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# Reasonable Accommodations for Disability or Other Medical Reasons

## A RESOURCE GUIDE FOR EMPLOYEES

A DISABILITY INCLUSION NETWORK BUSINESS RESOURCE GROUP  
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## Introduction

This Reasonable Accommodations Guide was developed based on extensive research, relevant laws, and the lived experiences of people with disabilities. It is meant as an informational resource and does not represent official policy or legal advice.

**Please be aware this document is not legal advice.**

## Audience: Who this guide is for?

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

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

## Purpose: What this guide is for?

We created this guide to help you know:

- What is a Reasonable Accommodation 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
- Definitions
- 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 and in conversations. We understand that some of these words, phrases, and terms can be considered as outdated when compared to what people use in the disability community. We chose to use the same words as listed in the laws, because it is so important to understand what they mean in this context of protecting your rights.

Each workplace may have its own administrative policies and processes. This guide is not meant to exclude; this guide is designed to enhance your understanding of your rights and to focus on the [human-centered](#) approach as the best practice.

For more information about your [Employers](#) 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).

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### *Important to know*

You can always ask questions if you do not understand something or are confused. This includes when you are having a conversation with your supervisor, manager, and people in your human resource department that are processing your Reasonable Accommodation request.

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## What is a Reasonable Accommodation?

A reasonable accommodation is a work accommodation for a person with a disability or medical reason.

### **Definition: Work Accommodation**

A work accommodation means changing how, when, or where you, the qualified employee, perform the duties. Work accommodation focuses on two things:

- Your main tasks or duties, which are called *essential job functions*
- Your ability to participate in workplace activities

Accommodation allows you to function as an equal at your job and in workplace activities as someone who does not need an accommodation.

### Examples of an accommodation

- 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 and 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

An accommodation does not change what you must do for your job. It just changes how, when, or where you, the qualified employee, perform the duties to ensure you can enjoy an equal employment opportunity.

Your agency or office of the state has a process where you and your human resource department will work together to find the accommodation(s) that works best for you and your employer.

If your workplace 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.

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### *Important to know*

When you request a Reasonable Accommodation, it does not mean you will automatically be approved.

Receiving the workplace accommodation will not change what your main job tasks and duties are or what you are expected to do at work. It only can change how, when, and where.

An accommodation is a support tool, designed to help you in perform your job tasks also known as “essential job functions.”

An accommodation does not give a person an advantage in doing their work. An accommodation is an equalizer: providing the person with an equal ability to do their work as someone who does not need an accommodation.

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### **Reasonable**

To understand what a Reasonable Accommodation is, you need to understand what is meant by the word “reasonable” and the term “undue hardship.”

#### **Definition: Reasonable**

Reasonable means a change that does not create 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](#)
- [U.S. Equal Employment Opportunity Commission Enforcement Guide on Reasonable Accommodation and Undue Hardship under the ADA](#)

## Federal and State Laws and Executive Orders

There are many different laws that protect your rights to request a 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. This section of the guide provides a simplified summary of those laws with hyperlinks to each law and our state's executive orders.

### Federal Laws

Federal laws passed by the United States Government that support reasonable accommodations include:

- [U.S. Equal Employment Opportunity Commission](#) - Undue Hardship under the ADA
- [Fair Labor Standards Act Section #73](#) – Break time for nursing mothers' provision
- [U.S. Equal Employment Opportunity Commission The ADA](#)
- [The Americans with Disabilities Act \(ADA\)](#)

The ADA 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.

### State Laws

The Revised Code of Washington (RCW) are the laws passed by the Washington State Legislature. [The State of Washington definition of disability](#) covers a bit more than the federal law. It gives extra protection to Washington employees.

[RCW 49.60.030](#) – **Freedom from discrimination** – Declaration of civil rights says that people:

They have the right to not be discriminated against due to a sensory, mental, or physical disability in all public places and places where 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 a project(s)
  - Deny or exclude you from participating in work groups or committees
  - Deny you a job, a job change, or a promotional opportunity
  - Stop you from or deny you the ability to participate in other work activities, such as training or job development opportunities.
- ✓ You have the right to breastfeed your child in any public place.
- ✓ You have the right to not be discriminated against if you have a trained guide dog or service animal.

#### [RCW 70.84.080](#) – **Employment of persons with disabilities in public service**

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.

