

**EXECUTIVE ORDER 96-9  
PROVIDING FOR STATE AGENCY COORDINATION  
OF THE AMERICANS WITH DISABILITIES ACT**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Americans with Disabilities Act and the Minnesota Human Rights Act require employers to make reasonable accommodations for known disabilities of qualified applicants or employees; and

WHEREAS, the Americans with Disabilities Act requires public entities to ensure that all programs, services, and activities are readily accessible to and usable by persons with disabilities;

NOW, THEREFORE, I hereby order that:

1. State agencies strive to eliminate barriers to employment, programs, services, and activities for persons with disabilities, and charge all staff members with the same objective.

2. Each state agency distribute to its managers and supervisors the policies and procedures designed to comply with the Americans with Disabilities Act and the Minnesota Human Rights Act, including the following from the Department of Employee Relations, and others that may from time to time become available from the department:

- Notice to the Public
- External Grievance Policy and Procedures
- Internal Grievance Policy and Procedures
- Reasonable Accommodation Policy and Procedures
- Auxiliary Aid Policy and Procedures


3. State agencies conduct all public meetings in physically accessible sites, provided such space is available, and auxiliary aids be provided upon request to ensure fair and equal access to all attendees.
4. Each agency perform a self-evaluation of all programs, services, and activities and develop a plan to correct all items identified in the self-evaluation that do not comply with the Americans with Disabilities Act.
5. State agencies allocate funds to provide reasonable accommodations for employees and modifications for the public, and report these amounts as part of the agency's affirmative action plan, in accordance with Minnesota Statutes, section 43A.191.
6. Each agency head appoint an ADA coordinator and communicate that appointment to the state ADA/Disability Coordinator. The agency coordinator shall assume the following responsibilities:
  - A. Direct and coordinate agency compliance with Title I of the Americans with Disabilities Act. The coordinator's duties under Title I are to:
    1. Review agency employment practices; report to the agency head and state ADA coordinator on any which discriminate or tend to discriminate against qualified individuals with disabilities; and propose necessary changes to statutes, rules, or administrative procedures to remove identified barriers.
    2. Post the Internal Grievance Procedures to provide prompt and equitable resolution of complaints, and investigate complaints alleging noncompliance.

3. Deliver training and provide technical assistance to agency managers and supervisors on interviewing, providing reasonable accommodations, completing job analyses, identifying essential functions, and writing position descriptions that do not have the effect of discriminating on the basis of disability.
  4. Complete an annual report that documents compliance with Title I and submit the report to the state ADA coordinator by September 1 each year.
  5. Act as the designated agency resource for information and technical assistance regarding compliance with Title I, including case-by-case interventions as required.
  6. Assist employees with disabilities, who because of undue hardship cannot be accommodated within their current position, to relocate to a vacant position within the designated agency. When reassignment within the current employing agency is not possible, the agency ADA coordinator shall refer the employee to the Department of Employee Relations in accordance with Administrative Procedure 13.1.
  7. Distribute the bi-monthly ADA Bulletin and the ADA Tool Box to managers and supervisors. Managers and supervisors shall post the ADA Bulletin on the employee bulletin board where other state and federal postings are currently required to be posted.
- B. Direct and coordinate agency compliance with Title II of the Americans with Disabilities Act. The coordinator's duties under Title II are to:
1. Review agency procedures on program, activity, and service delivery accessibility; report to the agency head and state ADA coordinator any which discriminate or tend to discriminate against individuals with disabilities; and propose necessary changes in statutes, rules, administrative procedures, or other agency procedures to remove identified barriers.
  2. Post the Notice to the Public and Grievance Procedures to provide prompt and equitable resolution of complaints and investigate complaints alleging noncompliance.
  3. Utilize the Procedures Template, developed by the Department of Employee Relations and contained in the ADA Tool Box, to develop processes to provide reasonable modifications to programs, services, and activities. Distribute the completed Procedures Template to managers and supervisors.

4. Provide training and technical assistance to agency managers and supervisors on the requirements of Title II compliance.
5. Complete an annual report to document agency compliance with Title II, and submit the report to the agency head and state ADA coordinator by September 1 each year.
7. Agency heads and their designated ADA coordinators may call upon the state ADA coordinator within the Department of Employee Relations to receive assistance in compliance with the provisions of Title I and Title II of the Americans with Disabilities Act.

Pursuant to Minnesota Statutes 1994, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1994, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twelfth day of June, 1996.

  
ARNE H. CARLSON  
Governor

Filed According to Law:

  
JOAN ANDERSON GROWE  
Secretary of State

