

WASHINGTON SCHOOL FOR THE DEAF

AFFIRMATIVE ACTION PLAN

2006

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INTRODUCTION

The Washington School for the Deaf is committed to employing a workforce that reflects Washington State’s diversity in culture, race, ethnicity and gender and providing a work environment that is free from discrimination.

An affirmative action plan is a systematic approach to identifying areas of the agency’s workforce in which representation of affected group members is not reflective of the group’s availability for work. In such cases, the Washington School for the Deaf will establish affirmative action goals and increase efforts to implement results-oriented activities to ensure equal employment opportunity.

The Washington School for the Deaf is dedicated to achieving equal employment opportunity for people of color, persons over 40 years of age, persons with disabilities, women, and disabled veterans and Vietnam-era veterans.

What are the primary roles and responsibilities for affirmative action and equal employment opportunity at the Washington School for the Deaf?

Role	Responsibilities
Superintendent	<ul style="list-style-type: none"> ▪ Overall responsibility for implementation of the Affirmative Action Plan.
Human Resources Representative	<ul style="list-style-type: none"> ▪ Overall development, communication, implementation, monitoring and auditing of the Affirmative Action Plan. ▪ Administers the agency’s investigation and complaint procedure. ▪ Reporting to the Governor’s Affirmative Action Policy Committee and the Equal Employment Opportunity Commission. ▪ Representing the agency in matters related to review of the program. ▪ Assisting the Superintendent to ensure that managers are responsible and accountable for the success of the program in their area of responsibility.
Managers/Supervisors	<ul style="list-style-type: none"> ▪ Ensure promotion and implementation of the principles of affirmative action and equal employment opportunity as outlined in the Affirmative Action Plan established for the Washington School for the Deaf.
All Employees	<ul style="list-style-type: none"> ▪ Maintain a working environment free from all forms of discrimination. ▪ Refrain from engaging in any form of racial, religious, or sexual harassment including jokes, slurs, and innuendos. (Failure to do so may result in corrective/disciplinary action). ▪ Support and comply with the Affirmative Action Plan as outlined.

Washington School for the Deaf Affirmative Action/Equal Employment Opportunity Statement

In compliance with executive orders and state and federal laws, the Washington School for the Deaf reaffirms its strength in commitment and acknowledges the purpose and need for affirmative action and equal employment practices and opportunities for all persons regardless of race, color, religion, sex, national origin, age, creed, sexual orientation, disability and/or Vietnam era veteran status. This plan establishes affirmative action and equal employment opportunity as immediate and necessary agency objectives and applies to all aspects of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, layoff, and corrective action to maintain a workplace free from discrimination.

To achieve an agency workforce that is representative of the population available, an Affirmative Action Plan, including realistic goals and timetables, is maintained. The Affirmative Action Plan is designed to correct any underutilization that may exist in our workforce. To ensure the agency's ongoing commitment, affirmative action reports and human resources practices are regularly reviewed for progress and necessary action.

The Washington School for the Deaf actively supports recruitment and career development programs to ensure equitable representation of people of color, women, persons with disabilities, older workers, Vietnam era and disabled veterans in all job categories. Services and programs at the Washington School for Deaf are provided in a fair and impartial manner.

The agency's designee responsible for implementing and amending the Affirmative Action Plan, as well as monitoring the success of the plan, is the Human Resources representative.

The agency's plan is based on Presidential Order 11246 (as amended) and 11478; Congressional Federal Register (CFR) Title 41, Part 60-2, Revised Order No. 4, Title VII of the Civil Rights Act of 1964 (as amended), Equal Employment Opportunity governing guidelines; CFR Titles 28, 29 and 43, The Vietnam-era veterans Readjustment Act of 1974; Chapters 49.60 and 43.43 of the Revised Code of Washington; and the Governor's Executive Order for Affirmative Action; and other state and federal laws which may apply.

Affirmative Action Plan Dissemination

Internal

The Affirmative Action Plan will be available in each work location and made available to all employees. The Affirmative Action/Equal Employment Opportunity statement will be disseminated internally to all employees and included in all new employee orientation packets. In addition, each employee will be informed of the existence of the Affirmative Action Plan to ensure their cooperation in its implementation. Union officials representing Washington School for the Deaf employees will be provided a copy of the plan.

