



# Reasonable Accommodations for Disability or Other Medical Reasons

## A RESOURCE GUIDE FOR EMPLOYEES

A DISABILITY INCLUSION NETWORK BUSINESS RESOURCE GROUP  
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# Table of Contents

Selecting any of the topics in the Table of Contents takes you to that page in this guide. If you are using a mouse, hold the CTRL button down on your keyboard while left-clicking the selection with your mouse.

|                                                               |    |
|---------------------------------------------------------------|----|
| Table of Contents .....                                       | 3  |
| Introduction .....                                            | 5  |
| Audience: Who this guide is for .....                         | 5  |
| Definition: Workplace / Employer .....                        | 5  |
| Definition: Place of Work .....                               | 5  |
| Purpose: What this guide is for .....                         | 5  |
| What is in this guide .....                                   | 5  |
| What is not in this guide.....                                | 6  |
| For more information.....                                     | 6  |
| Important to know.....                                        | 6  |
| Some things to remember.....                                  | 6  |
| How this guide is set up .....                                | 7  |
| What is a Reasonable Accommodation? .....                     | 7  |
| Accommodation .....                                           | 7  |
| Definition: Work Accommodation .....                          | 7  |
| Examples of accommodations.....                               | 7  |
| Some things to remember.....                                  | 8  |
| For more information.....                                     | 8  |
| Reasonable .....                                              | 8  |
| Definition: Reasonable .....                                  | 9  |
| Definition: Undue Hardship .....                              | 9  |
| For more information.....                                     | 9  |
| Some things to remember.....                                  | 9  |
| I don't know what accommodation may be right for me.....      | 10 |
| Job Accommodation Network (ASKJAN) .....                      | 10 |
| WA State Division of Vocational Rehabilitation (DVR) .....    | 10 |
| WA State Developmental Disabilities Administration (DDA)..... | 10 |
| WA State Office of the Deaf and Hard of Hearing (ODHH).....   | 10 |
| WA State Department of Services for the Blind (DSB).....      | 10 |

|                                                                                                         |    |
|---------------------------------------------------------------------------------------------------------|----|
| WA State Office of Financial Management/State Human Resources (OFM/SHR) .....                           | 10 |
| WA State Disability Inclusion Network (DIN) – State Business Resource Group (BRG).....                  | 11 |
| Employee Assistance Program (EAP) .....                                                                 | 11 |
| How do I know if I qualify for a Reasonable Accommodation for a disability or other medical reason?.... | 11 |
| Federal laws .....                                                                                      | 11 |
| The Americans with Disabilities Act (ADA).....                                                          | 11 |
| Definition: Disability.....                                                                             | 11 |
| Definition: Substantially Limits .....                                                                  | 12 |
| For more information .....                                                                              | 12 |
| Fair Labor Standards Act (FLSA) – Section 7 Break time for nursing mothers provision.....               | 13 |
| Pregnant Workers Fairness Act (PWFA) .....                                                              | 13 |
| Washington state laws.....                                                                              | 13 |
| Washington state executive orders .....                                                                 | 15 |
| For more information.....                                                                               | 15 |
| How do I request a Reasonable Accommodation? .....                                                      | 15 |
| I want to, or already have, applied to work for a state agency or office of the state (applicant) ..... | 16 |
| Applying for a job .....                                                                                | 16 |
| The job posting is not accessible to me.....                                                            | 16 |
| Interviewing for a job .....                                                                            | 16 |
| I currently work for a state agency or office of the state (employee) .....                             | 16 |
| Discussion with a supervisor or manager .....                                                           | 16 |
| Discussion with Human Resources .....                                                                   | 17 |
| When and how do I make a request for an accommodation? .....                                            | 17 |
| When to make a request .....                                                                            | 17 |
| How to make a request.....                                                                              | 18 |
| I need help or support talking to someone at my work about an accommodation.....                        | 18 |
| When can I have a support person for discussing an accommodation? .....                                 | 18 |
| Who can be a support person for me?.....                                                                | 18 |
| I need an accommodation and am unable to ask for help myself .....                                      | 19 |
| Some things to know .....                                                                               | 19 |
| What happens after I request a Reasonable Accommodation? .....                                          | 19 |
| Important to know.....                                                                                  | 21 |
| For more information.....                                                                               | 22 |

|                                                                                 |    |
|---------------------------------------------------------------------------------|----|
| What if I don't agree with the decision about a Reasonable Accommodation? ..... | 22 |
| Follow your workplace process .....                                             | 22 |
| Contact the union .....                                                         | 22 |
| Washington State Human Rights Commission.....                                   | 23 |
| For more information.....                                                       | 23 |
| U.S. Equal Employment Opportunity Commission .....                              | 23 |
| For more information.....                                                       | 23 |

## Introduction

This section covers what this guide is for and how you can find the information you need in this guide.