#### [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 a 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

#### [RCW 70.84.021](#) – **Service animal defined**

"Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Washington Administrative Code (WAC) are the rules adopted by state agencies to implement the laws.

#### [WAC 357-26](#) – **Reasonable Accommodation**

Guidance and requirements for employers for disability and pregnancy accommodations

#### [WAC 152-22-025](#) - **Unfair practice**

Defines what an unfair practice is:

- 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 causes an undue hardship).

#### [WAC 166-22-065](#) – Reasonable Accommodation

Enables equal:

- Opportunity in the application process
- Performance of the particular job held or desired
- Benefits, privileges, or terms and conditions of employment

Examples of reasonable accommodation may include, but are not limited to:

- Adjustments in job duties, work schedules, or scope of work
- Changes in the job setting or conditions of work
- Opportunities to vacant positions and consider the employee for those positions for which the employee is qualified.

#### [WAC 162-22-025](#) – Unfair Practice

It is unfair practice for any employer, employment agency or labor union or other person to:

- Refuse to hire because of a disability or the use of a trained service animal.
- Failure or refusal to make reasonable accommodation for a person with a disability unless it would create an undue hardship.
- Refusal to hire a person with a disability because the employer would be subject to the requirements of this law if hired or promoted.

#### [WAC 162-22-075](#) – Undue hardship exception

An accommodation will be considered an undue hardship if the cost or difficulty is unreasonable in view of:

- The size of and the resources available to the employer
- Whether the cost can be included in planned remodeling or maintenance

Undue hardships are based on the employer, state agency as a whole. They are not based on a division, team, or work site. Only the head of the state agency, appointing authority, or executive leader that is assigned can make the decision that specific accommodation is a hardship. If that happens, agencies or offices of the state must try to find a different accommodation that still meets the employees' needs.

Only the head of the state agency, appointing authority, or executive leader that is assigned can make the decision that specific accommodation is a hardship. The burden of proof of an undue hardship is the Employers responsibility.

#### [WAC 162-22-100](#) – Dog guides and service animals

It is an unfair practice for an employer, to request that a trained service animal be removed from the workplace, unless that employer can show that the presence, behavior or actions of the service animal constitutes an unreasonable risk to property or other people.

Risk to property or other people must be immediate or reasonably foreseeable under the circumstances, not remote or speculative. Risk to people may be given more weight than risk to property. Risk of severe injury or harm may be given more weight than risk of slight injury or harm.

The decision whether to bring a service animal to a worksite (risk or injury to the service animal) rests with the person with a disability using the service animal.

Reasonable accommodation. When risk justifies the removal of a dog guide or service animal from the workplace, efforts must be made to reasonably accommodate the person with the disability.

In general, a person with a disability using a service animal is responsible for the animal and may be held liable for the behavior and actions of the animal.

### For more information

For Pregnancy, Nursing, Gender Expression, and/or Gender Identity accommodations:

- [Pregnant Workers Fairness Act](#) Workplace accommodations related to pregnancy
- [Fair Labor Standards Act Section #73](#) - 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

### Washington State Executive Orders

An Executive Order (EO) is a directive issued by a governor that carries the force of law and regulates the operations of the state government. This power is based on the authority granted to the governor by the state's constitution or existing statutes.

Washington state governors have created several executive orders designed to protect people with disabilities in the workplace. The Office of Financial Management/State Human Resources (OFM/SHR) is the state agency in charge of making sure state agencies follow these executive orders.

- [EO 12-02](#) *Workforce Diversity and Inclusion*  
It 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](#)  
This EO 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 Opportunities and Outcomes for People with Disabilities in State Employment](#)  
Gives specific instructions to state agencies about hiring and promoting people with disabilities. It also includes requirements for training for all employees about disability topics. It includes things like:
  - Strive to achieve a minimum of 5% percent of the state workforce, employed by the state are people living with a disability by December 31, 2026.
  - Creating and enforcing goals for how to recruit employees with disabilities.
  - Training - All employees must take training on how to make documents accessible.
  - How to make sure there is funding to pay for any accommodation that supports employees with disabilities need.

For additional information about 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](#)

## When and how can I request a Reasonable Accommodation?

You have the right to ask for a Reasonable Accommodation at any time, at any stage of your employment to include the application and hiring process.

