



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
6/23/21

PAGE NUMBER  
1 of 7

NUMBER  
**DOC 840.100**

**POLICY**

TITLE  
**DISABILITY ACCOMMODATION AND SEPARATION**

**REVIEW/REVISION HISTORY:**

Effective: 2/24/92 DOC 100.700  
 Revised: 11/15/93 DOC 840.100  
 Revised: 7/1/05  
 Revised: 4/6/09  
 Revised: 11/1/11  
 Revised: 4/20/15  
 Revised: 6/23/21

**SUMMARY OF REVISION/REVIEW:**


Major changes to align with Office of Financial Management Directive 20-03. Read carefully!

**APPROVED:**

Signature on file

\_\_\_\_\_  
**CHERYL STRANGE**, Secretary  
 Department of Corrections

5/21/21  
 \_\_\_\_\_  
 Date Signed

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**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; [RCW 43.10.005](#); [RCW 49.60](#); [WAC 357-26](#); [WAC 357-46-160](#); DOC 830.200 Workers' Compensation/Transitional Return to Work Program; DOC 850.625 Discrimination and Harassment; DOC 880.100 Corrections Training and Development; [Americans with Disabilities Act](#); [Collective Bargaining Agreements](#)

**POLICY:**

- I. The Department is committed to equitable and meaningful access to all aspects of employment, including access to Department facilities/offices.
- II. Employees, applicants, and candidates with a disability defined per RCW 49.60.040, have the right to request and receive reasonable accommodation (e.g., qualified sign interpreters, alternate interview location, readers, leave use, writers, large print, Braille, recorded material) without stigma, harassment, or retaliation.
- III. Employees, contract staff, and volunteers who fail to comply with this policy will be subject to appropriate corrective or disciplinary action.
- IV. This policy will be updated per DOC 100.100 Policy Development and Implementation to evaluate effectiveness and ensure alignment with applicable laws, regulations, Department policies, collective bargaining agreements, and security concerns.

**PROCEDURES:**

- I. General Requirements
  - A. Persons with a disability that may affect their job duties will notify Human Resources that a reasonable accommodation may be required.
    1. The process for requesting a reasonable accommodation will be conveyed through Department job announcements and employee training.
  - B. When an applicant/candidate requests accommodation at any point in the recruitment and selection process, the Human Resource Consultant/designee will ensure reasonable accommodations are made available if possible.
  - C. Public meetings will be held in accessible locations and reasonable accommodations may be requested through the meeting organizer.
  - D. Information regarding the presence or nature of a disability must be treated as confidential medical information and maintained securely and separately from personnel files. Access will be restricted to designated personnel and on a need to know basis.

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## II. Responsibilities

### A. Employees requesting/receiving an accommodation will:

1. Follow the recommendations and limitations from their health care provider.
2. Notify Human Resources of any changes in their condition/needs.
3. Fully cooperate and provide necessary and required information.
4. Sign DOC 03-398 Authorization to Release Medical Information to assist the Department in obtaining information related to their disability.

### B. Appointing Authorities, managers, and supervisors will:

1. Direct employees to submit accommodation requests through the appropriate Human Resource Consultant/Manager.
2. Honor approved accommodation requests.
3. Consult Human Resources for clarification, if needed.
4. Complete reasonable accommodation training per DOC 880.100 Corrections Training and Development.

## III. Employee Requests for Accommodation

### A. Requests for accommodation will be submitted in writing using DOC 03-391 Request for Accommodation. Employees may submit the request verbally to the appropriate Human Resource Consultant/Manager, who will process the written request.

1. The Human Resource Consultant/Manager will acknowledge receipt of the request in a timely manner.

### B. The cause of the requesting employee's disability (i.e., work-related vs. non-work-related) will not impact the application of this policy. If the disability is the result of a work-related injury, the Human Resource Consultant/Manager will:

1. Refer to DOC 830.200 Workers' Compensation/Transitional Return to Work Program. Actions taken under the return to work program may not be considered an accommodation under this policy.