### Audience: Who this guide is for

This guide is for employees of Washington State government who might need a Reasonable Accommodation for medical reasons. Reasonable Accommodations for medical reasons include:

- Disabilities and other medical conditions
- Pregnancy and breastfeeding
- Gender identity, expression, and/or transition.

### Definition: Workplace / Employer

In this guide, we use the term “workplace” to mean the office of the state or state agency that hired you. It can also mean the office of the state or state agency that you applied to work for. This is your “employer.” It is the state entity that displays on your pay stubs and tax paperwork as your employer.

### Definition: Place of Work

In this guide, we use the term “place of work” to mean the location or duty station where you report to or where you do your job.

### Purpose: What this guide is for

We created this guide to help you know:

- What Workplace Reasonable Accommodations are for a disability or other medical reasons
- Your rights under the law
- What resources exist to help you.

### What is in this guide

The guide has information about:

- State and federal laws
- Other legal requirements
- Best practices

- Links to websites for more information and help.

This guide gives a lot of definitions for words and terms used at your [workplace](#) in letters or in conversations. These words and terms are what are used in the laws that protect your rights, so it is important to understand what they mean.

## What is not in this guide

1. Each [workplace](#) has their own administrative policies and processes. These are not covered in this guide.
2. This guide does not cover any information about union agreements.
3. This guide does not cover types of Reasonable Accommodation that are not for medical reasons.

## For more information

For more information about your [workplace's](#) processes and policies:

- Ask your supervisor or your Human Resources Department (HRD).

If you are part of a union and want more information about your union agreements with your [workplace](#):

- Ask your union or contact your Human Resources Department (HRD).

If you are interested in a Reasonable Accommodation for a non-medical reason:

- Ask your supervisor or your Human Resources Department (HRD).

## Important to know

Important information about Reasonable Accommodations:

- When you request a Reasonable Accommodation, that does not mean you will automatically get it.
- Receiving a [workplace](#) accommodation will not change what your main job tasks and duties are and what you are expected to do at work.
- An accommodation is a support to help you in performing your job tasks.
- Accommodations do not give someone an advantage in doing their work. Accommodations are an equalizer: providing the person who needs it an equal ability to do their work as someone who does not need an accommodation.

## Some things to remember

You can always ask questions if you do not understand something or are confused.

- This includes when you are working with your supervisors, managers, and people in human resources for your Reasonable Accommodation request.

We know that some of the words, phrases, and terms used in this guide are outdated when compared to what people use in disability communities. We chose to use the same words that are used in the laws that protect you to help you understand what Reasonable Accommodations are and what your rights are.

## How this guide is set up

**Chapters:** Each chapter is about a question that is asked a lot about Reasonable Accommodations.

**Sections:** Each section answers part of the chapter question.

**Subsections:** Each subsection has helpful guidance about that section. Subsections include areas called:

- For more information
  - Provides links to laws, organizations, or other webpages
- Important to know
  - Gives vital details about the information covered in that section
- Some things to remember
  - Offers important items to keep in mind about that section's topic.

## What is a Reasonable Accommodation?

There are two parts to understanding what a Reasonable Accommodation is.

### Accommodation

The first part to understanding what a Reasonable Accommodation is requires understanding what a work accommodation is.

In this guide we discuss work accommodations for disabilities and other medical reasons.

There is another type of work accommodation that has to do with religious beliefs. We do not cover that in this guide.

### Definition: Work Accommodation

Work Accommodation means giving you an equal ability to do your job by changing how, when or where you do it. Changes focus on two things:

- Your main job tasks or duties, which are called *essential job functions*.
- Your ability to participate in [workplace](#) activities.

Accommodations allow you to function as an equal at your job and in [workplace](#) activities as someone who does not need an accommodation.

### Examples of accommodations

Accommodations include things like:

- Changing the hours you work, for example:
  - Working four 10-hour days
  - Starting work earlier or leaving later
  - Working a 'split shift'
  - Taking breaks at different times

- Changing the place you work, for example:
  - Working at home
  - Working in a cubicle
  - Working in a room with a door that shuts
- Providing different tools to do your work, for example:
  - A desk that allows you to sit or stand
  - A different keyboard or mouse
  - Software that reads the computer screen out loud to you
  - Providing “sun-simulating” desk lamps or noise cancelling headphones
- Changing how you apply or interview for a job
- Making sure there are bathrooms you can use and feel comfortable using
- Being able to change your name and pronouns to match your gender identity
- A private place to nurse an infant or pump and store breast milk
- And many more.

## Some things to remember

What is important to remember about an accommodation is that it doesn't change what you have to do for your job.

It just changes how, when, or where you do it.

