

# STATE OF MINNESOTA

## Executive Department



## Governor Tim Walz

### Executive Order 19-14; Rescinding Executive Order 96-09

#### Providing for State Agency Coordination of the Americans with Disabilities Act

**I, Tim Walz, Governor of the State of Minnesota,** by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act require employers to make reasonable accommodations for known disabilities of qualified applicants or employees.

The Americans with Disabilities Act also requires public entities to ensure that all programs, services, and activities are readily accessible to and usable by persons with disabilities.

For these reasons, I 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.
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 Minnesota Department of Management and Budget, and others that may from time to time become available from the department:
  - HR/LR Policy #1358 Americans with Disabilities Act – Title II
  - Title II Notice and Grievance Procedures
  - HR/LR Policy #1433 ADA Reasonable Accommodation
  - General Memo 2015-8, Reassignments under the Americans with Disabilities Act
3. State agencies conduct public meetings in physically accessible sites in accordance with the provisions of Minnesota Statutes 2018, section 326B.106, subdivision 9(c), and auxiliary aids be provided upon request in accordance with the provisions of

Minnesota Statutes 2018, section 15.44, to ensure fair and equal access to all attendees.

4. State agencies allocate funds, and utilize the accommodation reimbursement fund under Minnesota Statutes 2018, section 16B.4805 to the extent possible and applicable, 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 2018, section 43A.191.
5. Each agency head designate an ADA coordinator and communicate that designation to the State ADA Coordinator. The agency ADA coordinator will assume the following responsibilities:
  - a. The coordinator will direct and coordinate agency compliance with Title I of the Americans with Disabilities Act. The coordinator's duties under Title I are to:
    - i. 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.
    - ii. Develop and post internal grievance procedures to provide prompt and equitable resolution of complaints, and investigate complaints alleging noncompliance.
    - iii. Deliver training and provide technical assistance to agency managers and supervisors on interviewing, accessing information on state disability resources, 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.
    - iv. Complete an annual report that documents compliance with Title I and submit the report to the State ADA Coordinator by September 1 each year.
    - v. Act as the designated agency resource for information and technical assistance regarding compliance with Title I, including case-by-case interventions as required.
    - vi. Assist employees with disabilities, who cannot be reasonably accommodated in their current position, to relocate to a vacant position in the agency, as provided in Minnesota Management and Budget General Memo 2015-8, Reassignments under the Americans with Disabilities Act.

- vii. Provide managers and supervisors access to the HR Tool Box with ADA resources.
  - b. The coordinator will direct and coordinate agency compliance with Title II of the Americans with Disabilities Act. The coordinator's duties under Title II are to:
    - i. 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.
    - ii. Post the Title II Notice and Grievance Procedures to provide prompt and equitable resolution of complaints and investigate complaints alleging noncompliance.
    - iii. Develop and document processes to provide reasonable modifications to programs, services, and activities, and distribute to managers and supervisors.
    - iv. Provide training and technical assistance to agency managers and supervisors on the requirements of Title II compliance.
    - v. 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.
- 6. Agency heads and their designated ADA coordinators may contact the State ADA Coordinator in the Department of Management and Budget to receive assistance in compliance with the provisions of Title I and Title II of the Americans with Disabilities Act.
- 7. Executive Order 96-09 is rescinded.

This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State. It will remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes 2018, section 4.035, subdivision 3.

Signed on April 1, 2019.



**Tim Walz**  
Governor

Filed According to Law:



**Steve Simon**  
Secretary of State