- As an applicant - before, during and after you fill out the application
- When offered an interview
- During the interview, if you realize you need an accommodation
- After you accept the job offer, as a new hire
- On your first day, as a current employee
- Anytime you are working and realize you need an accommodation
- As a transfer employee
- As a result of a layoff

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### *Important to know*

Any time you are having difficulty with a task due to a disability or medical reason, you can ask for 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.

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## Applying for a job

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

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

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 accommodation you need, but they will know who to contact.

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

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### *Important to know*

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.

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## As an employee

As an employee, there are different ways you can request a Reasonable Accommodation. In fact, you don't even need to use the words "Reasonable Accommodation."

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

- I need to talk to human resources about a Reasonable Accommodation.
- I have a medical condition that is causing problems for me to do my job tasks. I need to speak to someone about getting some help.
- 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 making it worse.
- I need to talk to someone about the bathrooms/locker rooms/changing rooms.
- I am having problems doing my job tasks because I am pregnant.

- I need a place to nurse or pump breast milk.

Mentioning to your supervisor or manager that a medical reason or disability is causing you problems, the supervisor needs to have someone in Human Resources talk to you about maybe needing an accommodation. You can have these types of conversations with your supervisor or manager in the following ways:

- 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 is ok, it protects you since it creates a written record of when you submitted your request.

Please be aware, your supervisor or manager will not be the person you work with initially. It will be someone who works in your Human Resources Department (HRD).

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

#### Can I get support during the reasonable accommodation process?

Yes, you can request a support person to help you at any stage of the process 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

Sometimes you might not be able to contact your workplace to tell them you 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 to act as your support person. That support person can contact your place or work on your behalf. That person can inform your supervisor and Human Resource person about your accommodation needs.

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### *Important 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 supervisor 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.

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## Getting the process started

There are 5 general steps in the process of setting up the reasonable accommodation. Each agency may have an administrative policy/procedure that can address more specifics steps.

It is important to know that 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

## Step 1: Contacting Human Resources

This is when you have made a request for an accommodation or made a statement to your supervisor or manager that a medical reason or disability is causing you problems and you have been referred to Human Resources.

## Step 2: Confidential interactive conversation

The person from human resources will reach out to you to have an “confidential interactive dialogue.” This is also called the “initial conversation.”

You can include a support person 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 is available that may help you. They can also help you troubleshoot if you or your HR person needs help having the technological work for your workplace computer systems.

The conversation may include:

- Sharing what barriers you are having doing your job tasks (essential job functions) and the disabilities or medical reasons you are having the problems.

- You can share with the HR person any ideas you may have on the types of accommodation that would help you to do your job tasks.
- The HR person can give you an overview of how the process works for your workplace. They can give you information about:
  - What will happen
  - What information is needed to get your accommodation
  - What kind of medical proof might be needed
  - Timelines for consideration or deadlines for documentation to be submitted
  - How your medical information will be handled or who will have access to your information.

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

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### *Important to Know:*

When making a request for accommodation, you do not need to tell (disclose) any information to your supervisor, manager, or another coworker:

- That you have a disability
- What your medical conditions is or what your needs are
- If you are pregnant or breast feeding
- What your gender identity is

This information will be shared between you and the reasonable accommodation person who is typically in human resources. Only the results of the reasonable accommodation will be shared with the supervisor, manager, ex., you have been approved for a flex a schedule.

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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.

- Medical information will not be shared with your supervisor or manager. The only information they will be told is what the accommodation is and anything they need to know to make sure the accommodation is put into place.
- 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.

### Step 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.

Your work may require you to have your doctor or medical provider fill out paperwork for you to get an accommodation. This paperwork will include:

- What medical reasons or conditions you have that need an accommodation
- How long is the medical condition or disability expected to last
- Suggestions for an accommodation

Sometimes the paperwork does not answer all of the questions your HR person needs for an accommodation. Your HR person may want to follow-up with your medical provider to better understand what you need and why. If that happens, HR will ask your permission to speak with your provider directly.

Your work may also ask you to attend a medical exam from a third party to assess your medical condition. This will most likely happen if your medical provider:

- Is unable to fill out the paperwork
- 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.
- Is not providing the detailed information that is requested.

This can also occur if you do not have a medical provider who can fill out the paperwork.

