

## Reasonable Accommodation in Employment for Individuals with Disabilities

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### PURPOSE

King County is committed to providing equal employment opportunities for qualified individuals with disabilities.

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.

### POLICY APPLICABILITY

The county's Reasonable Accommodation Policy applies to all executive branch departments, offices, divisions and agencies, including the Assessor's Office and King County Elections. This includes all career service, provisional, temporary, probationary, and appointed employees.

### DEFINITIONS

*"Direct Threat"* means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

*"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 has a disability if they have a physical or mental impairment that substantially limits a major life activity or that substantially limits the employee's ability to perform their job.

*"Disability Services Section"* means the sections within the Executive Branch's Department of Human Resources and the Metro Transit Department that assists in providing reasonable accommodations in employment to qualified individuals with disabilities.

*"Employee"*, for purposes of this policy, means current employees and former employees eligible for Reassignment Program services.

*"Essential Function"* means any fundamental job duty of a position an employee must be able to perform, with or without reasonable accommodation.

*"Interactive Process"* means the process whereby the employee and the employer communicate in a good faith, cooperative effort to: identify limitations resulting from a disability; identify potential reasonable accommodations; and to facilitate the implementation of and/or cessation of reasonable accommodations.

*"Medical Separation"* means 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 their job, with or without reasonable accommodation.

*"Promotion"* means 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.

*"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 job such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the job.

*"Reasonable Accommodation"* may include:

- 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;
- 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; or
- Reassignment.

*"Reassignment"* means the 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 their job with or without reasonable accommodation.

*"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.

*"Reassignment Program Participants"* means the employees or former employees eligible for Reassignment Program Services.

*"Undue Hardship"* means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.

## **POLICY**

A qualified individual with a disability has the right to request a reasonable accommodation when applying for employment and during employment. 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 their 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.

King County is not required to eliminate one or more of the essential functions of a position as a reasonable accommodation.

Employees must be medically released to work in some capacity to be eligible for Reassignment Program services.

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.

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.

King County is not obligated to create vacant positions, waive job qualifications, or waive the probationary period for Reassignment Program participants.

Employees who are terminated or resign in lieu of termination from King County employment for disciplinary reasons are not eligible for Reassignment Program services.

Employees who engage in conduct which would otherwise disqualify the individual from county employment are not eligible for Reassignment Program services.

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.

Reasonable accommodation items that are purchased by King County are the property of King County.

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.*"

All agencies affected by this policy are responsible for coordinating with the Disability Services Section to ensure compliance with the policies and procedures, their dissemination, and any necessary training related to them.

The respective agencies' supervisors, managers, Human Resources Managers, and the Director of the Department of Human Resources are responsible for administering any complaints that are filed with them related to these policies and procedures.

## **QUESTIONS**

Refer questions or comments to your department's [Human Resources Manager](#) or the Department of Human Resources.