliefs, or lack thereof.
9. Employees must direct requests for time off for religious observances to their immediate supervisor. Minn. Statute sec. 15A.22 states: "Any employee of the state, its political subdivisions, or a municipality therein who observes a religious holiday on days which do not fall on a Sunday or a legal holiday, shall be entitled to such days off from employment for such observance. Such days off shall be taken off without pay except where the employee has accumulated annual leave, and in that case such days shall be charged against the accumulated annual leave of the employee or unless the employee is able to work an equivalent number of days at some other time during the fiscal year to compensate for the days lost."
10. Employees are encouraged to:
 - a. Advise Department Leadership of the nature of the conflict between their religious needs and the work rules;
 - b. Provide enough information to enable the employer to understand what accommodation is requested; and
 - c. Provide information about why the requested accommodation is necessitated by a religious practice or belief.
11. If harassment based on religion is perpetrated by a non-employee assigned by a contractor, the overseeing supervisor or other appropriate employee in the chain of command should initiate a meeting with the contractor regarding the harassment and demand that the harassment cease, that appropriate disciplinary action be taken by the contractor if it continues, and/or that a different individual be assigned by the contractor.

C. Complaint Reporting

Employees who believe they are the subject of religious discrimination, unlawful restrictions, or other behavior in violation of these procedures should report the activity as described above in Section V. A4 – Complaint Procedures of the Anti-Discrimination, Harassment, and Retaliation Procedures.

X. Pregnancy Accommodation

The City will provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests, with the advice of her licensed health care provider or certified doula, unless the City demonstrates that the accommodation would impose an undue hardship on the operation of the City's business. A pregnant employee shall not be required to obtain the advice of her licensed health care provider or certified doula, nor may the City claim undue hardship for the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds.

The employee and the City shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. "Reasonable accommodation" may include, but is not limited to, temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and limits to heavy lifting. Notwithstanding any other provision of this section, the City shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

XI. Americans with Disabilities Act and Americans with Disabilities Amendments Act (ADA/ADAA)

A. Roles and Responsibilities

All employees of the City of Minneapolis play important roles to ensure compliance with the following ADA/ADAA procedures. City employees must comply with the responsibilities outlined below and in accordance with these procedures.

Role	Responsibility
Chief Human Resources Officer and/or designee.	<ol style="list-style-type: none"> 1. Establish, manage, and modify procedures necessary to carry out and comply with the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy including the ADA/ADAA procedures in accordance with applicable laws, City ordinances, policies, and rules. 2. Work with the ADA Coordinator to obtain assistance for employees where necessary. 3. Discuss the essential functions of the particular job with the employee or applicant. 4. Determine the precise impairment of the employee. 5. If requested by the employee, or if a need is evident, discuss reasonable accommodation with both the ADA Coordinator and the employee. 6. Assist departments, through the HR Business Partner, with establishing and communicating information related to the ADA/ADAA Procedures to all City employees. 7. Identify situations triggering the interactive process. 8. Protect confidentiality of medical or psychological data.
Department Leadership	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis ADA/ADAA procedures. 2. Cooperate with the HR Investigative Unit and the ADA Coordinator with regard to any complaints or investigations involving City employees. 3. Report complaints promptly to your Department Head or Chief Human Resources Officer as appropriate. 4. Protect confidentiality of medical or psychological data.
ADA Coordinator	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy including the ADA/ADAA procedures. 2. Request verification of the individual's functional limitations. 3. Assist the employee in identifying resources to explore possible accommodations. 4. Determine whether the employee qualifies for ADA protection. 5. Provide the employee with a decision as promptly as possible. 6. In consultation with the Chief Human Resources Officer or designee, determine whether a reasonable accommodation exists. 7. Protect confidentiality of medical or psychological data.
Human Resources Staff	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy including the ADA/ADAA procedures. 2. Work with employees and Chief Human Resources Officer or designee to explore reasonable accommodation(s). 3. Work with the ADA Coordinator and Human Resources Business Partner as required. 4. Provide and acquire appropriate information for employees requesting an accommodation, appealing, or submitting a complaint. 5. Inform the ADA Coordinator of a job applicant's request for an accommodation. 6. Protect confidentiality of medical or psychological data.