External

A copy of the Affirmative Action Plan will be made available to the public upon request. Additional external notification shall be reflected in the use of our equal employment opportunity statement on all recruitment advertisements and job postings.

In accordance with RCW 49.60, the Washington School for the Deaf will not knowingly conduct business with any entity that discriminates against affected group members and/or violates Federal or State civil rights laws.

Washington School for the Deaf Positions by Job Group

The purpose of conducting a workforce analysis is to determine the composition of an employer's current workforce in terms of affected group members as compared to non-affected group members, both in real numbers and in percentage of the workforce.

The Equal Employment Opportunity Commission (EEOC) established job categories for the purpose of analyzing an employer's workforce. These categories are:

Officials & Administrators
Professionals
Technicians
Protective Services

Para-Professionals
Administrative Support
Skilled Craft
Service and Maintenance

As of March 2006, the Washington School for the Deaf employed 135 staff, including employees in on-call status. Of these, 63.7% (86) were women and 8.15% (11) were people of color. Based on these categories, job groups were established consisting of jobs having similar content, wage rates and opportunities. Due to small number of employees, the agency established the following job groups:

Officials & Administrators/Professionals

- Superintendent (1)
- Assistant Superintendent (1)
- Director of Outreach Services (1)
- Business and Operations Director (1)
- Principal (1)
- Human Resources Manager (1)
- SRVOP Program Director (1)
- Superintendent's Executive Assistant (1)
- Residential Program Supervisor (2)
- Food Manager 2 (1)
- Plant Manager 2 (1)
- Registered Nurse 3 (1)
- Teacher of the Deaf (27)
- School Psychologist (1)
- Speech-Language Pathologist (1)
- Audiologist (1)
- School Social Worker (1)
- School Counselor (1).....Job Group Total: 45

Para-Professionals/Administrative Support

Administrative Assistant 4 (1)
Fiscal Analyst 3 (1)
Fiscal Analyst 1 (1)
Fiscal Technician 2 (1)
Information Technology Specialist 1 (1)
Information Technology Specialist 2 (1)
Instructional and Classroom Support Technician (7)
LPN 2 (1)
Office Assistant 2 (1)
Recreation Specialist 1 (1)
Recreation Specialist 3 (1)Secretary Senior (4)
Student Life Counselor (40)
Student Life Dean (2)
Supply Officer 2 (1).....Job Group Total: 64

Service & Maintenance

Cook 1 (3)
Custodian (7)
Food Service Aide 1 (7)
Grounds & Nursery Specialist 4 (1)
Maintenance Mechanic (2)
Security Guard 1 (3)
Trades Helper (1)
Truck Driver 2 (2)Job Group Total: 26

WORKFORCE PROFILE ROLL -UP AND UTILIZATION AND GOALS REPORTS

TOTAL WORKFORCE

Year	Total		Women		Total POC*		African American		Hispanic		Asian Pacific Islander		Native American		Persons with Disability		Disabled Veteran		Vietnam Veteran		40 & Over	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2006	135		86	63.7	11	8	1	.74	2	1.5	4	2.9	4	2.9	63	46.6	0	0	2	1.5	94	69.6

*POC = Persons of Color

UTILIZATION AND GOALS REPORT JOB GROUP 1

Job Group 1: **Officials & Administrators/Professionals**

	Total	Women	Total POC	African American	Hispanic	Asian Pacific Islander	Native American	Persons with Disability	Disabled Veteran	Vietnam Veteran	40 & Over
Current Utilization #	45	30	2	0	0	1	1	24	0	1	38
Current Utilization %		66	4.4	0	0	2.2	2.2	53.3	0	2.2	84.4
Availability %		47.7	8.6	1.2	2	3.8	1.5	5.1	1.1	7.7	0.0
Goals Set (Y/N)		No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No

Availability Percentages based upon Civilian Labor Force Availabilities for Clark County.

