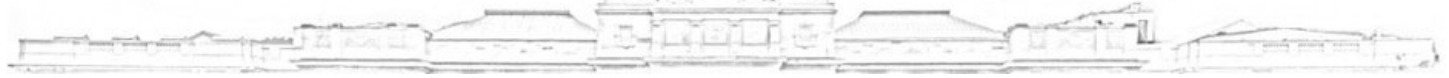




ADMINISTRATIVE RULES OF MONTANA



2.21.4112 PARTICIPATING IN THE INTERACTIVE PROCESS

- (1) Agency managers shall participate in the interactive process until they identify an effective accommodation or determine a reasonable accommodation is not possible. Failure to participate in the interactive process could result in a delay or failure to provide a reasonable accommodation.
- (2) When an employee or applicant requests a reasonable accommodation, the dialogue between designated personnel and the employee may include the following:
 - (a) a discussion of the employee's specific limitations;
 - (b) how the limitation affects the employee's performance;
 - (c) specific job tasks or selection procedures that are or may be problematic for the employee;
 - (d) possible accommodations; and
 - (e) if implemented, whether the accommodation was effective.
- (3) The extent of the dialogue between designated personnel and the employee or applicant may vary because of the nature of an individual's disability or their specific request. If the disability and the need for an accommodation are obvious, the discussion may be brief. In some cases, the agency manager may need to ask questions about the nature of the individual's disability and the individual's functional limitations in an effort to identify an effective accommodation.
- (4) Designated personnel shall limit discussion with applicants to the individual's specific request, their inability to participate in a particular selection process, and possible accommodations.
- (5) Designated personnel may not ask probing questions likely to disclose genetic information in compliance with ARM Title 2, chapter 21, subchapter 40, Equal Employment Opportunity, Nondiscrimination, and Harassment Prevention Policy.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 2011 MAR p. 1668, Eff. 8/26/11.