Role	Responsibility
Employees	<ol style="list-style-type: none"> 1. Comply with all aspects of the City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy including the ADA/ADAA procedures. 2. Inform supervisor or ADA Coordinator of the need for accommodation. 3. If the accommodation does not assist the employee with performing the essential functions of the job, the employee may ask management to revisit the interactive process.
Job Applicants	As needed, request an accommodation to participate in the selection process for the position(s) for which the job applicant is applying from the HR representative identified in the position announcement.

B. Workplace Behavior

The ADA/ADAA procedures for the City of Minneapolis assure:

1. Employment discrimination against persons who are physically or mentally disabled is prohibited.
2. Medical and physical examinations will not be required unless specifically required on the job announcement and unless certain capabilities are essential to job performance.
3. Alternate equivalent testing for applicants with a disability will be provided upon the applicant's request and upon approval of the Chief Human Resources Officer or designee.
4. Job applicants and employees with disabilities will have their EEO/AA concerns fully discussed, and resolved where possible.
5. The City of Minneapolis' Anti-Discrimination, Harassment, and Retaliation Policy includes persons with disabilities and complies with the City of Minneapolis Affirmative Action Plan and Policy, the Minneapolis Civil Rights Ordinance Chapter 139, the Minnesota Human Rights Act, the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act of July 26, 1992, and the Americans with Disabilities Amendments Act of 2008.

C. Definitions

1. Disability

The term "disability" means a person:

- a. Who has a physical, sensory or mental impairment which substantially or materially limits one or more major life activities of such person,
- b. With a record of a physical, sensory or mental impairment that substantially or materially limits one or more major life activities, or
- c. Who is regarded as having a physical, sensory or mental impairment that substantially or materially limits one or more major life activities.
 - i. *"Physical, sensory or mental impairment"* means: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. This list is not exhaustive.
 - ii. *"Major life activities"* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.
 - iii. *"Has a record of such impairment"* means has a history of, or has been misclassified, as having a physical, sensory or mental impairment that substantially or materially limits one or more major life activities.

- iv. *“Is regarded as having an impairment”* means subjected to an action prohibited by law because of an actual or perceived physical, sensory or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This definition does not apply to impairments that are transitory and minor. *“Transitory”* means an impairment with an actual or expected duration of six (6) months or less.
- v. A *“qualified individual”* means the person can perform the essential job functions with or without a reasonable accommodation.
- vi. *“Substantially or materially limits”*: rather than defining these terms, the EEOC has issued rules of construction. Please consult the City’s ADA Coordinator.

2. Department Leadership

Department Leadership refers to a single department and includes, but is not limited to, the Department Head, Assistant or Deputy Director, Division Directors, managers, supervisors, etc. In the Police Department, Department Leadership includes, but is not limited to, sworn employees at the rank of Police Sergeant or higher and in the Fire Department sworn employees at the rank of Fire Captain or higher. This definition also includes anyone directing the work of others.

3. Essential Functions

The term *“essential functions”* mean the fundamental job duties of the employment position and also means the position exists to perform a function when necessary, even if the function is not used on a regular basis (e.g. the ability of a police officer to shoot a gun or a firefighter to remove a person from a burning building). The term *“essential function”* does not include marginal functions of the position.

4. Reasonable Accommodation

A *“reasonable accommodation”* is any modification or adjustment to an employer’s work environment, job, facility, or the manner or circumstances under which work is customarily performed, that enables an employee with a disability to perform the essential functions of a position or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without a disability. Reasonable accommodation may be necessary to apply for a job, perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by other people without disabilities. An employer is not required to accommodate an employee’s beliefs, practices, or disability if doing so would impose an undue hardship or if the proposed accommodation conflicts with another law or regulation or poses a safety risk to the employee or to others. A reasonable accommodation does not mean decreasing performance expectations or standards.