UTILIZATION AND GOALS REPORT JOB GROUP 2

Job Group 2: **Paraprofessionals/Administrative Support**

	Total	Women	Total POC	African American	Hispanic	Asian Pacific Islander	Native American	Persons with Disability	Disabled Veteran	Vietnam Veteran	40 & Over
Current Utilization #	64	50	4	1	0	2	1	28	0	0	45
Current Utilization %		78	6.2	1.5	0	3.1	1.5	43.7	0	0	70.3
Availability %		68.7	10.1	1.8	3.1	3.5	1.6	7.3	1.1	7.7	0.0
Goals Set (Y/N)		No	Yes	No	Yes	Yes	No	No	Yes	Yes	No

UTILIZATION AND GOALS REPORT JOB GROUP 3

Job Group 3: **Service & Maintenance**

	Total	Women	Total POC	African American	Hispanic	Asian Pacific Islander	Native American	Persons with Disability	Disabled Veteran	Vietnam Veteran	40 & Over
Current Utilization #	26	11	5	0	2	1	2	5	0	1	19
Current Utilization %		42.3	19.2	0	7.6	3.8	7.6	19.2	0	3.8	73
Availability %		41.5	10.9	2.1	6.4	5.4	2.5	9.1	1.1	7.7	0.0
Goals Set (Y/N)		Yes	No	Yes	No	Yes	No	No	Yes	Yes	No

AFFIRMATIVE ACTION PLAN STRATEGIES

Note: Availability % based on civilian labor force availabilities in Clark county

Job Group 1: Officials and Administrators/Professionals

African American: The availability for this group is 1.2% and the agency's current utilization is 0.0%.

Hispanic: The availability for this group is 2% and the agency's current utilization is 0.0%.

Asian Pacific Islander: The availability for this group is 3.8% and the agency's current utilization is 2.2%.

Disabled Veteran: The availability for this group is 1.1% and the agency's current utilization is 0.0%.

Vietnam Veteran: The availability for this group is 7.7% and the agency's current utilization is 2.2%

Job Group 2: Paraprofessionals/Administrative Support

African American: The availability for this group is 1.8% and the agency's current utilization is 1.5%.

Hispanic: The availability for this job group is 3.1% and the agency's current utilization is 0.0%

Asian Pacific Islander: The availability for this group is 3.5% and the agency's current utilization is 3.1%.

Disabled Veteran: The availability for this group is 1.1% and the agency's current utilization is 0.0%.

Vietnam Veteran: The availability for this group is 7.7% and the agency's current utilization is 0.0%.

Job Group 3: Service & Maintenance

Women: The availability for this group is 41.5% and the agency's current utilization is 42.3%.

African American: The availability for this group is 2.1% and the agency's current utilization is 0.0%.

Asian Pacific Islander: The availability for this group is 5.4% and the agency's current utilization is 3.8%.

Disabled Veteran: The availability for this group is 1.1% and the agency's current utilization is 0.0%.

Vietnam Veteran: The availability for this group is 7.7% and the agency's current utilization is 3.8%.

PROBLEM ANALYSIS:

What is going to be done to address this Underutilization?

The Washington School for the Deaf will focus on the following areas to address current utilization problems and achieve program goals:

- A. **Recruitment:** As vacancies occur, a good faith effort will be made to achieve program goals by continuing the nationwide recruitment of qualified candidates to reach parity where underutilized. The agency will also seek minority candidates by targeting the dissemination of job bulletins to minority applicants and advertising vacancies in media that serves and/or represents minority applicants. WSD will also continue posting job announcements on the internet, including web sites geared toward affected group members. WSD will participate in job fairs which directly target minority applicants.

WSD can try to fill the gaps for underutilized groups by posting job announcements in diversity newspapers such as the Affirmative Action Register and the International Examiner. WSD can also post job openings at the Black Career Women website, the Black Professional Network, Blacksonville.net, the African American Women's Resource Center, and the Black World Today website to target African Americans, for example. There are similar organizations and websites for other groups such as NativeAmericanJobs.com, the Tribal

Employment Newsletter, the National Association for Asian American Professionals, Asia-Links.com, and the Women's Information Network.

