

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 5233

(SENATE AUTHORS: ABELER, Hoffman and Utke)

DATE	D-PG	OFFICIAL STATUS
04/02/2024	13330	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to employment; requiring a job accommodation request form for an

1.3employee with a known disability; amending Minnesota Statutes 2022, section

1.4363A.08, subdivision 6.

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

1.6Section 1. Minnesota Statutes 2022, section 363A.08, subdivision 6, is amended to read:

1.7Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational

1.8qualification, it is an unfair employment practice for an employer with a number of part-time

1.9or full-time employees for each working day in each of 20 or more calendar weeks in the

1.10current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and

1.11equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor

1.12organization, not to provide a reasonable accommodation for a job applicant or qualified

1.13employee with a disability unless the employer, agency, or organization can demonstrate

1.14that the accommodation would impose an undue hardship on the business, agency, or

1.15organization. "Reasonable accommodation" means steps which must be taken to

1.16accommodate the known physical or mental limitations of a qualified individual with a

1.17disability. To determine the appropriate reasonable accommodation the employer, agency,

1.18or organization shall, upon request, provide a job accommodation request form to an

1.19individual who discloses a disability in need of accommodation and initiate an informal,

1.20interactive process with the individual with a disability in need of the accommodation. This

1.21process should identify the limitations resulting from the disability and any potential

1.22reasonable accommodations that could overcome those limitations. "Reasonable

1.23accommodation" may include but is not limited to, nor does it necessarily require: (1) making

1.24facilities readily accessible to and usable by individuals with disabilities; and (2) job

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

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

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

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

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

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

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

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

(c) The commissioner shall create and make available a job accommodation request form for use and distribution by an employer, agency, or organization subject to the requirements of paragraph (a). At minimum, the form must allow an employee who discloses a disability to identify the limitations resulting from the disability and any potential reasonable accommodations that could overcome those limitations.