## For more information

- Reasonable Accommodation definition:
  - [The Americans with Disabilities Act Sec 12111 Definition #9](#)
- Pregnancy, Nursing, Gender Expression, and/or Gender Identity accommodations:
  - [Pregnant Workers Fairness Act](#) Workplace accommodations related to pregnancy
  - [Fair Labor Standards Act Section 7](#) Break time for nursing mothers provision
  - [RCW 43.10.005](#) Workplace pregnancy accommodations – Unfair Practices – definitions
  - [RCW 43.70.640](#) Workplace breastfeeding policies – Infant-friendly designation
  - [RCW 49.60.030](#) Freedom from discrimination – Declaration of civil rights
  - [WAC 162.32.020](#) Reasonable Accommodation for Gender expression or Gender identity
  - [WAC 162.32.060](#) Gender-segregated facilities
- For examples of types of accommodations a person could need:
  - [Job Accommodation Network A-Z of Disabilities and Accommodations](#)
- Inclusive bathrooms and gender identity, expression, and transition in the [workplace](#):
  - [Inclusive Bathroom Signage Recommendations](#)
  - [Transitioning in the Workplace Toolkit](#)
  - [Washington State Rainbow Alliance Inclusion Network \(RAIN\) Business Resource Group](#)

## Reasonable

The second part to understanding what a Reasonable Accommodation is has to do with what is meant by the word “reasonable” and the term “undue hardship.”

## Definition: Reasonable

Reasonable means a change that does not cause what is called an “*undue hardship*” on the office of the state or state agency where you work.

## Definition: Undue Hardship

Undue hardships can include changes that could:

- Cost more money than the [workplace](#) can afford
- Affect how your coworkers do their job tasks or duties
- Make your place of work unsafe for you or others
- Cause other employees to have to do more work than they normally would.

Hardships are based on your office of the state or state agency as a whole. They are not based on a division, team, or work site (if your [workplace](#) has more than one). Only the head of your office of the state or state agency, or an executive leader that they assign for the entire agency or office of the state, can make the decision that a specific accommodation is a hardship. If that happens, agencies or offices of the state must try to find a different accommodation that still meets your needs.

## For more information

Reasonable Accommodation and undue hardship definitions:

- [The Americans with Disabilities Act Sec. 12111 Definition #10](#)
- [U.S. Equal Employment Opportunity Commission Enforcement Guide on Reasonable Accommodation and Undue Hardship under the ADA](#)
- [WAC 166-22-065 Reasonable Accommodation for disabilities](#)
- [WAC 162-22-075 Undue hardship exception](#)

Washington state law about Reasonable Accommodation:

- [WAC Chapter 357-26 Reasonable Accommodation guidance for employers](#)

## Some things to remember

- Requesting a Reasonable Accommodation does not mean that you will get it. Your agency or office of the state has a process where you and your human resources work together to find the accommodations that may work best for you and your agency or office of the state.
- It can take some time to find the right accommodation for you. If something isn’t working, you have the right to ask for a change.
- If your state agency or office of the state already gives all staff the thing you need, then an accommodation may not be needed. This might be things like different types of keyboards, chairs, headsets, or a computer mouse.
- There are different laws about Reasonable Accommodation and undue hardship for religious beliefs. This guide does not cover these.

## I don't know what accommodation may be right for me

You may know you are having trouble doing your main job tasks and duties but are not sure what accommodations may help you. That's ok.

You can find more information in these online and state resources. Your Human Resources Department will also have ideas when you are ready to discuss it with them.

### [Job Accommodation Network \(ASKJAN\)](#)

This is a website about medical conditions and Reasonable Accommodations. It gives ideas of Reasonable Accommodations that can be helpful. The site allows you to search by different medical conditions, main job tasks or duties, by accommodation, etc. You can even search by situations and solutions key words. The website also has details about your rights.

### [WA State Division of Vocational Rehabilitation \(DVR\)](#)

DVR is a division within the Department of Social and Health Services (DSHS) state office. The division helps people who have a disability pursue meaningful work. They help people achieve their employment goals. DVR does this by supplying the tools, services, and supports the person needs in order to enjoy their employment. DVR also helps students with disabilities gain job skills, explore career interests, and learn to self-advocate at work.

### [WA State Developmental Disabilities Administration \(DDA\)](#)

DDA is an administration within the Department of Social and Health Services (DSHS) state office. The administration helps people who have developmental disabilities. In Washington state, developmental disabilities include intellectual disabilities, cerebral palsy, epilepsy, autism, or another neurological or other condition similar to an intellectual disability (see [RCW 388.823.0015](#)). DDA helps both children and adults. They can offer support and help for people who have a developmental disability find the right technology and other types of accommodations in the [workplace](#).

### [WA State Office of the Deaf and Hard of Hearing \(ODHH\)](#)

ODHH is a section of the Aging and Long-Term Support Administration within the Department of Social and Health Services (DSHS) state office. ODHH serves Deaf, DeafBlind, Deafdisabled, Hard of Hearing, Late Deafened, and Speech Disabled individuals, their families, and service providers in Washington state. They work to make sure that services and resources are accessible and inclusive for their diverse communities. Their resources provide access and inclusion in the [workplace](#) and the community. ODHH helps with things like technology support, training, and referring people to other resources.

