

April 5<sup>th</sup>, 2021

**The Honorable Jamie Becker-Finn**

Chair, Judiciary Finance & Civil Law Committee  
559 State Office Building  
St. Paul, MN 55155

Dear Chair Becker-Finn and members of the Judiciary Finance & Civil Law Committee,

On behalf of the Minnesota Council on Disability, thank you for including the provisions from the Interactive Process Amendment Bill ([House File 2010](#)) in the Judiciary Finance & Civil Law Omnibus Bill. These provisions (**Article 4 Section 5. Subdivision 6**) would amend the Minnesota Human Rights Act to align it with the federal Americans with Disabilities Act regarding the Interactive Process between an Employer and an Employee seeking reasonable disability workplace accommodations.

The Minnesota Human Rights Act (MHRA - 1973) and the Americans with Disabilities Act (ADA - 1990) provide protections from discrimination on the basis of disability in employment, housing, public services, and other areas. As part of disability protections, entities are required to provide reasonable accommodations for individuals with disabilities. To determine what accommodations are required, the individual and the entity generally engage in conversations – an interactive process – about the individual’s needs and practicalities of such a request.

In 2019, the Minnesota Supreme Court ruled in [Thaleaha McBee v. Team Industries, Inc.](#) interpreting the MHRA as not requiring an interactive process by an employer in the provision of reasonable accommodations. The ruling incorrectly categorized the ADA as predating the MHRA. This means that the state government cannot assist employers and Minnesotans with disabilities in the interactive process for reasonable accommodations.

As the state statute stands, this creates complications for both Minnesotans with disabilities and employers. Minnesotans with disabilities who have been denied accommodations by their employer can only file a claim in federal court. This means an employer may be subject to federal lawsuits by the U.S. Department of Justice. We believe that the Minnesota State Government knows its employers and Minnesotans with disabilities best and should serve as the initial mediator and consul on the interactive process, not the federal government.

Due to pandemic, the workplace and employer’s relationship with their employees have dramatically changed. As employers begin to allow more flexibility in schedules and work locations, the types of accommodations for people with disabilities are changing. People with disabilities are more empowered to request accommodations from their employers, but it can be unclear to employers what a reasonable accommodation means in a quickly changing work environment. Article 4 Section 5. Subdivision 6 would be a timely policy change that would allow the Minnesota government to assist in providing support and guidelines for reasonable workplace accommodations.

The Minnesota Council on Disability is grateful to the members of the Judiciary Finance & Civil Law Committee for supporting the Interactive Process Reasonable Accommodations Amendment and for including these provisions in the Committee Omnibus bill. Thank you on behalf of the Minnesota Disability Community.

Sincerely,

**Trevor Turner**

Public Policy Director

Minnesota Council on Disability