



## Administrative Policy No. 18.26

**Title:** Reasonable Accommodation

**Applies To:** All Department of Social and Health Services Employees


**Authorizing Sources:** RCW [41.06](#) (State Civil Service Law)  
RCW [49.60](#) (Discrimination -- Human Rights Commission)  
WAC [357-19-465](#) (Reemployment Services)  
WAC [357-26](#) (Reasonable Accommodation)  
WAC [357-46-160](#) and [165](#) (Layoff and Separation)  
Americans With Disabilities Act of 1910  
Rehabilitation Act of 1973

**Information Contact:** DSHS Human Resources

**Effective Date:** July 1, 2005

**Revised:** September 16, 2010

**Sunset Review Date:** September 16, 2012

**Approved By:**   
Senior Director, DSHS Human Resources

### Purpose:

To provide guidance to Department of Social and Health Services (DSHS) managers and employees regarding reasonable accommodation for a disabling condition.

### Scope:

This policy applies to all employees of DSHS. This policy also applies to applicants and selected candidates seeking accommodation in the hiring process.

### Definitions for the Purpose of This Policy:

**Direct Threat:** A significant risk of substantial harm to the health and safety of self or others, for reasons connected to a disability. The risk must be specific, substantial, demonstrable, likely or imminent; and must be incapable of being reduced to an acceptable level through reasonable accommodation.

**Qualified Person with a Disability:** A person with a disability who meets the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or

without reasonable accommodation, can perform the essential job functions at the established performance standards.

**Reasonable Accommodation:** Modification or adjustment to a job, work environment, policy, practice, or procedure that enables a qualified individual with a disability to enjoy an equal employment opportunity.

**Undue Hardship:** A defense that employers may use to defend a decision denying a reasonable accommodation that is unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the agency.

**Policy:**

DSHS is committed to equal access to employment for DSHS employees without regard to race, color, gender, age, religion, national origin, creed, disability, use of a trained guide dog or service animal by a person with a disability, marital status, sexual orientation, disabled veteran, Vietnam Era veteran status, recently separated veteran, or other protected veteran status. It is the policy of DSHS not to discriminate because of a disability in any term or condition of employment, or in access to programs, facilities, and services offered by the agency.

Equal employment opportunity and affirmative action are vital responsibilities that are equally important within all functions of the agency. It is the responsibility of each employee to comply with and promote these policies. This policy provides that individuals with disabilities have the right to request and receive reasonable accommodation.

**A. Accommodation**

1. DSHS Human Resources develops and administers the DSHS [Reasonable Accommodation Procedures and Guidelines](#).
2. If an employee believes he or she experiences a disability and requires a reasonable accommodation to perform the essential function of his or her position, the employee may request an accommodation by contacting his or her immediate supervisor or DSHS Human Resources, either orally or in writing.
3. Within 30 calendar days of receiving the employee's request for reasonable accommodation, the supervisor, appointing authority or designee must acknowledge the request and begin the interactive reasonable accommodation process.
4. Reasonable accommodation may include, but is not limited to:
  - a. Accommodations in application procedures, testing, and the interview process.
  - b. Modifications or adjustments to a job, work method, or work environment that make it possible for a qualified person with a disability to perform the

essential functions of a position or, to enjoy the benefits and privileges of employment equal to employees without disabilities.

5. The employee must be notified in writing if his or her request for reasonable accommodation is not possible.

## **B. Qualifying for Reasonable Accommodation**

1. To qualify for a reasonable accommodation, the person with a disability must meet the skills, experience, education, and other job-related requirements of the position held or desired, and
2. Is able to perform the essential job functions, with or without reasonable accommodation, at the established performance standards.

## **C. Determining Undue Hardship**

Undue Hardship is determined by the DSHS Secretary, based on one or more of the following factors:

1. Cost or expense
2. Disruption
3. Administrative burden
4. Results in a fundamental alteration to the nature or operation of DSHS

## **D. Direct Threat**

A DSHS employee may be sent to a doctor of the Department's choosing if there is objective evidence to support a reasonable belief that, due to a disability, an employee poses a high probability of a risk for significant harm or direct threat to the health or safety of others.

## **E. Separation**

1. If the employee cannot be accommodated in his or her current position, and placement in an alternative vacant position is not possible, the appointing authority may initiate a disability separation under WAC [357-46-160](#).
  - a. Appointing authorities are strongly encouraged to consult with DSHS Human Resources before implementing a disability separation.
  - b. Notice of a disability separation must be in writing to the employee and must include information about the option to apply for re-employment under WAC [357-19-465](#).

2. An employee unable to perform the essential functions of his or her position due to mental, sensory, or physical disability may choose not to pursue an accommodation and may request to be separated from employment.
  - a. The employee must notify his or her immediate supervisor in writing.
  - b. The supervisor must notify the appointing authority.
  - c. The appointing authority is not required to consider a reasonable accommodation in lieu of the employee's request.