### [WA State Department of Services for the Blind \(DSB\)](#)

DSB is a state office that provides skills, training, and support to people of all ages who are Blind, DeafBlind, or Low vision. DSB helps these individuals achieve educational, employment, or independent living goals. DSB offers training on how to live with blindness or low vision. The skills they teach can help you feel confident to independently navigate your home, [workplace](#), and community.

### [WA State Office of Financial Management/State Human Resources \(OFM/SHR\)](#)

OFM/SHR creates policies and procedures for state agencies to follow, and this includes about Reasonable Accommodations. They have resources on their website about how to ask for

accommodations, and what the Reasonable Accommodation procedures for state agencies are. They also have information about what are called “best practices.” These are things they recommend state [workplaces](#) do for people with disabilities.

#### [WA State Disability Inclusion Network \(DIN\) – State Business Resource Group \(BRG\)](#)

DIN is one of the [business resource groups for Washington state employees](#). DIN is for state employees who are members of the disabled community and “allies” of the disabled community. These state employees actively support the rights of people with disabilities, whether they have a disability at the moment or not. DIN is for people who have a passion for making things more inclusive and accessible.

#### [Employee Assistance Program \(EAP\)](#)

This is a service for anyone who works for the state. EAP can provide you with information, and even someone to talk to if you are having problems doing your job tasks. The EAP can also give you three free counseling sessions to help you if you are having problems in any area of your life, not just about work.

Please note that the EAP cannot help you with a Reasonable Accommodation. They cannot be the medical provider for any documentation your work needs for a Reasonable Accommodation. EAP is only able to provide you counseling and/or resources.

## How do I know if I qualify for a Reasonable Accommodation for a disability or other medical reason?

There are many different laws that protect your rights to Reasonable Accommodations for disabilities or other medical reasons. There are both federal laws, passed by the United States Government, and state laws, passed by Washington state legislature.

### Federal laws

#### [The Americans with Disabilities Act \(ADA\)](#)

The [ADA is a federal law](#). It protects people with disabilities as a civil right. The law was passed in 1990. It was updated in 2008 and again in early 2024. It covers all areas of living. This includes things like going to stores, movie theaters and restaurants, having closed captioning on television, working, using public services and even transportation like buses, trains, and airplanes.

The ADA has many protections for people with disabilities. The [ADA provides a definition of disability](#) that is similar to what we use here in Washington state. The [Washington state definition of disability](#) covers a bit more than the federal law. It gives extra protections to Washington employees. This guide uses a simplified version of these definitions.

### Definition: Disability

Disability is defined in law as any condition that affects:

- How you move around in the world around you and communicate and interact with other people;
- If you have a history of a condition that affects these things; or
- If other people believe that you have a condition that affects these things and treat you like you do.

There are many different conditions that can be considered a disability under this definition. The laws do not name all the conditions that are covered under the law. In both laws (the ADA and Washington state law), conditions are called “impairments.” Some examples include:

- Autism spectrum disorder
- Autoimmune disorders (such as lupus, fibromyalgia, rheumatoid arthritis, HIV/AIDS)
- Blindness or Low Vision
- Cancer
- Cardiovascular/Heart Disease
- D/deaf or Hard of Hearing
- DeafBlindness
- Diabetes
- Gastrointestinal disorders (such as Crohn’s disease, irritable bowel syndrome)
- Intellectual or cognitive disabilities
- Missing or partially missing limbs
- Mobility issues
- Neurocognitive disorders (such as ADHD, dyslexia, Tourette’s syndrome)
- Neurological conditions (such as migraines, Parkinson’s disease, cerebral palsy, epilepsy, multiple sclerosis)
- Psychiatric conditions (such as depression, anxiety, bipolar disorder, schizophrenia, PTSD)
- Size conditions (such as dwarfism, acromegaly, obesity).

### **Definition: Substantially Limits**

The ADA and state law say that the physical or mental impairment needs to “substantially limit” a major life activity.

Substantially means it causes more than just a small or minor problem.

For a Reasonable Accommodation at work this means that your impairment needs to cause problems doing the main (essential) job duties or tasks.

Major life activities are things like:

- Seeing
- Hearing
- Speaking
- Breathing
- Performing physical tasks like lifting, typing, walking etc.
- Caring for yourself
- Learning
- Concentrating.

### **For more information**

For more information about what your main job duties and tasks (also called essential job functions) are:

- Talk to your supervisor for a copy of your job description

- Talk to someone in Human Resources for a copy of your job description.

To find out more about definitions of words and phrases in the ADA:

- [The Americans with Disability Act Sec. 12102. Definition of Disability](#)
- [U.S. Equal Employment Opportunity Commission The ADA: Your Responsibility as an Employer.](#)

## Fair Labor Standards Act (FLSA) – Section 7 Break time for nursing mothers provision

The [FLSA](#) is a federal law. It provides minimum standards that employers have to follow for their employees. It covers things like minimum wage, overtime pay, youth employment, and so on. It includes a section, called a provision, for people who are nursing after having a baby.

