

Document Code No.: PER-22-4-3-EP

Title: Reasonable Accommodation in Employment for Individuals with Disabilities

Affected Agencies: All Executive Branch Agencies of King County Government

Authorities: ADA, as amended, WLAD Chapter 49.60 RCW, WIIA Title 51 RCW, KCC Chapter 3.12, KC Policy PER-26 (AEP), KC Personnel Guidelines

Keywords: Disability, Reasonable Accommodation

Sponsoring Agency: Department of Executive Services, Human Resources Division

Executive signature:



Date signed and effective:

3-3-19



King County

I. Purpose

This policy replaces and supersedes PER 22-4-2 (AEP), Disability Accommodation in Employment, April 22, 2004.

This policy is intended to guide King County in providing reasonable accommodations in employment to qualified individuals with disabilities consistent with federal and state law.

This policy is a general statement of King County's administrative policies and procedures and: (a) does not create a private right of action; (b) does not limit the reasons for dissolution of the employment relationship; and (c) does not constitute an express or implied contract.

II. Applicability and Purpose This policy applies to all King County Executive Branch departments and agencies.

III. References

- A. The Americans with Disability Act (ADA), as amended
- B. Washington Law Against Discrimination - Chapter 49.60 RCW
- C. Washington Industrial Insurance Act - Title 51 RCW
- D. King County Code - Chapter 3.12 (Personnel System)
- E. King County Policy PER 22-6 (AEP) "Transitional Duty for Employees with Temporary Medical Restrictions"
- F. King County Personnel Guidelines

IV. Definitions King County's definitions are intended to be consistent with the ADA, as amended, and the Washington Law Against Discrimination.

- A. "Disability" - "Disability" means the presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; or exists as a record or history. A disability exists whether it is temporary or permanent, common or uncommon, mitigated (e.g., corrected with medication) or unmitigated, or whether or not it limits the ability to work generally or work at a particular job, or whether or not it limits any other activity as provided in law. For purposes of reasonable accommodation, an employee also is disabled if he or she has a physical or mental impairment that substantially limits a major life activity or that substantially limits the employee's ability to perform his or her job.
- B. "Disability Services Program" - The Disability Services Program is a program within the Executive Branch's Human Resources Division and Transit Division that assists in providing reasonable accommodations in employment to qualified individuals with disabilities.

- C. "Employee" - For purposes of this policy, the term "employee" means current employees and former employees eligible for Reassignment Program services.
- D. "Essential function" - An essential function is a fundamental job duty of a position an employee must be able to perform, with or without reasonable accommodation.
- E. "Interactive process" - The interactive process requires the employee, and the employer to communicate in good faith in a cooperative effort by all involved to: identify limitations resulting from a disability; identify potential reasonable accommodations; and to facilitate the implementation of and/or cessation of reasonable accommodations.
- F. "Medical Separation"- A medical separation is an action taken by the County to separate an employee from employment due to a disability that prevents an employee from performing one or more essential functions of his or her job, with or without reasonable accommodation.
- G. "Promotion"- A promotion is the movement of an employee from one position to a different position having a higher maximum salary; movement from a non-benefited to a benefited position; movement from a temporary to a regular or appointed position; or movement from part-time to full-time employment.
- H. "Qualified individual with a disability"- A qualified individual with a disability is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the job such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the job.
- I. "Reasonable accommodation"- A reasonable accommodation may include:
 - 1. A modification or adjustment to the job application process that enables a qualified applicant with a disability to be considered for the position the qualified applicant desires;
 - 2. A modification or adjustment to the work environment and/or the manner under which a position is customarily performed that enables a qualified individual with a disability to perform the essential functions of the job;
 - 3. Reassignment.
- J. "Reassignment"- Reassignment means placement of a qualified employee with a disability into a vacant, non-promotional position because the employee can no longer perform one or more of the essential functions of his or her job with or without reasonable accommodation.
- K. "Reassignment Program Services"- Include the identification of reassignment opportunities and the facilitation of reassignment placements. These services are provided to employees who can no longer perform the essential functions of their King County job due to a disability but are able to work in another capacity.
- L. "Reassignment Program Participants"- Employees or former employees eligible for Reassignment Program Services.

V. Policy

- A. King County is committed to providing equal employment opportunities for qualified individuals with disabilities.
- B. A qualified individual with a disability has the right to request a reasonable accommodation when applying for employment and during employment.
- C. King County will provide a reasonable accommodation to a qualified individual with a disability. King County may require the individual seeking reasonable accommodation to provide medical documentation of his or her disability by a qualified health care professional or obtain additional medical documentation from a different health care provider, or may request that the individual sign a medical release.
- D. King County is not required to eliminate one or more of the essential functions of a position as a reasonable accommodation.
- E. An employee who receives a medical separation due to a disability that prevents him or her from performing one or more of the essential functions of his or her job with or without reasonable accommodation is eligible for Reassignment Program services.
- F. Employees must be medically released to work in some capacity to be eligible for Reassignment Program services.
- G. Reassignment Program participants must meet the minimum qualifications of a particular position to be eligible for a job referral to that position. King County is not obligated to train Reassignment Program participants to become qualified for reassignment positions.
- H. Reassignment Program participants are only eligible for job referrals to non-promotional job vacancies within agencies covered by this policy. A Reassignment Program participant who is hired into a career services position pursuant to a job referral may serve a probationary period for that position consistent with KC Code 3.12.100.
- I. King County is not obligated to create vacant positions, waive job qualifications, or waive the probationary period for Reassignment Program participants.
- J. Employees who are terminated or resign in lieu of termination from King County employment for disciplinary reasons are not eligible for Reassignment Program services.
- K. Employees who engage in conduct which would otherwise disqualify the individual from county employment are not eligible for Reassignment Program services.
- L. If an employee rejects a reasonable accommodation that is necessary to enable the employee to perform the essential functions of the position, and cannot, as a result of that rejection, perform the essential functions of the position, the employee will not be considered qualified.

- M. Reasonable accommodation items that are purchased by King County are the property of King County.
- N. Employees who are temporarily unable to perform the essential functions of their positions due to medical restrictions that cannot be reasonably accommodated may be eligible for Transitional Duty as outlined in King County's policy entitled "Transitional Duty for Employees with Temporary Medical Restrictions."
- O. All agencies affected by this policy are responsible for coordinating with the Disability Services Program to ensure compliance with the policies and procedures, their dissemination, and any necessary training related to them.
- P. The respective agencies' supervisors, managers, and Human Resources Service Delivery Managers, and the Human Resources Division Director are responsible for administering any complaints that are filed with them related to these policies and procedures.

VI. Implementation Plan

- A. This policy becomes effective for Executive Branch departments and agencies on the date that it is signed. The Human Resources Division's Disability Services Program is responsible for implementation of this policy.
- B. The Human Resources Division's Disability Services Program is responsible for communicating this policy to covered departments and agencies.

VII. Maintenance

- A. This policy will be maintained by the Human Resources Division, or its successor agency.
- B. This policy will automatically expire five (5) years after its effective date. A new, revised, or renewed policy will be initiated by the Human Resources Division, or its successor agency prior to the expiration date.

VIII. Consequences for Noncompliance

The Director of the Human Resources Division in the Department of Executive Services, or his or her designee, shall make all final determinations related to consequences for noncompliance with this policy.

King County does not tolerate discrimination, harassment, or retaliation on the basis of disability and such actions are misconduct in violation of these policies and procedures and King County's Nondiscrimination and Prohibition Against Retaliation Policy and Procedures.

Appendices:

None