

ARTICLE 29

AMERICANS WITH DISABILITIES ACT

Section 1. Purpose. The MSCF and the Employer agree that they have a joint obligation to comply with the Americans with Disabilities Act (ADA). The MSCF and the Employer agree that they have the obligation to consider the accommodation request(s) from qualified disabled individuals.

In the event that the accommodation request(s) raise conflicts with this Contract, the Employer and the MSCF shall follow the procedures in Section 2, below.

Section 2. Process. Both parties recognize their responsibility to respect the privacy and confidentiality of faculty members. Upon request, a faculty member seeking an accommodation shall be entitled to MSCF representation. The Employer shall review faculty member requests for accommodations considering options such as equipment purchase or modification, accessibility improvement, scheduling modifications and/or restructuring of current positions and duties which are allowable under this Contract, before requesting waiver of any provision of this Contract.

If the Employer determines that contract waiver is necessary, it shall meet and confer with the MSCF. At this meeting, the Employer shall inform the MSCF of the faculty member's restriction(s) subject to each party's confidentiality obligations, the specific Article(s) to be waived and the manner in which the Employer proposes to modify the Article(s). The Employer shall also consider additional options presented by the MSCF. Any contract waiver must be agreed to by both the Employer and the MSCF. Between the meet and confer and notification to the Employer of the MSCF's decision concerning waiver, the Employer may make any temporary accommodations.