

**KITSAP COUNTY DISABILITY ACCOMMODATION IN EMPLOYMENT POLICY****I. Purpose**

This policy is intended to guide Kitsap 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 Kitsap 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.

**Applicability and Purpose**

This policy applies to all departments under the direction of the Board of County Commissioners and any Elected Office adopting this policy.

**II. Definitions** Kitsap County's definitions are intended to be consistent with the ADA, as amended, and Washington's 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 their job.
- B. "Human Resources Department's Disability Services Program" - The Disability Services Program is a program within the Human Resources Department 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 their 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; or
  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; or
  3. Reassignment to a vacant position.
- 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 their 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 Kitsap 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.

### **III. Policy**

- A. Kitsap 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. Kitsap County will provide a reasonable accommodation to a qualified individual with a disability, unless to do so would cause undue hardship. The 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.

## APPENDIX N

- D. The 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 their job with or without reasonable accommodation is eligible for Reassignment Program Services for up to one (1) year from the date of separation.
- 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. Kitsap 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 departments or offices covered by this policy.
- I. The 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 Kitsap 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 to remain in the job.
- M. Reasonable accommodation items purchased by Kitsap County are the property of Kitsap County; there may be exceptions for those items purchased as part of accommodating employees with on-the-job injuries.
- 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 Kitsap County's policy entitled "Transitional Duty for Employees with Temporary Medical Restrictions."