## Step 4. Agreeing on the accommodation

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

You know best how your medical reasons affect how you do your job tasks. You are encouraged to share your ideas with your HR person. It is expected that the reasonable accommodation process is an interactive human-centered conversation. The conversation should provide you the opportunity to give your suggestions for the accommodation(s). If you do not interact with your HR person when they request that you do so, you may not receive your reasonable accommodation.

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### *Important to know*

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 with something else that still meets your needs.

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.

If the request for an accommodation is denied, your employer must provide you with a reason for the denial.

Remember, for the 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 to be based on a division, team, or work site.

Only the head of your agency or an executive leader that is assigned to the entire agency or office can make the decision that a specific accommodation is a hardship. If that happens, they must try to find a different accommodation that still meets your needs.

## Step 5 Implementing accommodations

Once accommodation has been approved by your workplace, the final step is to put the accommodation in place.

A schedule should be made to when the accommodation will be put into place. This should include any training you may need as part of the accommodation.

Once the accommodation is put into action, it is highly recommended that you continue to talk to your HR person, supervisor or manager about how the things are working. Remember, choosing to disclose (telling someone other than HR) the details of why you have the accommodation, i.e., disability or medical reasons, is entirely your choice.

It can take some time to find the right accommodation for you. What works for one person may not work for you. If something isn't working, you have the right to ask for a change at any time. Sometimes the accommodation may need to be adjusted or changed all together, and that is ok.

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### *Important to know*

- 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.

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## 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. The appointing authority can reassign you to an alternate vacant position. If your agency cannot accommodate you and there are no open vacancies, you can be dismissed from employment through the Disability Separation process.

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 the 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.

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### *Important to know*

When requesting a reasonable accommodation, it will not stop a disciplinary action and or layoff a process.

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#### 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 protection 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 is, 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.

## Transfer and Layoffs

### Transfer

Per [WAC 357-19-180](#): A transfer is defined as an employee-initiated move to a position with the same salary standard, same evaluation points, or both.

Transferred employees will retain their current base salary.

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### *Important to know*

If you already have an approved accommodation when transferring to a new position, the accommodation is not transferable. This is because when you move to a new position there will be a new position description (PD/PDP) with different essential job functions outlined.

However, the medical documentation may be transferable depending on the new position and the essential job functions of the new position.

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It is also important to know that the new supervisor to the transfer position will not have any information about your current Reasonable Accommodation. The choice to disclose is your choice.

## Layoff

### Current practice:

When there is a layoff, Reduction in Force (RIF), the HR layoff team (staff) will not have access to ANY information pertaining to a current accommodation(s) that you may have in place to do the essential job duties of the position you currently hold.

When a layoff occurs, the HR layoff team member will analyze each person's information according to the skills, abilities, experiences, layoff unit, employment status and current classification.

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### *Important to know*

It is your choice to disclose to the layoff team that you have a reasonable accommodation in place.

A new Reasonable Accommodation will need to be initiated by you, once you accept the layoff option. Once you are in the new position, the reasonable accommodation process will begin again for the new position and essential job functions. A reasonable accommodation for an employee is not transferable.

- Medical documentation may be transferable if it relates to the new position and the essential job functions.

### Disability Inclusion Network (DIN) Business Resource Group (BRG) recommendation:

The DIN interprets the ADA to require any reasonable accommodation that is already in place, should be considered during the entire lifecycle of the employee, including the layoff process when considering other potential positions.

DIN encourages employers to go beyond legal requirements to become a truly equitable workforce.

### Can I appeal a layoff action?

A permanent employee may have appeal rights in accordance with [WAC 357-52-010](#). However, the employer's decision regarding which positions to eliminate in a layoff is not subject to appeal.

## Medical Condition(s)

An employee, you can request a reasonable accommodation for a medical condition that is deemed a disability. Medical condition can be intermittent (sporadic) and, in remission and or temporary. When requesting an accommodation for medical conditions, it may require adjustments to the accommodation due to the treatment and or medications prescribed.

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### *Important to know*

An accommodation can also include medication side effects that may be intermittent (sporadic) that can impact the employee's performance at work.

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The ADA was amended to protect these types of accommodations. This means that chronic impairments/medical condition with symptoms or effects that are episodic rather than present all the time can be a disability even if the symptoms or effects would only substantially limit a major life activity when the impairment is active.

