

POLICY/PROCEDURE

Focus Area:
Site and Member Services

See Also: POL-140REF (Definitions); RCW 49.60; Member Service Agreement; Member Placement Contract; Position Description

POL – 140

MANAGING REASONABLE ACCOMMODATION REQUESTS FOR MEMBERS

This Policy/Procedure applies to reasonable accommodation requests for applicants and members of Washington Service Corps (WSC), Washington Reading Corps and any other program managed by WSC.

A reasonable accommodation is a modification or adjustment that enables a qualified member with a disability to perform the essential functions of the position during their term of service and/or to enjoy equal benefits and privileges offered to other members during their term of service.

If a member is uncomfortable at their workstation and needs a modification or adjustment that is comfort-related or intended to prevent an illness or injury, the member should contact their supervisor to arrange an ergonomics assessment.

MEMBERS:

- 1. Reasonable accommodation applies to disabilities as defined by the Washington Law against Discrimination at RCW 49.60.**
 - a. For the purpose of this policy, “disability” is defined in RCW 49.60.040(7) or POL 140REF.
- 2. Washington Service Corps Sponsoring Organizations will provide reasonable accommodation to qualified members with a disability.**
 - a. WSC Sponsoring Organizations will offer reasonable accommodations to members who fit the definition of disability as outlined above.

- b. The accommodation process may be ongoing and may reopen any time and might occur when the member's disability or essential functions change.
- c. The need for accommodation shall not adversely affect the consideration of a qualified individual with a disability for a position or the opportunity to enjoy equal benefits and privileges offered to other members during their term of service.
- d. A qualified member with a disability has the right to refuse accommodation. However, if the individual without accommodation cannot perform the essential functions of the position, then they would not be considered a qualified individual for the position. It is the responsibility of WSC sponsoring organization in consultation with WSC, to determine the appropriate action after the refusal of an accommodation.
- e. Sponsoring Organizations that have the resources and staff to complete a reasonable accommodation request are required to do so. If not, please contact your SMSC.

3. WSC provides information on a member's right to request accommodation for disabilities defined in this policy.

- a) All members will have access to review this policy and be informed of their rights and responsibilities by their supervisor.
- b) Members are required to request reasonable accommodation from their site supervisor first. Members should follow the internal processes of their site. If the sub grantee site does not have the resources and staff to complete the request, the member will contact WSC directly for support as outlined in this policy/procedure.
- c) If the site is unable to support the process, the member should complete the WSC request form with their supervisor;
- d) Contact their SMS Coordinator directly;
- e) And/or call the WA Service Corps toll-free at 1-888-713-6080 to request assistance.
- f) If a member has received reasonable accommodation services from their site but they are not satisfied with the result, the member may contact WSC directly to request additional reasonable accommodation support.

4) Members are responsible for notifying their supervisor of their need for accommodation.

- a) Members who have not previously notified their supervisor of the need for accommodation shall do so after the member becomes aware of the need. Current members shall communicate their accommodation needs to their supervisor, or WSC Program Coordinator.

- b) If a supervisor determines that a member is having difficulties in performing the essential functions of their position due to a physical or mental impairment that is presenting a barrier, the supervisor should engage in a confidential discussion with the member to determine if this is the case.
- c) A supervisor or member may contact the Program Coordinator at the WA Service Corps office to seek assistance or make an inquiry regarding a member's potential reasonable accommodation.

5) Members will be provided with reasonable accommodations for their disabilities unless doing so would result in undue hardship.

- a) If providing accommodation would impose an undue hardship on the operation of the host site, alternate accommodations will be considered.
- b) If it is determined, after all the options have been exhausted, that no reasonable accommodation can be made without undue hardship, the supervisor will consult with the WSC to consider a disability termination. Separations due to disability can only be authorized by the WSC Director or its designee and are not considered a release for cause.

6) Documentation of efforts to provide accommodations to members will be maintained by the subgrantee, available for review by the Corporation for National and Community Service, Serve Washington and/or Washington Service Corps staff in the event of an audit or monitoring visit.