This section requires any [workplace](#) that employs more than 50 people to:

- Provide reasonable break times for employees to nurse a baby or pump their milk
- A private place that is not a bathroom for employees to nurse or pump their milk.

## Pregnant Workers Fairness Act (PWFA)

The [PWFA](#) is a federal law. The law was passed in 2022. It is connected to the federal [Civil Rights Act](#) and applies for all [employers](#) that have 15 or more employees. It sets requirements for [employers](#) to provide reasonable accommodations for “known limitations” that are related to pregnancy, childbirth, or related medical conditions. It covers an employer’s qualified employees, including job applicants.

Accommodations are required except when an accommodation will cause an [undue hardship](#).

“Known limitations” means that the employee, applicant, or their representative communicated to the employer:

- That the qualified employee has a physical or mental condition
- That the condition is related to, affected by, or because of
  - Pregnancy
  - Childbirth, or
  - A related medical condition.

It is important to note that the condition does not have to meet the definition for disability.

## Washington state laws

Washington state also has its own laws to provide more protections for people that fall under Reasonable Accommodation for medical reasons.

- [RCW 43.10.005](#) Workplace pregnancy accommodations – Unfair Practices – definitions state that employees who are pregnant:
  - Have a right to Reasonable Accommodations related to their pregnancy
  - Have a right to reasonable break time to nurse or pump breast milk
  - Have a right to have a private room that is not a bathroom to nurse or pump breast milk.
- [RCW 43.70.640](#) Workplace breastfeeding policies – Infant-friendly designation states when a workplace, also known as an employer, can designate (or label) themselves as “infant friendly” including:

- They must provide flexible work schedules for nursing parents
  - A safe and private location to nurse or pump breast milk
  - A clean and safe refrigerator to store the breast milk.
- [\*\*RWC 49.60.030\*\*](#) Freedom from discrimination – Declaration of civil rights says that people:
  - Have the right to not be discriminated against due a sensory, mental, or physical disability in all public places and places they work.
    - This means that if you have a disability or other medical reason for an accommodation and there's no safety risk, your employer cannot use your accommodation as a reason to:
      - Deny you traveling for work
      - Deny you working on projects
      - Deny or exclude you from participating in work groups or committees
      - Deny you a job, a job change, or a promotion
      - Stop you from or deny you participating in other work activities, such as training or job development opportunities.
  - Have the right to not be discriminated against if they have a trained guide dog or service animal.
  - Have the right to breastfeed their child in any public place.
- [\*\*RCW 70.84.080\*\*](#) – Employment of persons with disabilities in public service says that:
  - People who have disabilities will be employed by the state of Washington including in state agencies, public schools, and other workplaces that are run or paid for by the state of Washington.
- [\*\*WAC 152-22-025\*\*](#) Unfair practice defines what an unfair practice is. This includes:
  - Not hiring someone, firing someone, or discriminating against a person who is able to work that has a disability or uses a service/guide animal
  - Not making a Reasonable Accommodation for a person with a disability or who uses a service/guide animal (unless it would cause an undue hardship).
- [\*\*WAC 162-32-060\*\*](#) Gender-segregated facilities says that people:
  - Have the right to use bathrooms, locker rooms, dressing rooms, and homeless or emergency shelters that match their gender identity.
  - Cannot be made to use any of these places that do not match their gender identity.
  - If someone is concerned or not comfortable with a person using a place that matches their gender identity, then the person who is uncomfortable should be directed to a separate or gender-neutral place.
- [\*\*WAC Chapter 357-26\*\*](#) Reasonable Accommodation includes answers to many questions about Reasonable Accommodation law in Washington state including topics like:
  - When a [workplace](#) has to accommodate a disability
  - What a workplace can do to reasonably accommodate someone with a disability
  - What the law requires for workplaces to have policies and procedures about accommodating people with a disability
  - What a workplace has to do to provide accommodations for someone who is pregnant.

## Washington state executive orders

Executive orders (EO) are instructions (also called directives) that the governor of the state issues to different state [workplaces](#) (employers). These orders set out requirements that state workplaces must follow.

Washington state governors have made executive orders to protect people with disabilities in the [workplace](#). The Office of Financial Management (OFM) is the state agency that is in charge of making sure workplaces follow these executive orders.

