

REASONABLE ACCOMMODATION PROCEDURE

I. Authority

Governor's Executive Order 93-03
Americans with Disabilities Act of 1990
Rehabilitation Act of 1973
RCW 49.60
WAC 162-22
WAC 25-10
WAC 251-19

I. Purpose

This procedure defines the terms associated with the issue of reasonable accommodations for disabled employees. In its program of equal employment opportunity, Highline Community College is legally and morally committed to providing reasonable accommodations for disabled employees. This procedure should not be construed as providing rights or obligations not provided under applicable laws.

III. Definitions

A. Equal Employment Opportunity means an opportunity to perform the essential job functions or to enjoy equal benefits and privileges of employment as are available to a similarly situated applicant or employee without a disability.

B. Reasonable Accommodation y means modification or adjustment to a job, work environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment opportunity.

Reasonable accommodations may include, but are not limited to the following actions:

1. Change in work schedules;
2. Physical changes or office relation to facilities which are readily accessible;
3. Assignment to a different vacant or available position within the current class;
4. Opportunity to apply for other employment for which the individual qualifies within the institution as per WAC 251-17-090 and WAC 251-19-100. This may include promotion, transfer, lateral movement and demotion opportunities;
5. Appointment to an available temporary or exempt position in accordance with WAC 251-01-415(1) and (3) and WAC 251-04-040(5);
6. Leave of absence per WAC 251-22-165 or WAC 251-22-167.

Reasonable accommodations are made with careful consideration and, if appropriate, after efforts are made to consult with appropriate agencies which may include Labor and Industries, Vocational Rehabilitation, Services for the Blind, health care providers of the person of disability.

- C. Persons with a Disability y means persons having physical or mental impairment that substantially limits one or more major life activities or a person who has an abnormal condition that is medically cognizable or diagnosable, and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

D. Qualified Individual with a Disability y means an individual 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 functions of the job. 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.

E. Essential Functions y means the fundamental job duties of the position that the individual with the disability holds or desires. The term "essential functions" does not include the marginal functions of the position. The following criteria should be considered in identifying the essential functions of a position:

- 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; and
- Is the function highly specialized, and is the person in the position hired for special expertise or ability to perform it?

F. Undue Hardship y means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature of operation of the College.

G. Health Care Professional y means a person who has completed a course of study and is licensed to practice in a field of health care which includes the diagnoses and assessment of the particular disability or disabilities in question.

H. Responsibilities/Rights - Employee/Applicant

1. It is the obligation of the individual with a disability to request a reasonable accommodation and to provide the information/documentation necessary to verify the disability and make decisions regarding reasonable accommodation.
2. The need for a reasonable accommodation shall not adversely affect the consideration of an individual with a disability for employment, training, promotion or opportunity to enjoy equal terms, benefits, privileges and conditions of employment.
3. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual refuses the accommodation and cannot perform the essential functions of the job, s/he will not be considered to be qualified.

I. Responsibilities/Rights - Highline Community College

1. The College must provide reasonable accommodation to the known physical, mental or sensory limitations of an otherwise qualified individual with a disability. This is an ongoing responsibility which applies to all aspects of employment. This includes

Selection, selection for promotion, training, traveling, participation in projects and committees, developmental work assignments or any opportunity which may have an impact on an employee's career development;

Opportunities to enjoy all employer supported social or recreational activities;

Timelines for all activities and opportunities which allow an employee to enjoy equal terms, benefits, privileges and conditions of employment;

Information regarding benefits, privileges, and conditions of employment must be provided in a format which is readily accessible to the disabled employee.