**Examples:** May be episodic, including epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment such as cancer that is in remission but that may possibly return to a substantially limiting form will also be a disability under the ADA final regulation.

For more information

About the ADA amendment [[Section 1630.2\(j\)\(1\)\(vii\) and corresponding Appendix section](#)].

## Pregnancy and Childbirth Accommodations

The Pregnant Workers Fairness Act (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.

It provides minimum standards that employers must follow for their employees. It covers things like minimum wage, overtime pay, youth employment, and so on. It also includes a section, called a provision, for people who are nursing after having a baby.

Providing an accommodation is required except when the 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.

Washington’s workplace pregnancy accommodation law provides protection for employees who have health conditions related to pregnancy or childbirth. This law applies to all employers with 15 or more employees.

Pregnancy accommodation makes it easier and safer for an employee to continue working. Employers must make efforts to accommodate reasonable requests from a worker or work restrictions recommended by their physician.

In 2022 a new law was established called the PUMP Act that makes several important changes to the Break Time for Nursing Mothers, which has required since 2010 that employers nationwide provide reasonable break time and a private, non-bathroom space for lactating employees to pump milk during the workday. The 2022 PUMP Act was passed to close some of the loopholes in the original 2010 law that

clarifies that pumping counts as time worked if an employee is not completely relieved from their duties during the pumping break.

The 2022 PUMP Act expands the legal right to receive pumping breaks and private space to nearly 9 million more workers, including teachers, registered nurses, farm workers, and many others. It makes it possible for an employee to file a lawsuit against an employer who violates this law. The 2022 PUMP Act clarifies that pumping counts as time worked if an employee is not completely relieved from their duties during the pumping break.

### For more information

About the Office of Financial Management and their role in reasonable accommodation:

- [Office of Financial Management](#) – Reasonable Accommodations
- Department of Labor – [Understanding Federal Protections for Pumping at Work: Employers Responsibility](#).
- Workplace pregnancy accommodations—Unfair practices—Definitions [RCW 43.10.005](#)
- Washington State Labor and Industries - [Pregnancy Accommodations](#)
- Washington State Office of the Attorney General – [Pregnancy and Breastfeeding Accommodations](#)

### In Conclusion:

The Disability Inclusion Network developed this guide using the voices of current employees with lived experiences and is supported by executive Order 24-05 – Improving Employment Outcomes for People with Disabilities. This guide has reviewed important points about reasonable accommodation to include:

- [What is a Reasonable Accommodation](#)
- [Federal, State and Executive Orders](#)
- [When and how to request an accommodation](#)
- [Getting the process started and the step for implementation](#)
- [Pregnant Workers Fairness Act](#)
- [What to do if you don't agree about the decision about the Reasonable Accommodation](#)
- [Transfers and Layoffs](#)
- [Medical Condition\(s\)](#)
- [Additional Resources](#)
- [Definitions](#)

This information will be reviewed yearly, to ensure the information contained in this document is up to date.

## Additional Resources

Information about inclusive bathrooms and gender transition in the [workplace](#)

- [Inclusive Bathroom Signage Recommendations](#)
- [Transition in the Workplace Toolkit](#)
- [WA State Rainbow Alliance Inclusion Network \(RAIN\) Business Resource Group](#)

### 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

[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 (USEEOC) is a federal group who makes sure that United States federal laws about discrimination are followed. The USEEOC 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 USEEOC if you feel your workplace discriminated against you because of medical reasons that are protected by federal law. USEEOC will investigate your complaint.

For more information

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](#)

### [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 with counseling and/or resources.

## Definitions

### 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), call these conditions as “impairments.”

### Human-Centered Design

"Human-centered design" is an approach to problem-solving that tailors the solution to the needs of the person getting the services. It does this through an interactive process, with the person involved in every step of designing the solution. Human-centered design keeps the needs, barriers to their ability to do what's needed, and what would work best for that person to perform all essential functions of the position.

It makes sure there is easy conversation between the employee and their workplace. A person-centered approach leads with kindness and empathy. It makes sure the employee is talked about, and talked to, with dignity and respect. This approach can help to make sure the reasonable accommodation process is successful for the employee and the state agency.

### 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.

### Reasonable

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

### 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.

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.](#)

### **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).

### **Work Accommodation**

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

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

### **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.