

Purpose

The Washington State Department of Transportation (WSDOT) is committed to providing reasonable accommodations to qualified employees and applicants with disabilities so as to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, Titles I and II of the Americans with Disabilities Act of 1990, as amended and The Washington State Law Against Discrimination. This policy supports affirmative efforts to increase representation of employees with disabilities in its work force.

Applicability

To all qualified applicants and WSDOT employees.

General

WSDOT will not deny employment opportunities to an otherwise qualified individual with a disability because that individual requires reasonable accommodations to facilitate or continue employment, unless the accommodations would impose an undue hardship on the department.

WSDOT will engage in the reasonable accommodation process pursuant to Chapter 25 of the *Human Resources Desk Manual* in an effort to eliminate job related barriers associated with or arising from known sensory, mental, or physical impairment(s) of an otherwise qualified individual with a disability.

WSDOT's procedures for dispensing reasonable accommodations will adhere to the principles set forth below as well as those procedures found in Chapter 25 of the department's *Human Resources Desk Manual*.

Definitions

Disability is defined as the presence of a sensory, mental, or physical impairment that: (1) is medically cognizable or diagnosable; or (2) exists as a record or history; or (3) is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job.

Reasonable accommodation means (1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or (2) modifications, adjustments or changes to a job or work environment or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or (3) modifications

or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.

Qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.

Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by WSDOT when considered in light of the following factors:

1. The nature and net cost of the accommodation needed taking into consideration the availability of tax credits and deductions, and/or outside funding;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility and the effect on expenses and resources;
3. The overall financial resources of WSDOT, the overall size of the business of WSDOT, with respect to the number of its employees, and the number, type and location of its facilities;
4. The type of operation or operations of WSDOT including the composition, structure and functions of the work force of WSDOT, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to WSDOT; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility’s ability to conduct business.

Procedures

Reasonable accommodation procedures serve as a manifestation of WSDOT’s commitment to hiring and retaining employees with disabilities.

Procedures ensure that the hiring process and employee evaluations measure qualifications and performance rather than unnecessarily reflecting the impact of the disability.

Procedures facilitate interactive, open, and responsive communication between applicants and employees with disabilities as well as individuals charged with participating in the accommodation process.

Procedures limit exposure and liability by establishing specific expectations and standards that comply with applicable federal and state law and are congruent with WSDOT policies.

Procedures provide flexibility to dispense reasonable accommodations in a manner which reflects the unique needs and working environments of individual WSDOT departments and offices.