

How do part-timers affect ADA, MHRA thresholds?

Q. We currently have 15 employees, but several work part time. Are we required to provide reasonable accommodations under the ADA or the Minnesota Human Rights Act (MHRA)?

A. The ADA and the MHRA require certain employers to provide reasonable accommodations to employees with qualifying disabilities. Under both statutes, the requirement extends to employers that have 15 or more employees for each working day, in each of 20 or more calendar weeks in the current or preceding calendar year.

Whether your company is required to provide accommodations depends on specific facts and circumstances. It's important to remember that the MHRA's prohibitions on discrimination against people with disabilities apply even if you only had one employee—and the line between a refusal to provide an accommodation and disability discrimination may not always be clear.

The EEOC has issued guidance regarding counting employees, which is available on its [website](#).

To determine whether you meet the 20-week requirement, count those calendar weeks in which 15 or more employees worked on each workday. Part-time employees count toward this number if they worked on each workday, even if they did not work the entire day. The 20 weeks need not be consecutive to reach the threshold. One problem is that you may be covered if, by the end of the current calendar year, you meet the 20-week threshold, even if you haven't met the threshold and don't know that you will.

Regardless of what the law requires, you might consider voluntarily providing the accommodation if it is reasonable and it will help keep an employee productive.