- B. **Equal Opportunity Training:** The Washington School for the Deaf will carefully select and train personnel involved in recruiting, screening, selection, promotion and related processes. In addition, training to all staff in equal opportunity, affirmative action, cultural diversity, non-discrimination, reasonable accommodation, and sexual harassment will continue to be available to all employees.
- C. **Enhancing Opportunity:** The Washington School for the Deaf actively supports community groups that represent affected groups and will continue to do so As budget allows, the Washington School for the Deaf will continue to provide tuition reimbursement and professional development funding for staff to increase job skills and promotional opportunities.
- D. The Affirmative Action Plan will be distributed to all supervisors and employees, to solicit concerns and interests in administration of the plan.

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **5209**

Approved: **October 6, 2006**

SUBJECT: **Nondiscrimination**

Approved by:

Larry Swift, Chair, Board of Trustees

The Washington School for the Deaf (WSD) is committed to nondiscrimination in all education and employment activities. Specifically, WSD prohibits discrimination based on race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital or veteran status or disability. WSD also prohibits the use of racial, ethnic and/or sexual slurs, including sexual harassment.

WSD recognizes that regardless of intent, racial, ethnic and/or sexual slurs have the capacity of substantially harming both the individuals to whom slurs are addressed and the education community as a whole. A racial, ethnic or sexual slur is defined as any derogatory action including but not limited to: remark(s), words, phrase(s), joke(s), picture(s) and/or gesture(s) referencing or directed to any individual or group(s) which is of a racial, ethnic or sexual nature.

WSD will require all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for WSD to subscribe to applicable federal and state laws, executive orders, and rules and regulations regarding nondiscrimination.

Each staff member is responsible for reporting alleged discrimination and/or harassment to his/her supervisor or other appropriate school personnel. Staff members who fail to take prompt action to report an allegation(s) or violation(s) of this policy may be subject to disciplinary action up to and including termination. Administrators, managers and/or supervisors who fail to take prompt action upon receiving an allegation of discrimination will be subject to disciplinary action up to and

including termination. The process for responding to allegations is outlined in Discrimination Complaint Procedure 5209P. Retaliation against any person who makes a complaint or is a witness under this policy is prohibited and will be subject to appropriate disciplinary action.

Legal References: Title VII, Civil Rights Act of 1964 as amended
Section 504 of the Rehabilitation Act of 1973
The Civil Rights Act of 1991
The Americans with Disabilities Act of 1990
WAC 392-190-056 through 058

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **5212**

Approved: October 6, 2006

SUBJECT: **Prohibition of Harassment, Intimidation and Bullying**

Approved by:

Larry Swift, Chair, Board of Trustees

The Washington School for the Deaf (WSD) is committed to a safe, civil, and respectful learning environment free from harassment, intimidation or bullying for all students, staff, volunteers, parents and visitors. This environment stresses the prevention of harassment, intimidation or bullying by integrating prevention and intervention education and training for all staff.

Harassment, intimidation or bullying means any intentional written or electronic media message, verbal, or physical act, including, but not limited to, one shown to be motivated by any characteristic of race, color, religion, ancestry, national origin, gender, gender identity, marital or veteran status, sexual orientation, mental or physical disability or “other distinguishing characteristics”, when such conduct or communication:

- Has the purpose or effect of substantially interfering with an individual’s work or school environment; or
- Physically harms a student or damages the student’s property; or
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

“Other distinguishing characteristics” can include, but are not limited to, physical appearance, clothing or other apparel, and socioeconomic status. Harassment, intimidation or bullying can take many forms, including: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, hazing or other written, verbal or physical action. “Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the work or school environment. Many behaviors that do not rise to the level of harassment, intimidation or bullying may still be prohibited by other policies or building, classroom or departmental rules.

The goal of this policy includes appropriate investigation, intervention, restoration of a positive climate, and support for victims and others impacted by the violation. Administration will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging harassment, intimidation or bullying that come to the attention of school personnel, either formally or informally.

Depending upon the frequency and severity of the conduct, appropriate responses to violations of this policy may include interventions such as counseling, corrective action, discipline and/or referral to law enforcement to remediate the impact on the victim and the climate, and to change the behavior of the perpetrator. Other school visitors who engage in this conduct will have their access to school property and activities restricted, and their actions will be reported to the proper authorities, as appropriate.