- [EO 12-02](#) Workforce Diversity and Inclusion says that state agencies must create policies and procedures that help people get jobs with state agencies. Some of the things included in this EO are that state [workplaces](#) need to:
  - Make goals and strategies to create a diverse workforce including having people with disabilities in the workplace
  - Create committees (groups of people) to give advice and suggestions on policies to make sure they are inclusive of all people, including people with disabilities.
- [EO 22-02](#) Achieving Equity in Washington State Government gives instructions to state [workplaces](#) to make sure all people have the opportunity to apply for, be hired, and succeed in the workplace, including people with disabilities.
- [EO 24-05](#) Improving Employment Outcomes for People with Disabilities in State Employment gives specific instructions to state [workplaces](#) about hiring and promoting people with disabilities. It also includes requirements for training all employees about disability topics. It includes things like:
  - Making sure at least 5% of people who work for the state have disabilities
  - Creating and enforcing goals for how to recruit employees with disabilities
  - Training that all employees must take about how to make documents accessible
  - How to make sure there is funding to pay for any accommodations employees with disabilities need.

## For more information

About the Office of Financial Management and their role in Reasonable Accommodations:

- [Office of Financial Management](#) – Reasonable Accommodations

About inclusive bathrooms and gender transition in the [workplace](#):

- [Inclusive Bathroom Signage Recommendations](#)
- [Transitioning in the Workplace Toolkit](#)

## How do I request a Reasonable Accommodation?

The way to request a Reasonable Accommodation depends on whether you already work for the state or are in the process of trying to get a state job. Anyone who is applying for or currently working for a state agency or office of the state can request a Reasonable Accommodation.

## I want to, or already have, applied to work for a state agency or office of the state (applicant)

You have the right to ask for a Reasonable Accommodation at any point in the application and hiring process. This includes if you want to apply for a job at a state agency or office of the state and need a Reasonable Accommodation to do it.

You may not think you need an accommodation when you start your application or your interview. If you discover that you do need one, you can ask for an accommodation once you know you need it. You can ask for one even if you did not request it when you started the application or interview process.

### Applying for a job

Job postings have information about what you will be doing and how to apply. In the content of the posting is where you will find information about who to contact for accommodations.

This may be at the very end or bottom of the job posting, so make sure you review the entire posting to find it.

### The job posting is not accessible to me

If a job posting is not accessible to you, then you may have difficulties knowing who to contact for accommodations in the application and hiring process. In that situation, you would need to contact the state Department of Enterprise Services for help.

You can email them at [careershelp@des.wa.gov](mailto:careershelp@des.wa.gov) or call them at [360-664-1960](tel:360-664-1960).

### Interviewing for a job

Someone from the state agency or office of the state will contact you about your application. If you are invited to a job interview, you'll be given details about the meeting format. Interviews might be in-person, virtual, by phone, etc. Some interviews include a written exam or a skills test.

If you need an accommodation for the interview, you can request it from the person who contacts you. This person may not be the one who will work with you on the accommodations you need, but they will know who to contact.

You can also review the job posting information about who to contact for accommodations. That person is another good contact for requesting an accommodation for your interview.

## I currently work for a state agency or office of the state (employee)

### Discussion with a supervisor or manager

There are many different ways you can ask a supervisor or manager about a Reasonable Accommodation.

The supervisor or manager will not be the person you work with initially. It will be someone who works in your Human Resources Department (HRD). But the supervisor or manager can contact human resources so they can reach out to you.

Some things you can say to a supervisor or manager include:

- Telling them you need to talk to human resources about a Reasonable Accommodation.
- Telling them you have medical reasons that are causing you problems doing your job tasks and you need to speak to someone about help.
  - Note: If you are saying this as your response to disciplinary action, please note the Reasonable Accommodation process will not stop that action.
- Telling them you need to talk to someone in Human Resources about help with doing your job tasks.
- Mentioning to your supervisor or manager that a medical reason is causing you problems - the supervisor needs to have someone in Human Resources talk to you about maybe needing an accommodation. This could include statements like:
  - “I keep getting headaches from the lights in the office.”
  - “I am having such a hard time focusing on my work lately.”
  - “I can’t read the computer screen very well”
  - “I have been sick and need to use the bathroom a lot.”
  - “I have back pain and my current desk chair is increasing it.”
- Tell them you need to change your name on your work forms.
- Tell them you need to talk to someone about the bathrooms/locker rooms/changing rooms.
- Tell them you are having problems doing your job tasks because you are pregnant.
- Tell them you need a place to nurse or pump breast milk.

## Discussion with Human Resources

- The same things you say to a manager or supervisor can be said to someone in human resources.
- The first person you talk to may not be the one who ends up helping you through the process, but they will be able to get you to the right person.

## When and how do I make a request for an accommodation?

There are different ways you can request a Reasonable Accommodation. In fact, you don't even need to use the words “Reasonable Accommodation.”

### When to make a request

You can ask for an accommodation at any time. For instance:

- Before you fill out an application
- While filling out an application
- After you filled out an application
- When offered an interview
- During an interview, if you realize you need an accommodation
- After one or more interviews, and before another one
- After you accept a job offer
- On your first day of the job
- Anytime you are working and realize you need an accommodation.

