

SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION

S.F. No. 2393

(SENATE AUTHORS: LATZ)

DATE  
03/13/2019

D-PG  
858

OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to human rights; requiring an interactive process when interacting with  
1.3 individuals with disabilities under chapter 363A; amending Minnesota Statutes  
1.4 2018, section 363A.08, subdivision 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 363A.08, subdivision 6, is amended to read:

1.7 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational  
1.8 qualification, it is an unfair employment practice for an employer with a number of part-time  
1.9 or full-time employees for each working day in each of 20 or more calendar weeks in the  
1.10 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and  
1.11 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor  
1.12 organization, not to make provide a reasonable accommodation to the known disability of  
1.13 a qualified disabled person or job applicant for a job applicant or qualified employee with  
1.14 a disability unless the employer, agency, or organization can demonstrate that the  
1.15 accommodation would impose an undue hardship on the business, agency, or organization.  
1.16 "Reasonable accommodation" means steps which must be taken to accommodate the known  
1.17 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.  
1.18 To determine the appropriate reasonable accommodation it may be necessary for the  
1.19 employer, agency, or organization to initiate an informal, interactive process with the  
1.20 individual with a disability in need of the accommodation. This process should identify the  
1.21 precise limitations resulting from the disability and potential reasonable accommodations  
1.22 that could overcome those limitations. "Reasonable accommodation" may include but is  
1.23 not limited to, nor does it necessarily require: (1) making facilities readily accessible to and  
1.24 usable by ~~disabled persons~~ individuals with disabilities; and (2) job restructuring, modified

2.1 work schedules, reassignment to a vacant position, acquisition or modification of equipment  
2.2 or devices, and the provision of aides on a temporary or periodic basis.

2.3 (b) In determining whether an accommodation would impose an undue hardship on the  
2.4 operation of a business or organization, factors to be considered include:

2.5 (1) the overall size of the business or organization with respect to number of employees  
2.6 or members and the number and type of facilities;

2.7 (2) the type of the operation, including the composition and structure of the work force,  
2.8 and the number of employees at the location where the employment would occur;

2.9 (3) the nature and cost of the needed accommodation;

2.10 (4) the reasonable ability to finance the accommodation at each site of business; and

2.11 (5) documented good faith efforts to explore less restrictive or less expensive alternatives,  
2.12 including consultation with the disabled person or with knowledgeable disabled persons or  
2.13 organizations.

2.14 A prospective employer need not pay for an accommodation for a job applicant if it is  
2.15 available from an alternative source without cost to the employer or applicant.