2. 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 in a secure manner, apart from hr files with access restricted to designated hr on a need to know basis.
3. The College's internal grievance procedures for addressing disputes related to requests for reasonable accommodations are set forth in its collective bargaining agreements.
4. Information related to reasonable accommodations, this procedure, the college's internal procedures, external enforcement agencies shall be disseminated and/or discussed during employee orientations, and through other methods as appropriate.
5. The College may request verification by the employee's or applicant's health care professional when an applicant/employee requests a reasonable accommodation when a disability is not readily apparent and has not been previously documented. The College may obtain a second opinion at its own expense from a health care professional of its selection. Such inquiries must be limited to verification of the employee's claims, except that the employer may also request that the health care professional suggest possible effective alternative accommodations.
6. Notification of the right to make an accommodation request and information on how to initiate such a request must be included with all position announcements and bulletins. The College will respond to such requests in a timely way and will extend application and other deadlines if necessary.
7. Qualification standards, employment tests or other selection criteria must not screen out or tend to screen out an individual with a disability unless they are job related and necessary for the employer. Employment 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).
8. The hr Office staff are the designated contact point for information about job openings and the application process. They have the authority to initiate the College's process for the provision of reasonable accommodations for applicants.
9. The College is responsible for informing employees of its obligation to communicate information appropriate to assist the employee in identifying and applying for vacant positions. See "Responsibilities y Employee/Applicant".
10. Separation for disability reasons employment termination of an employee who is unable to perform the duties of his or her position or class due to mental, sensory or physical incapacity. Such action is taken after the institution has made a good

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faith effort to reasonably accommodate the employee's disability. A permanent classified employee being separated due to disability shall be provided with a pre-separation notice which includes information regarding the employee's option to apply for return to employment. A separated classified employee may appeal his/her separation, as provided by WAC 251-12-080. Separations due to disability shall not be considered disciplinary actions.

IV. Procedures

1. Determination of essential functions. This is generally done when the position is established, becomes vacant and/or when the duties change.
2. Upon receiving a reasonable accommodation request, the Director of hr or designee shall consult with the individual with a disability to find out the specific limitations as they relate to the essential job functions, identify the barriers to job performance and assess how an accommodation can overcome these barriers. As defined above, verification of the disability/limitations and/or a second opinion may be appropriate.
3. The director/designee will consult with the employee/applicant and may consult with other knowledgeable sources, to identify potential accommodations and assess how effective each would be in enabling the individual to perform the essential job functions.
4. 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.
5. When an accommodation in an employee's present position is not reasonable, or would cause an undue hardship, the College will attempt to accommodate the employee through reassignment to a vacant position, at the same pay range or lower, for which s/he is qualified. Within practical limitations, the College may also assist in identifying and applying for vacant positions for which s/he is qualified within other agencies or institutions.
6. Written justification, signed by the President, must be provided for any decision not to provide a reasonable accommodation because of undue hardship. The justification should demonstrate a consideration of the Disability Accommodation Revolving Fund at the Department of hr and should explore the practical and available limits of the College's ability to draw upon resources available elsewhere within state government.
7. If the cost of a reasonable accommodation would impose an undue hardship, and there are not 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 hardships.
8. If no reasonable accommodation can be made a separation due to disability is initiated.
 - a. Written notice of separation is provided to the employee. The notice includes, in part, reason for separation. Classified employees will be notified of their option to apply for return to employment and appeal rights.

- b. A classified employee being separated due to disability shall also be provided with the following information: provisions governing re-employment, assistance provided by the institution when seeking re-employment, information pertaining to a probationary period for employees returning from disability separation, information pertaining to examination and eligibility for current and returning permanent employees of the classified service, information pertaining to the definition and composition of eligible lists, information pertaining to training and development for employees returning from disability separation, information pertaining to examination and eligibility for current and returning permanent employees of the classified service, information pertaining to the definition and composition of eligible lists, information pertaining to training and development for employees returning from separation, copies of applicable civil service rules.
- c. In addition to the information listed above, the employee will be provided with a list of benefits assistance programs offered by other agencies (social security, disability retirement, public assistance, etc.) and information concerning cobra.

V. Dissemination

This procedure will be posted on the public bulletin boards outside of the HR Office and at other sites on campus. A copy of this procedure will be given to an employee at the time of a request for accommodation or when steps to accommodate are initiated by the institution. Information concerning this policy will be shared during our new employee orientation and supervisor training programs.