

POLICY-HR-3512

See Also: ADA – Public Law 101-336; WLAD – 49.60 RCW; Section 504 of the Rehabilitation Act of 1973 – Public Law 93-112; Americans With Disabilities Act; Procedure-HR-3512; Form-HR-3512

Approved by: _____
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Intercity Transit

Written by: Ed Rutledge

Definitions:

“interactive process” – a good faith dialogue involving the employee and an authorized representative of Intercity Transit wherein the employee seeking a reasonable accommodation is candid and forthcoming about how the employee’s disability affects his/her ability to perform the essential functions of his/her job as well as an exploration of options which are reflective of the parties respective interests and concerns.

“reasonable accommodation” - a good faith effort to accommodate an employee with a disability, so the employee can perform the essential functions of the job.

“ADA Coordinator” – The Human Resources Director or his/her designee is responsible for coordination of efforts to carry out responsibilities under Section 504 of the Rehabilitation Act (Section 504), The Americans with Disability Act (ADA) and the Washington Law Against Discrimination (WLAD).

COMPLYING WITH AMERICANS WITH DISABILITIES ACT

This policy applies to all Intercity Transit employees and employment applicants.

1. Intercity Transit Complies With ADA and WLAD

Intercity Transit will meet or exceed the requirements within the Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD) as they pertain to employment.

Intercity Transit will meet the obligations of the ADA and WLAD for applicants for employment and current employees. Further, the agency will incorporate the compliance into the recruitment procedures.

2. Applicant or Employee Provides Timely Notice and Documentation

Employees and employment applicants shall provide timely notice and documentation of their disability, and if known, the accommodation(s) requested.

3. All Involved Shall Participate in the Process

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Intercity Transit must participate in the “interactive process,” as a mandatory obligation. All parties involved must participate in the process. The employing department will participate in the interactive process; however, “ADA Coordinator” and the employee requesting “reasonable accommodation” shall carry prime responsibility for the process.

All departments within Intercity Transit shall assume responsibility for coordinating with the ADA Coordinator to ensure compliance.

4. ADA Coordinator Administers Grievance Procedure

The “ADA Coordinator” administers the Procedure for responding to requests for reasonable accommodation(s) (PROCEDURE-HR-3512).

5. Employee Unable to Perform Essential Functions

In the event Intercity Transit determines from medical documentation and through the interactive process, the employee is unable to perform the essential functions of his/her position, with or without reasonable accommodation, and Intercity Transit meets all obligations to offer and provide leave, the employee may be subject to a non-disciplinary medical termination.

Intercity Transit will NOT create vacant positions or offer reassignment to promotional positions, or waive job qualifications or probation in the disability accommodation process.

6. Reasonable Accommodation Does NOT Create Employment Contract

Providing reasonable accommodation does NOT create an employment contract or term or limit the reasons for dissolution of the employment relationship. Reasonable accommodation does NOT constitute an express or implied contract, nor is it the basis for a private right of action.