



# Disability, Ableism, and Advocacy in the Legal Profession: A Panel Discussion

Hennepin County Law Library

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Panelists:

Sierra Grandy, Esq., Questify Your Life, LLC

William D. Goren, Esq., William D. Goren, J.D., LL.M. LLC

Sonja D. Peterson, Esq., MN Disability Law Center

# Minnesota Disability Bar Association (MDisBA)



- Founded in 2022, the Minnesota Disability Bar Association is an organization of Minnesota State legal professionals including attorneys, judges, staff, and students with disabilities as well as nondisabled allies. MDisBA offers peer support, networking, discussion, and outreach opportunities for our members with a focus on disability-related issues.
- Newsletter
- Online resources

# MDisBA Questions & Contact Information



- Minnesota Disability Bar Association
  - <https://www.mdisba.org/>
  
- LinkedIn
  - [www.linkedin.com/company/minnesota-disability-bar-association](http://www.linkedin.com/company/minnesota-disability-bar-association)

# Minnesota Disability Law Center

- Part of Mid-MN Legal Aid
- Protection and Advocacy System for MN
- Provides civil legal services in MN for disability-based claims regarding housing, employment, public accommodations, public services, and education
- Represents private clients with disabilities in administrative hearings and state and federal courts on disability discrimination claims

# MN Human Rights Act

- State law that prohibits discrimination based on many characteristics, including disability.
- MHRA protects against disability discrimination in employment, housing, public accommodations, public services, education, credit and business.

# What is a “Disability” under the MN Human Rights Act?

"Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

1. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
2. has a record of such an impairment;
3. is regarded as having such an impairment; or
4. has an impairment that is episodic or in remission and would materially limit a major life activity when active.

Minn. Stat. § 363A.03, subd. 12

# Major life activities

- Functions that are important to most people's daily lives: like walking, talking, hearing, seeing, sleeping, caring for oneself, performing manual tasks, and working.
- Also includes major bodily functions such as immune system functions, normal cell growth, digestive, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

29 C.F.R. § 1630.2(i)(1)

# Employment Discrimination Under MHRA

- Employers cannot refuse to hire, discharge, or discriminate against someone with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment because of that person's disability, except when based on a bona fide occupational qualification.
- Except when based on a bona fide occupational qualification, employers with 15 or more employees must provide individuals with disabilities reasonable accommodation to allow them to perform the essential functions of the job unless it would impose an undue hardship on the employer.

Minn. Stat. § 363A.08



# **Accessibility and Reasonable Accommodation**

# What is a Reasonable Accommodation?

“‘Reasonable accommodation’ means steps which must be taken to accommodate the known physical or mental limitations of a qualified individual with a disability.”

Minn. Stat. § 363A.08, subd. 6

- A “reasonable accommodation” is a change, exception, adjustment or modification to a facility, equipment, rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity.

# Typical Reasonable Accommodations in Employment

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies, and
- providing readers, interpreters, aides
- making the workplace readily accessible to and usable by people with disabilities.

Minn. Stat. § 363A.08, subd. 6

# How do I get Reasonable Accommodation/Accessibility?

- First Thing: ASK!
  - Put your request for accommodation in writing, and ask for a written response
- If your employer has questions about your request or different ideas, they should start the “informal, interactive process.”

# “Informal, interactive process”

“To determine the appropriate reasonable accommodation the employer . . . shall initiate an informal, interactive process with the individual with a disability in need of the accommodation.

This process should identify

- the limitations resulting from the disability and
- any potential reasonable accommodations that could overcome those limitations.”

Minn. Stat. § 363A.08, subd. 6 (2021)

# Identifying potential reasonable accommodations

- **JOB ACCOMMODATION NETWORK**
  - Provides employers, employees free, confidential services by accommodation experts on appropriate accommodations for specific individuals and jobs.
  - [Searchable Online Accommodation Resource \(SOAR\)](#) database of accommodation information based on the more than 250,000 cases to which JAN has responded.

<https://askjan.org> or 800-526-7234

# Contact Info

- Minnesota Disability Law Center Intake Line
  - 612-334-5970
  - 1-800-292-4150
- Sonja Peterson (Staff Attorney, MDLC)
  - 612-746-3831
  - [speterson@mylegalaid.org](mailto:speterson@mylegalaid.org)