

# Chapter 357-26 WAC

## REASONABLE ACCOMMODATION

### WAC

357-26-005	What is the purpose of this chapter?
357-26-010	When must an employer provide reasonable accommodation?
357-26-015	What actions may an employer take to provide reasonable accommodation?
357-26-020	What is the requirement for employers to have a policy and procedure covering reasonable accommodation?
357-26-025	May an employee who is unable to perform the essential functions of a position request to be separated from employment?

**WAC 357-26-005 What is the purpose of this chapter?** The purpose of chapter 357-26 WAC is to provide guidance to employers regarding reasonable accommodation as it specifically relates to employment and separation due to disability within the provisions of the civil service rules.

[Statutory Authority: Chapter 41.06 RCW. 05-01-196, § 357-26-005, filed 12/21/04, effective 7/1/05.]

**WAC 357-26-010 When must an employer provide reasonable accommodation?** An employer must reasonably accommodate a known disability of a qualified candidate or employee as required by chapter 49.60 RCW and the federal Americans with Disabilities Act.

[Statutory Authority: Chapter 41.06 RCW. 05-01-196, § 357-26-010, filed 12/21/04, effective 7/1/05.]

**WAC 357-26-015 What actions may an employer take to provide reasonable accommodation?** For persons with disabilities, as defined by state or federal law, reasonable accommodation may include, but is not limited to:

- (1) Accommodation in application procedures, testing, and the interview process; or
- (2) 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 enjoy the benefits and privileges of employment equal to employees without disabilities.

[Statutory Authority: Chapter 41.06 RCW. 05-01-196, § 357-26-015, filed 12/21/04, effective 7/1/05.]

**WAC 357-26-020 What is the requirement for employers to have a policy and procedure covering reasonable accommodation?** (1) In accordance with the policy statement requirements of WAC 357-25-025, employers must develop and maintain a policy statement on reasonable accommodation.

(2) In accordance with state and federal laws, employers must develop and make readily available a procedure regarding reasonable accommodation of employees with disabilities.

(a) Each employee who requests reasonable accommodation must be provided access to the employer's reasonable accommodation procedure in an accessible format.

(b) Employees who request reasonable accommodation must be notified in writing that in the event he or she 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 in accordance with WAC 357-46-160.

[Statutory Authority: Chapter 41.06 RCW. 05-01-196, § 357-26-020, filed 12/21/04, effective 7/1/05.]

**WAC 357-26-025 May an employee who is unable to perform the essential functions of a position request to be separated from employment?** An employee who is unable to perform the essential functions of the employee's position due to mental, sensory, or physical incapacity may notify the employer that he or she does not wish to pursue accommodation and would like to be separated from employment. In this case, the appointing authority is not required to consider a reasonable accommodation and may initiate a disability separation in accordance with WAC 357-46-160.

[Statutory Authority: Chapter 41.06 RCW. 05-01-196, § 357-26-025, filed 12/21/04, effective 7/1/05.]