



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

REVISION DATE
4/20/15

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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

SUMMARY OF REVISION/REVIEW:

II.A., III.D., and IV.B. - Adjusted language for clarification
 Added II.B. that the Human Resource Consultant/designee will confirm reasonable accommodations are made available for candidates upon request, if possible
 Removed IV.D. on applying for funds to finance modifications or purchase equipment


APPROVED:

Signature on file

BERNARD WARNER, Secretary
 Department of Corrections

3/17/15

 Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 49.60](#); [WAC 357-26](#); [ACA 4-4054](#); [ACA 7E-03](#); [DOC 830.200 Workers' Compensation/Return to Work Program](#); [Americans with Disabilities Act](#); [Collective Bargaining Agreements](#)

POLICY:

- I. Qualified candidates and employees with disabilities have the right to request and receive reasonable accommodation in all aspects of employment, including access to Department facilities and the benefits, rights, and privileges of equal employment opportunities afforded to other candidates and employees, consistent with applicable laws, regulations, Department policies, collective bargaining agreements, and security concerns. [4-4054] [7E-03]


PROCEDURES:

- I. General Requirements
 - A. Generally, individuals with a disability are obligated to notify the Department that accommodation may be required. The Department will inform individuals of the process for requesting a reasonable accommodation.
 - B. The Department will not discriminate against individuals with disabilities in terms of public access. Public meetings will be held in accessible locations, and individuals may request reasonable accommodations (e.g., qualified sign interpreters, readers, writers, large print, Braille, recorded material).
- II. Reasonable Accommodations for Prospective Employees
 - A. Department job announcements will include instructions for requesting reasonable accommodation.
 - B. When a candidate requests accommodation at any point in the recruitment and selection process, the Human Resource Consultant/designee will confirm reasonable accommodations are made available if possible (e.g., qualified sign interpreters, alternate interviewing location, Braille).
- III. Processing Employee Requests for Accommodation [4-4054] [7E-03]
 - A. Information on reasonable accommodation, the Department's enforcement procedures, and available remedies will be provided in new employee training.
 - B. It is preferable that employees submit accommodation requests in writing using DOC 03-391 Request for Accommodation. Verbal requests may be made to the


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appropriate Human Resource Consultant, who will confirm with the employee and process the request using DOC 03-391 Request for Accommodation.

1. Supervisors will direct employees to make accommodation requests through the appropriate Human Resource Consultant and will only make workplace accommodations upon notification from the Human Resource Consultant, with Appointing Authority approval.
- C. 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 will:
1. Refer to DOC 830.200 Workers' Compensation/Return to Work Program. Actions taken under the Return to Work Program should not necessarily be considered an accommodation under this policy.
 2. Communicate and work with the employee's Workers' Compensation claim manager throughout the accommodation process, including the disability separation process if separation becomes necessary.
- D. The information gathering process and discussion of the issues facing the employee and the Department is intended to be interactive and accomplished with the full cooperation of all parties. The Appointing Authority may authorize a temporary accommodation during this process.
1. The 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 and the employee will review 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.

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- F. To determine whether an employee is able to perform the essential functions of his/her position with or without a reasonable accommodation, as well as the employee's limitations and possible accommodations, the Department may request information from the employee's health care provider. To the extent necessary, the Human Resource Consultant will discuss the disability, limitations, job duties, and possible accommodations with the provider.
1. The Department may ask the employee to provide verification from a health care provider that s/he has the claimed disability and that it necessitates the requested accommodation. Medical information will be obtained on the employee's own time and at his/her own expense.
 2. The Department may also send the employee for an independent medical examination at the Department's expense, as appropriate.
 3. If medical information or an independent medical examination is necessary, the employee is legally obligated to cooperate and assist the Department in obtaining the necessary documentation. This may include signing DOC 03-398 Authorization to Release Medical Information related to his/her disability.
- G. The Human Resource Consultant may:
1. Involve the employee's supervisor to understand the job requirements and other issues that may impact the reasonableness of any accommodation.
 2. Consult with the Department's Workplace Diversity Unit before making recommendations to the Appointing Authority.
- H. The Human Resource Consultant will make a recommendation regarding the accommodation request to the employee's Appointing Authority. The Appointing Authority may accept or reject the recommendation, request additional information, or request that further discussion occur with the requesting employee and/or the employee's health care provider.
- I. If technical assistance is required for the requested accommodation, or other possible accommodations that could be considered, the Human Resource Consultant may work through the Workplace Diversity Unit to consult with appropriate sources including, but limited to, the:
1. Washington State Department of Services for the Blind, including its vocational rehabilitation and employment services
 2. Governor's Committee on Disability Issues and Employment

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3. Washington State Developmental Disabilities Council
4. Washington State Department of Social and Health Services' Division of Vocational Rehabilitation
5. Washington State Human Rights Commission
6. Job Accommodations Network, a service of the United States Department of Labor's Office of Disability Employment Policy

J. If the qualified employee with a disability refuses a reasonable accommodation offered by the Department, the supervisor/ management, with assistance from the appropriate Human Resource Consultant, will document the attempt to provide accommodation. Copies of the documentation will be provided to the employee and placed in his/her Employee Occupational Health Record.


1. If the employee refuses the reasonable accommodation and cannot perform the essential functions of the job without the accommodation, s/he will not be considered qualified for the role.

K. Information regarding the presence or nature of a requesting employee's disability must be treated as confidential medical information and will be maintained securely apart from personnel files, with access restricted to designated personnel on a need to know basis.

IV. Other Considerations

A. [4-4054] [7E-03] The Department's responsibility is limited to providing accommodations that do not create an undue hardship on its operations. In some circumstances, it may not be possible to provide a reasonable accommodation to enable the employee to continue working in his/her job classification, either because of undue hardship or because no accommodation will enable the employee to perform the essential job functions. In such situations, the following guidelines apply:

1. 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 his/her options. The employee is expected to fully cooperate in these endeavors.
2. If the employee is unable to perform the essential functions of his/her job class without accommodation, it may be necessary for him/her to use accrued leave, shared leave if applicable, or authorized leave without pay during the process of evaluating accommodation options.

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3. If reasonable accommodation of a permanent disability cannot be made within the employee's current facility/office, the Human Resource Consultant may refer the employee to other areas of interest.
 4. If no reasonable accommodation can be made that will enable the employee to perform the essential functions of his/her 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.
- B. 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 other 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 decides that the request does not truly involve a reasonable accommodation issue involving the Department.
- C. Employees with disabilities who believe that reasonable accommodation efforts have been insufficient may file an internal discrimination complaint with the Workplace Diversity Unit. Employees have the right to file a complaint with the Washington State Human Rights Commission, United States Equal Employment Opportunity Commission, or Department of Justice.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Health Care Provider. 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](#)