Coercion, retaliation, discrimination or reprisals taken against persons filing complaints or persons acting as witnesses to complaints shall result in appropriate disciplinary action or sanctions according to policy or other applicable laws or regulations.

False reports of harassment, intimidation or bullying also constitute violations of this policy. Persons who knowingly file false allegations or report or corroborate false allegations shall also be subject to appropriate disciplinary action or sanctions according to policy or other applicable laws or regulations.

In accordance with applicable laws and regulations, staff, students, parents, volunteers and other interested parties will be informed of this policy and other applicable policies, laws, rules and regulations pertaining to the filing of complaints. Employees at the WSD will be provided appropriate information on the recognition and prevention of harassment, intimidation and bullying and their rights and responsibilities under this policy.

Legal References: RCW 28A.300.285
Title VII, §703, Civil Rights Act of 1964 as amended

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **5210**

Approved: **October 6, 2006**

SUBJECT: **Sexual Harassment**

Approved by:

Larry Swift, Chair, Board of Trustees

The Washington School for the Deaf (WSD) administration is committed to maintaining a working and learning environment for all its employees, students, parents, volunteers and others involved with the school which provides for fair and equitable treatment, including freedom from sexual harassment. This policy also covers anyone else who engages in sexual harassment on school property or at school activities.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature, when:

- Submission to the conduct or communication is either explicitly or implicitly made a term or condition of an individual's employment, work opportunity or other benefit;
- Submission to or rejection of the conduct or communication is used as a factor for employment decisions or other school-related decisions affecting an individual; and/or
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's work or school performance or creates an intimidating, hostile or offensive work or school environment.

Sexual harassment can occur between adult to student, student to adult, student to student, adult to adult, female to male, male to female, female to female, and male to male. Administration will take prompt, equitable and remedial action on reports and complaints that come to the attention of school personnel, either formally or informally. Allegations of criminal misconduct will be reported to the appropriate law enforcement agency, and suspected child abuse will be reported to law enforcement and/or Child Protective Services.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. Anyone else engaging in sexual harassment on school property or at school activities will have access to school property and activities restricted, as appropriate. Retaliation is prohibited against any person who makes a complaint or is a witness under this policy and will result in appropriate disciplinary action. Individuals who knowingly report false allegations of sexual harassment or corroborate false allegations will be subject to appropriate disciplinary action.

Each staff member is responsible for reporting alleged discrimination and/or harassment to his/her supervisor or other appropriate school personnel. Staff members who fail to take prompt action to report allegations or violation(s) of this policy may be subject to disciplinary action up to and including termination. The process for responding to allegations is outlined in procedure 5209P - Discrimination Complaint Procedure.

Information regarding this policy will be provided to new employees during their orientation period. WSD will develop a training program notifying staff of the sexual harassment policy. The program will address the definition of sexual harassment and other issues covered in this policy.

Legal References: RCW 28A.640.020 Regulations, guidelines to eliminate discrimination – scope
WAC 392-190-056 through 058

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **5211**

Approved: **October 6, 2006**

SUBJECT: **Reasonable Accommodation**

Approved by:

Larry Swift, Chair, Board of Trustees

This policy affirms the commitment of the Washington School for the Deaf (WSD) to provide equal access to employment programs and facilities for persons with disabilities, and to ensure against discrimination because of a disability. This policy also affirms persons with a disability have the right to request and receive reasonable accommodation(s).

This policy affects all employees and candidates for employment with WSD. Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment with the state, including but not limited to: application; recruitment; selection/hiring; promotion; testing; medical examinations; layoff/recall; assignments; termination; evaluation; compensation; disciplinary actions; leave; training; the terms, conditions and benefits of employment including insurance benefits; and employer supported activities.

WASHINGTON SCHOOL FOR THE DEAF

POLICY: **5211P**

Adopted: **October 6, 2006**

SUBJECT: **Reasonable Accommodation**

Approved by: _____
Todd Reeves, Superintendent

The Washington School for the Deaf (WSD) shall reasonably accommodate the known disabilities of employees and candidates for employment. Supervisors are encouraged to consult with the agency's Human Resources representative regarding any situation requiring reasonable accommodations.