- a) Upon completing the reasonable accommodation process, all supporting information is to be filed with the subgrantee in a secure location, separate from a member's official file. Information about an individual's disability is limited to designated personnel and only provided on a need-to-know basis.

7) Members who believe they have been discriminated against based on their disability have a right to file a discrimination complaint.

- a) A member who believes that they have been subjected to discrimination in violation of nondiscrimination provisions applicable laws, regulations, or this policy may raise their concerns with the AmeriCorps Office of Civil Rights and Inclusiveness. H
- b) **Service members, volunteers, employees, and applicants for Federal employment who wish to file a discrimination complaint may do so by sending an email message to eo@americorps.gov or by leaving a voice message on the Civil Rights Hotline at 1-202-606-3461. Calls to the hotline will be returned within 24 hours.**
- c) However, discrimination claims not brought to the attention of the Office of Civil Rights and Inclusiveness within 45 days of their occurrence may not be accepted in a formal complaint of discrimination.
- d)

- e) The Office of Civil Rights and Inclusiveness attempts to resolve concerns about discrimination promptly and when possible, uses an informal conciliation process to do so. AmeriCorps encourages, but does not require, volunteers, service participants, and other beneficiaries to first bring concerns about discrimination to the director or appropriate personnel of the program or project. AmeriCorps encourages directors of programs and projects to facilitate prompt resolution of these concerns.

APPLICANTS:

- 1) Reasonable accommodation applies to disabilities as defined by the Washington Law against Discrimination at RCW 49.60.**
 - a) For the purpose of this policy, disability means “the presence of a sensory, mental or physical impairment that is medically cognizable or diagnosable.”
- 2) Applicants are responsible for notifying the Washington Service Corps or partner organizations of their need for accommodation regarding the recruitment process.**
 - a) Individuals applying directly to the sponsoring organization and in need of accommodations relating to the application, recruitment, and/or testing process shall identify the need for accommodation at the time of application and/or interview.
 - b) The need for accommodation shall not adversely affect the consideration of a qualified individual with a disability for service.
- 3) Washington Service Corps and sponsoring organization will provide applicants with notification of the right to request and receive accommodations based on disabilities.**
 - a) Notification of the right to request an accommodation and information on how to initiate such a request will be included with all announcements, bulletins, and recruitment efforts by the sub grantee. Timeliness is essential, and failure to provide accommodations in a timely manner may be justification for granting an extension of application and other deadlines.
- 4) Disability inquiries during pre-service (the pre-offer stage) are prohibited.**
 - a) During the pre-offer stage, before an applicant is offered a position, inquiries to applicants should be limited to whether the applicant is able to perform the essential functions of the position. A supervisor may not ask disability-related questions.
 - b) During the pre-offer stage, requesting applicants to voluntarily self-identify as individuals with disabilities is asked for affirmative-action reporting purposes only and is maintained confidentially. We recommend this being stated on application questionnaires.
- 5) Applicants who believe they have been discriminated against based on their disability have a right to file a discrimination complaint.**

- a) An applicant who believes that he or she has been subjected to discrimination in violation of nondiscrimination provisions applicable laws, regulations, or this policy may raise their concerns with the AmeriCorps Office of Civil Rights and Inclusiveness.
- b) Service members, volunteers, employees, and applicants for Federal employment who wish to file a discrimination complaint may do so by sending an email message to eo@americorps.gov or by leaving a voice message on the Civil Rights Hotline at 1-202-606-3461. Calls to the hotline will be returned within 24 hours.
- c) However, discrimination claims not brought to the attention of the Office of Civil Rights and Inclusiveness within 45 days of their occurrence may not be accepted in a formal complaint of discrimination.
- d) The Office of Civil Rights and Inclusiveness attempts to resolve concerns about discrimination promptly and when possible, uses an informal conciliation process to do so. AmeriCorps encourages, but does not require, volunteers, service participants, and other beneficiaries to first bring concerns about discrimination to the director or appropriate personnel of the program or project. AmeriCorps encourages directors of programs and projects to facilitate prompt resolution of these concerns.