

WAC 381-10-150 Reasonable accommodation/return to work policy.

(1) The indeterminate sentence review board shall not discriminate on the basis of any sensory, mental, or physical disability.

(2) Persons of disability have the right to request reasonable accommodation. The board shall make reasonable accommodation to disabled clients, applicants, and members of the general public to insure that the regular services of the agency are available to persons who could not otherwise utilize them. When necessary, the agency shall attempt to provide alternatives such as arranged services. Any client, applicant, or member of the general public requiring reasonable accommodation and/or special services may so request to the board through the executive secretary. The executive secretary, in conjunction with the agency's personnel representative, will review requests for reasonable accommodation. The executive secretary is responsible for compliance. Implementation may include seeking technical assistance from appropriate state and federal resources, including the Washington state human rights commission or the federal Office of Civil Rights, regarding the agency's obligation to make accommodation and the determination of reasonableness.

(3) The board shall recruit, hire, train, promote, transfer, and retain any employee who can perform the essential job duties with reasonable accommodation without regard to sensory, mental, or physical disability. For employment purposes, reasonable accommodation is defined as reasonable alterations, adjustments, or changes made by the appointing authority in the job, workplace, and/or terms or condition of employment which will enable an otherwise qualified person of disability or disabled veteran to perform a particular job successfully, as determined on a case-by-case basis.

(4) The board shall make every effort to return an employee back to work who is, by reason of a temporary disability, unable to return to his or her previous work, but is capable of carrying out work of a lighter or modified nature. For the purposes of this section, employee is defined as someone who: (a) Is a permanent state employee; (b) is receiving compensation pursuant to RCW 51.32.090; and (c) is suffering from a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by written statement from a physician or licensed mental health professional. Should lighter or modified work not be available in the agency, the board, in cooperation with the department of personnel and department of labor and industries, will assist the employee in attempting to locate temporary or permanent employment in other agencies.

(5) The executive secretary, working with the employee, his or her supervisor, and the agency personnel representative, is responsible for implementing the requirements of subsection (4) of this section. The employee may appeal any adverse decision to the chair of the board. Nothing in this section is intended to overrule any employee's right to also appeal any adverse decision under the provisions of merit systems rules or state or federal law.

(6) Information regarding the reasonable accommodation/return to work policy will be disseminated by publication in chapter 381-10 of the *Washington Administrative Code* and the *Employee Handbook*. The agency will sponsor periodic training for supervisors and employees.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-10-150, filed 6/26/91, effective 7/27/91.]