## How to make a request

Requesting an accommodation does not need to be in writing. It also does not need to be done using formal language. You can request an accommodation many different ways including:

- A phone call
- A call using a meeting platform like Teams, Skype, or Zoom
- In person
- Email
- Instant Message like using a Teams, Skype or Zoom chat
- Work phone text.

If you make a request that isn't in writing, your work may ask you to put it in an email, letter, or send you a form to fill out. This protects you since it creates a written record of your request.

## I need help or support talking to someone at my work about an accommodation

You can have a support person with you if you want to discuss a Reasonable Accommodation and you:

- Are applying for a job
- Interviewing for a job
- Are a current employee.

## When can I have a support person for discussing an accommodation?

You can have a support person with you:

- When you first make contact asking for accommodations
- During any conversations about accommodations.

This includes having someone participate in a phone conference call or virtual meeting.

## Who can be a support person for me?

A support person can be anyone who you are comfortable with and who is willing to help you.

This could be someone like a:

- Friend
- Partner or spouse
- Adult child
- Other family member
- Co-worker
- Job coach
- Legal guardian
- Shop steward or other union representative
- Lawyer or other type of legal representative.

## I need an accommodation and am unable to ask for help myself

Sometimes we are not able to contact our [workplace](#) to tell them we need an accommodation. For example:

- You are injured outside work and are undergoing treatment like surgery or a hospital stay.
- You are having or just had a baby.
- Your medical provider has determined you are unable to perform certain job tasks due to a work injury.

If this happens, you can have someone you chose act as your support person. That support person can contact your [workplace](#) on your behalf. That person can inform your work about your accommodation need.

You can find more information about support persons in this document's section called, "I need help or support talking to someone at my work about an accommodation."

### Some things to know

- When someone contacts your work for you, people at your work are not legally allowed to even say if you work there. This is for your protection.
- Your support person can tell your work how to contact you.
- You can give your work permission to speak with your support person while you are unable to. You can also allow your work to have your support person pick up forms that need to be filled out.

## What happens after I request a Reasonable Accommodation?

Every request for an accommodation should be considered on a 'case by case' basis. This means that each request is:

- Different
- Needs to be reviewed on its own
- Not compared to another person's request
- Not compared to a request you made in the past.

There are 5 general steps in the process for Reasonable Accommodation.

### 1. Getting the process started.

This is when you have made a request for an accommodation, or a statement that you could need adjustments in doing your job tasks because of a medical reason.

### 2. Interactive Dialogue.

The "interactive dialogue" is a conversation you will have with the person from Human Resources (HR) who works on Reasonable Accommodation requests. This is also called the "initial conversation."

You can include a support person or advocate with you in the interactive process. For example, if you need or think you might need an Assistive Technology you may want to include someone who understands technology accommodations. They can help you understand what technology can help for your medical needs. They can also help you troubleshoot if you or your HR person need help having the technology work for your [workplace](#) computer systems.

- a. You will talk about what problems or barriers you are having doing your job tasks and the disabilities or medical reasons you are having problems.
- b. You can share with the HR person any ideas you have on the types of accommodations that would help you do your job tasks.
- c. The HR person can give you an overview of how the process works for your [workplace](#). You can get information about:
  - What will happen
  - What information is needed to get your accommodation
  - What kind of medical proof might be needed
  - How your medical information will be handled or have access to your information.

The HR person is a great resource for answering your questions and concerns.

- d. It is important to note that Reasonable Accommodation information should never go in what is called your “personnel file.” This is the file that your supervisor and managers have access to.
  - i. Medical information will not be shared with your supervisor or manager. The only things they will be told is what accommodations are decided on in the Reasonable Accommodation process and anything they need to do in making sure these accommodations happen.
  - ii. If coworkers need to do something differently as part of your accommodation, they will be told what they need to do differently, but not the reasons why. This means your coworkers will not be told that you need an accommodation.

### 3. Additional documentation.

Your work may need more information about your medical reasons for an accommodation after that initial conversation.

They may not need documentation if the reason for an accommodation is obvious. For instance, someone who is blind and who works on a computer for their job.

- a. Your work may request you have your doctor or medical provider fill out paperwork for you to get an accommodation. This paperwork will ask:
  - i. What medical reasons or conditions you have that need an accommodation.
  - ii. How your medical reasons are causing you problems doing your job tasks.
  - iii. How long your medical reasons may cause you problems doing your job tasks.
  - iv. What accommodations your doctor suggests for you so that you can do your job tasks.
- b. Sometimes the paperwork does not answer all of the questions your HR needs for an accommodation. Your HR may want to follow-up with your medical provider to better

understand what you need and why. If that happens, your HR will ask your permission to speak with your provider.

- c. Your work may ask you to attend a medical exam to assess your medical condition. This is most likely to happen if:
  - i. You do not have a medical provider who can fill out the paperwork.
  - ii. Your medical provider is unable to fill out the paperwork.
  - iii. Your medical provider is unwilling to fill out the paperwork. That might be because your provider isn't allowed to diagnose your medical condition. Or it can be because your medical provider does not feel qualified to assess your medical condition.
  - iv. Your provider is not providing the information your work needs.