5. Undue Hardship

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the City of Minneapolis.

6. Direct Threat

A *“direct threat”* means a significant risk to the health or safety of others that cannot be eliminated by an accommodation.

D. Procedures – Current Employees

Employees who have disabilities are encouraged to declare their disability to Human Resources when completing an employment application. This will help the City utilize the abilities and strengths of employees to the fullest and will help the City set realistic and attainable goals for the employment of disabled individuals. The submission of this information is strictly voluntary and is considered private data on the job applicant. Although the information is considered private data on the job applicant, certain Human Resources employees may have limited access to it.

Supervisors need to know about potential work restrictions, accommodations and safety concerns.

1. The employee shall inform their supervisor, Human Resources Business Partner, or the ADA Coordinator of the need for an accommodation to perform the essential functions of the job.
2. The supervisor, the Human Resources Business Partner, or the ADA Coordinator will request verification of the employee's functional limitations to support the request. Any medical verification must be collected and maintained on separate forms and in separate, locked files. Employees will have access to medical information on a need to know basis unless the disability might require emergency treatment.
3. When a qualified employee with a disability has requested an accommodation, the employer shall, in consultation with the employee:
 - a. Review and discuss the purpose and essential functions of the particular job involved, and complete a step-by-step job analysis if necessary.
 - b. Verify the physical, sensory, or mental impairment affecting the employee's ability to perform the essential job functions.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.
 - d. Consider the accommodation that is reasonable for both the employee and the employer. While the employee's preference will be given consideration, the City of Minneapolis is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
4. The ADA Coordinator will work with the employee and supervisors to obtain technical assistance, as needed.
5. The supervisor, the Human Resources Business Partner, or the ADA Coordinator will provide a decision to the employee within a reasonable amount of time depending on the facts and circumstances of the case.
6. If an accommodation would cause an undue hardship on the operation of the business, or present a direct threat, then the employee, supervisor, Human Resources Business Partner, and the ADA Coordinator shall work together to determine whether other accommodations may be reasonable.
7. If the employee with the disability thinks that he/she has been discriminated against on the basis of disability, the employee should contact Human Resources or the ADA Coordinator (Public Service Center, 250 South 4th Street, Room 100), who will attempt to resolve the problem internally. All active complaint files are not public and will not be released without permission from the complainant and review of the file by the City Attorney. A complaint may also be filed with fair employment practices agencies such as the Minneapolis Department of Civil Rights, the Minnesota Human Rights Department, or the EEOC.

E. Procedures – Job Applicants

1. A job applicant may choose to request an accommodation by directing the request to a Human Resources Business Partner Team Member who is working on the job opening and/or the ADA

Coordinator for an accommodation. The Human Resources Business Partner Team Member or the ADA Coordinator will discuss the requested accommodation with the job applicant.

2. The Human Resources Business Partner Team Member in consultation with the ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
3. If a job applicant with a disability thinks that he/she has been discriminated against on the basis of a disability, the job applicant should contact the Human Resources Business Partner Team Member or the ADA Coordinator (Public Service Center, 250 South 4th Street, Room 100), who will attempt to resolve the problem internally. All active complaint files are not public and will not be released without permission from the complainant and review of the file by the City Attorney.

F. Funding Accommodations

Request for funding accommodations must be approved by Department Leadership for accommodations that do not cause an undue hardship. The City need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or job applicant.

G. Procedures – Determining Undue Hardship

1. The employee or job applicant will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review possible undue hardships by considering:
 - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - b. The impact of the accommodation on the nature or operation of the affected department and the City of Minneapolis.
3. The ADA Coordinator will provide a decision to the employee or job applicant.

H. Appeals

Employees or applicants who are dissatisfied with the decisions pertaining to their accommodation request may file an appeal with the Chief Human Resources Officer (CHRO) or designee, within twenty-one (21) days of the date of the decision for a final decision.