



Employment Policies for the State of North Dakota

AMERICANS WITH DISABILITIES ACT

Effective Date: 11/1/2018

The State of North Dakota, as the employer, is committed to providing and promoting equal opportunities in all of its activities and services, including providing reasonable accommodations to the known physical and mental limitations of a qualified applicant or employee with a disability in all aspects of the employment process. In addition, the State of ND, as the employer, strictly forbids retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA. This policy applies to all applicants and employees unless it creates an undue hardship.

Reasonable accommodation is a reasonable adjustment to the work environment, or in the way things are customarily done, that enables an individual with a disability to enjoy equal employment opportunities. Accommodations are to be made in the hiring process (application, tests, and interview), performance of essential functions of the job, and equal opportunities in benefits and promotions.

Undue hardship is an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

To qualify for protection under the ADA, an individual must:

- Have a physical or mental impairment that substantially limits one or more major life activities;
- Have a history or record of such impairment; or
- Be regarded as having an impairment that is not transitory and minor.

Qualified employees or applicants with disabilities may request accommodations in order to perform the essential functions of a position. Such requests should be made to Human Resources or agency leadership.

If there are no reasonable accommodations available, and the individual is unable to perform the essential functions of the position, the individual may no longer qualify for the position.

An employee or applicant who feels discriminated against because of a disability may contact Human Resources to express their concern. Employees may also file a grievance with the agency and, if dissatisfied, may file an appeal with HRMS.

Employees shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA.

Any employee who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

References: Americans with Disabilities Act of 1990 (ADA) and ADA Amendments Act of 2008