#### 4. Agreeing on accommodations.

The next step is to agree on what accommodations, if any, will be put into place for you at work.

- a. You know best how your medical reasons affect how you do your job tasks. You are encouraged to share your ideas with your work. Your HR wants you involved in giving suggestions for accommodations.
- b. Your employer has the final decision on what things they will approve. This means it does not have to be the accommodation you suggested. Your employer can provide you something else that still meets your need.
  - i. You do not have to accept the accommodation offered by your [workplace](#). However, your work is not required to offer you a different accommodation if you do not accept the one they approve.
- c. If you are denied having an accommodation, your employer must provide you with a reason for why your request was denied.
  - i. Remember that in order for your employer to claim an undue hardship, the hardship must be based on your agency or office of the state as a whole. They are not based on a division, team, or work site (if your agency or office of the state has more than one). Only the head of your agency or office of the state, or an executive leader that they assign for the entire agency or office of the state, can make the decision that a specific accommodation is a hardship. If that happens, agencies or offices of the state must try to find a different accommodation that still meets your needs.

#### 5. Implementing accommodations.

Once accommodations have been approved by your [workplace](#), the final step is to put them into place.

- a. A schedule should be made on when they will be put into place.
  - i. This includes any training you may receive as part of the accommodation.

### Important to know

- Once things are put into place, you should continue to talk to your HR person, supervisor or manager about how the things are working. Sometimes things don't work for your needs and something different needs to be done.

- Make sure to keep a record of all emails, letters, and other documents. You can do it electronically, like creating a folder on your desktop or in your email. Or you can make copies like printing the records.
- Your work will also keep a copy of documents for as long as the law requires them to. You can request copies of these at any time.

## For more information

About the Reasonable Accommodation process:

[Office of Financial Management](#) – WA state enterprise Reasonable Accommodation procedures

[ADA National Network](#) – Reasonable Accommodations in the [Workplace](#)

## What if I don't agree with the decision about a Reasonable Accommodation?

You may not agree with the decision your [workplace](#) made about your request for a Reasonable Accommodation.

If this happens there are different things you can do.

### Follow your workplace process

Many [workplaces](#) have a process in place if you disagree with their decision. The first step when this happens is to ask human resources for a copy of the process. Then follow what it says to do.

### Contact the union

Unions have a contract with your [workplace](#) called the Collective Bargaining Agreement (CBA). This is a legal agreement that sets out what is called, “employment terms.” These “employment terms” cover things like how much you make, how many hours you can work, what benefits you get from working there. Employment terms include protections around discrimination.

If you are in a job where you are part of a union, then there are people called “Shop Stewards” at your work duty station. Your work duty station is the state building you work in or report to for work. Shop Stewards are coworkers who have extra training from the union to help represent you in the [workplace](#).

The Shop Steward can go with you to meet with human resources, your supervisor or manager. They can also help you file what is called a “grievance.” A grievance is a formal way of filing a complaint with your [workplace](#) if you believe your rights have not been met.

If you do not know who your Shop Stewards are, you can:

- Ask a coworker
- Ask human resources
- Ask a supervisor or manager
- Contact your union

There are many different unions in the state of Washington for people who work for the state. If you are not sure if you are in a union or what union you are in, ask someone in your Human Resources Department.

## Washington State Human Rights Commission

The Washington State Human Rights Commission (WSHRC) is a state agency that makes sure Washington state laws about discrimination are followed. The WSHRC has five different groups, called commissions. These groups meet monthly and give recommendations about policies and regulations. They also discuss investigations that were done by their staff about discrimination complaints.

If you feel your [workplace](#) has discriminated against you due to a medical reason, you can file a complaint with the WSHRC. They will do an investigation to determine if you were discriminated against based on Washington state laws.

### For more information

About the Washington State Human Rights Commission

[Washington State Human Rights Commission Home Page](#)

To file a complaint with the Washington State Human Rights Commission

[Washington State Human Rights Commission File a Complaint](#)

## U.S. Equal Employment Opportunity Commission

The U.S. Equal Employment Opportunity Commission (USEEYC) is a federal group who makes sure that United States federal laws about discrimination are followed. The USEEYC is made up of five members who are chosen (also called appointed) by the President of the United States. These five people help create and approve policies. They also make determinations about discrimination after investigations have been done.

You can file a complaint with the USEEYC if you feel your [workplace](#) discriminated against you because of medical reasons that are protected by federal law. USEEYC will investigate your complaint.

### For more information

About the U.S. Equal Employment Opportunity Commission

[U.S. Equal Employment Opportunity Commission Home Page](#)

To file a complaint with the U.S. Equal Employment Opportunity Commission

[U.S. Equal Employment Opportunity Commission – How to file a charge of employment discrimination](#)