

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)