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2. Communicate and work with the employee’s Claims Consultant from the Occupational Health and Wellness Unit throughout the accommodation process and, if applicable, the disability separation process as defined per WAC 357-46-160.
- C. The Human Resource Consultant/Manager will provide the employee a copy of this policy and discuss the request and considerations including, but not limited to, the:
1. Employee’s specific disability and limitations, and the expected duration, as defined and documented by a health care provider, if necessary.
  2. Essential duties and functions of the employee’s position/job classification.
  3. Variety of potential accommodations, if any, that may be considered.
  4. Nature and cost of the potential accommodations to determine reasonableness in relation to the requesting employee’s job functions/ requirements within the Department.
  5. Work environment.
- D. During the process of evaluating accommodation options, if the employee is unable to perform the essential functions of their job class without accommodation, the:
1. Employee may use accrued leave, shared leave if applicable, or authorized leave without pay.
  2. Appointing Authority may authorize a temporary accommodation.
    - a. Use of a temporary accommodation will not bind the employee or the Department to the accommodation, nor will it acknowledge that an accommodation is required.
- E. The Human Resource Consultant may request information from the employee’s health care provider to determine whether an employee is able to perform the essential functions of their position with or without a reasonable accommodation.
1. To the extent necessary, the Human Resource Consultant will discuss the disability, limitations, job duties, and possible accommodations with the provider.
  2. Medical information will be obtained on the employee’s own time and at their own expense.


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3. The employee may be required to submit to an independent medical examination at the Department's expense, as appropriate.
- F. The Human Resource Consultant may:
1. Involve the employee's supervisor/manager to understand the job requirements and other issues that may impact the reasonableness of any accommodation.
  2. Consult with the Equity, Diversity, Inclusion, and Respect Team for technical assistance or to consider other accommodations with appropriate sources, including the:
    - a. Washington State Department of Services for the Blind, including its vocational rehabilitation and employment services,
    - b. Governor's Committee on Disability Issues and Employment,
    - c. Washington State Developmental Disabilities Council,
    - d. Washington State Department of Social and Health Services Division of Vocational Rehabilitation,
    - e. Washington State Human Rights Commission, and/or
    - f. Job Accommodation Network, a service of the United States Department of Labor's Office of Disability Employment Policy.
- G. The Human Resource Consultant will make a recommendation regarding the accommodation request to the employee's Appointing Authority.
- H. Workplace accommodations will only be provided with Appointing Authority approval. The Appointing Authority may request additional information or further discussion with the requesting employee and/or the employee's health care provider.
- I. If the employee refuses a reasonable accommodation offered by the Department, the supervisor/manager, with assistance from the appropriate Human Resource Consultant, will document the attempt to provide accommodation in their Employee Occupational Health Record and provide a copy of the documentation to the employee.
1. The employee will not be considered qualified for the position if they refuse the reasonable accommodation and cannot perform the essential functions of the job without the accommodation.

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#### IV. Denials

- A. The Appointing Authority may deny an accommodation request if:
1. The request does not involve a reasonable accommodation issue involving the Department.
  2. The disability poses a direct threat to the health/safety of anyone.
  3. The accommodation would cause an undue hardship (e.g., costly, extensive, substantial/disruptive, alters nature/operation of the Department).
    - a. Accommodations related to pregnancy per RCW 43.10.005 will not be considered an undue hardship.
- B. When reasonable accommodation cannot be made within the employee's current position, the Human Resource Consultant will review funded vacancies within the facility/office for which the employee qualifies in the same, similar, or lower classifications and notify the employee of their options. The employee is expected to fully cooperate in the interactive reasonable accommodation process.
1. If reasonable accommodation cannot be made within the employee's current facility/office, the Human Resource Consultant may refer the employee to other areas of interest.
  2. If no reasonable accommodation can be made that will enable the employee to perform the essential functions of their job classification, and no funded vacant positions for which the employee is qualified are available, the Human Resource Consultant will consult with the Appointing Authority regarding a disability separation per WAC 357-26 or the applicable collective bargaining agreement.
- C. Employees will be provided with written justification, signed by the Appointing Authority, for any denial of accommodation because of undue hardship. Justification should demonstrate the Department's efforts to identify available funds internally and to locate available state resources.
1. No written justification will be required if the Department decides to provide an alternative to the employee's preferred accommodation or the request does not involve a reasonable accommodation issue involving the Department.
- D. Accommodation denials may be appealed in writing to the Secretary/designee.

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- E. Employees with disabilities who believe they have been discriminated against/ harassed or that reasonable accommodation efforts have been insufficient may file a complaint per DOC 850.625 Discrimination and Harassment.

**DEFINITIONS:**

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Direct Threat, Health Care Provider, Reasonable Accommodation. Other words/terms appearing in this policy may also be defined in the glossary.

**ATTACHMENTS:**

None

**DOC FORMS:**

- DOC 03-391 Request for Accommodation
- DOC 03-398 Authorization to Release Medical Information