Such accommodations may include, but are not limited to:

- Changes to work schedules or job structure;
- Physical changes or office relocation to make facilities accessible and usable;
- The use of readers, qualified American Sign Language (ASL) interpreters, or transcribers when the disability is limited due to an inability to communicate; and/or
- Making printed materials available in Braille, large print, or on audio tape as needed.

General Obligations

The obligation to provide a reasonable accommodation applies to all aspects of employment. Reasonable accommodations must be provided to enable an employee to enjoy equal terms, benefits, privileges and conditions of employment including all employer supported social or recreational activities. This duty is ongoing and may arise any time that a person's disability or job changes. The need for a reasonable accommodation shall not adversely affect the

consideration of an individual with a disability for employment, training, promotion, travel, participation in projects, committees, or developmental work assignments or any other opportunity which may have an impact on an employee's career development.

Generally, it is the obligation of an individual with a disability to request a reasonable accommodation. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, s/he will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.

Verification and Records

When an applicant or employee makes a request for a reasonable accommodation, and the disability is not readily apparent and has not been previously documented, the supervisor may request that the applicant or employee provide verification from a health care professional that s/he has the disability as claimed and that it has the effect of necessitating the reasonable accommodation requested. If the treating health care provider is either unqualified to make a diagnosis or is not providing adequate information, WSD may select a health care professional to provide a second opinion at WSD's expense. Such inquiries must be limited to verification of the employee's claims, except that the WSD may also request that the health care professional suggest possible effective alternative accommodations.

All information regarding the presence, or nature of an employee's or applicant's disability must be treated as a confidential medical record and shall be maintained, apart from personnel files in a secure manner, with access restricted to designated personnel on a need to know basis.

Selection

Reasonable accommodation must be provided at every stage of the recruitment, application and selection process, to enable a qualified applicant with a disability to have an equal opportunity for job consideration. Notification of the right to make an accommodation request and information on how to initiate such a request must be included with all announcements, bulletins, and recruitment efforts. Timeliness of response is essential in providing equal opportunity. Failure to provide accommodation in a timely manner shall be justification for extension of application and other deadlines.

Qualification standards, employment tests, or other selection criteria must not screen out or tend to screen out an individual with a disability unless such selection tools are job-related and consistent with business needs. Employment

tests must be used in the most effective manner to measure actual abilities. Tests must accurately reflect the skills, aptitude, or other factors being measured and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability (unless those are the skills the test is designed to measure).

Staff at designated contact points for information about job openings and the application process shall be given the training and authority necessary to initiate WSD's process for the provision of reasonable accommodations.

Determining Essential Functions

Each position should be examined, to determine its purpose and its essential functions. Appropriate times to examine a position include when the position is established, when it becomes vacant, and when the duties are changed. The following criteria should be considered in identifying the Essential Functions of a Job:

- Are employees in the position actually required to perform the function?
- Would removing that function fundamentally change the job?
- Was the position established to perform the function?
- Are there a limited number of other employees available to perform the function, or among whom the function can be distributed?
- Is the function highly specialized, and is the person in the position hired for special expertise or ability to perform it?

Responding to Requests for Reasonable Accommodation

Upon receiving a reasonable accommodation request, the Human Resources representative or designee shall consult with the individual with a disability to find out his or her specific physical or mental abilities and limitations as they relate to the job performance and assess how an accommodation can overcome these barriers.

The Human Resources representative or designee shall consult with the employee, and may consult with other knowledgeable sources to identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions.

If there are two or more effective accommodations that would allow the individual with a disability to perform essential job functions, after considering the preference of the individual with a disability, the employer may select the accommodation to be provided.

Not all possible accommodations are reasonable. To help determine if an accommodation is reasonable or if it would present an undue hardship on the operation of the agency, the following factors shall be considered:

- The nature and net cost of the accommodation needed, taking into consideration the availability of outside funding;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of employees, and the effect on expenses and resources;
- The overall financial resources of the covered entity with respect to the number of employees, the number, type and location of its facilities.
- The type of operation(s) of the covered entity, including the composition, structure and functions of the workforce of such entity, and geographic separateness, and administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- The impact of the accommodation on the operation of the facility including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business; and
- The availability of alternative accommodations that would not impose such hardship.

If the cost of a reasonable accommodation would impose an undue hardship, and there are no other financial resources available, the individual with a disability must be given the option of providing the accommodation, or paying that portion of the cost which would constitute an undue hardship.

When an Accommodation Isn't Reasonable or Would Cause Undue Hardship

When an accommodation isn't reasonable or would cause undue hardship written justification, received by the Human Resources representative and signed by the Superintendent must be provided for any decision not to provide a reasonable accommodation because of undue hardship. When an accommodation in an employee's present position is not reasonable, or would cause an undue hardship, the agency shall attempt to accommodate the employee through reassignment to another vacant position, at the same pay range or lower, for which s/he is qualified, within the same agency. The agency should also, within the practical limitations of its ability, assist the employee in identifying and applying for vacant positions for which s/he is qualified, within other agencies. The Human Resources representative will inform the employee that the employee is responsible for the following:

- Providing current information showing skills, abilities, training, and experience;
- Identifying the types of jobs for which s/he is interested in and qualified;
- Applying for vacant positions; and

- Advising the employer of any change of address and/or other contact information.

The Human Resources representative will inform the applicant/employee of his/her right to file a complaint with the Washington State Human Rights Commission and/or federal Equal Employment Opportunity Commissions.

Communications

The Reasonable Accommodation Policy and Procedure will be available in each work unit and will be accessible to all employees, and to the general public, upon request. The policy statement will be disseminated internally to all employees of the agency and included in the new employee orientation packet. Managers, supervisors and employees having regular contact with clients or the public will be provided training on the agency's responsibility and policy regarding reasonable accommodation.

Information contained in communications regarding activities or opportunities covered under this section must be provided to an employee with a disability in a manner or format which is readily accessible to that employee; and employees must be notified about the employer's obligation to provide reasonable accommodations, and instructed as to how to initiate such a request.

References:

RCW 49.60
WAC 162-22
WAC 251-10
RCW 41.06.150
WAC 357-26
Executive Order 96-04
Americans With Disabilities Act of 1990 (P.L. 101-336) 24 CFR Part 1630, and 28 CFR Part 35 (ADA)
Rehabilitation Act of 1973 (P.L. 93-112)
45 CFR Part 84 (Section 504)

WASHINGTON SCHOOL FOR THE DEAF

PROCEDURE: **5209P**

Adopted: **October 6, 2006**

SUBJECT: **Discrimination Complaint**

Approved by:

Todd Reeves, Superintendent

This procedure is to secure equitable solutions to discrimination or harassment complaints at the lowest possible administrative level.

Definition

A complaint is a claim based upon an alleged violation of policy, and/or state or federal laws, executive orders or regulations prohibiting discrimination on the basis of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital or veteran status or disability. The school also prohibits the use of racial, ethnic, and/or sexual slurs, including sexual harassment.

Procedure

Any employee who believes he/she is the victim of, or witness to, discrimination and/or harassment will:

- Notify his/her immediate supervisor; or
- Where the employee believes he/she is being harassed by his/her supervisor he/she should notify the supervisor's supervisor; or
- If the employee is uncomfortable discussing harassment with his/her supervisor, the Human Resources representative may be contacted.

When a supervisor is notified of alleged harassment, he/she will promptly investigate the complaint. The investigation will include interviews with the directly involved parties, and where necessary, employees who may have observed the alleged harassment.

Every effort will be made to resolve the complaint at the lowest level in an informal manner. If the complaint is not resolved informally, the complainant may present the complaint in writing to the next level. In all instances, the supervisor will notify the Human Resources representative that a complaint has been filed.

After the investigation is completed, the supervisor will render a decision in writing and send it to the complainant. Should the complainant determine the decision is unsatisfactory, he/she may request further investigation by the Human Resources department.

The supervisor or Human Resources representative will inform the employee of the right to file a complaint with the Washington State Human Rights Commission under RCW 49.60, or with the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.