

Article 26: Accommodations

26.1. General Provisions

In a manner that is consistent with applicable law, the University shall provide reasonable accommodation to qualified ASEs ~~who are disabled or become disabled and need assistance to perform the functions of their jobs.~~ This may include modification or adjustment to a job, work environment, policy, practice, or procedure that enables a qualified ASE to enjoy equal employment opportunity. An interactive process shall be used to determine what, ~~if any,~~ reasonable accommodation will be made and to monitor the continuing effectiveness of the accommodation.

26.2. ~~Medical documentation or diagnosis/verification of disability~~

~~26.2.1. Disability definition: Presence of a sensory, mental, or physical impairment that is medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact.~~

~~26.2.2. When requested by the University, the ASE is responsible for providing the appropriate office (Disability Services) with medical documentation identifying functional limitations and how such limitations affect the ASE's ability to perform the functions of their job. See Appendix A and B for documentation forms.~~

26.23. ~~The i~~Interactive process of accommodations

~~26.23.1. An ASE who believes they may be in need of an employment accommodation is expected to notify their supervisor, department or appropriate University office to request reasonable accommodations, as soon as they become aware of the need.~~

When an ASE requests reasonable accommodation ~~for a disability or the University has reason to believe that an accommodation is needed,~~ the parties will engage in the interactive process, which is an ongoing dialogue between the ASE and appropriate University representatives (e.g., supervisor, departmental administrator, department or unit head, and/or disability services representative) about possible options for accommodating the ASE's disability. ~~The ASE may bring a union representative to the interactive process. Options for reasonable accommodation may include, but are not limited to: assistive devices; modification of existing facilities; restructuring the job to eliminate non-essential job functions; and leaves of absence.~~ Both the University and the ASE are expected to participate in the interactive process in good faith, which includes engaging in timely communications regarding possible reasonable accommodation.

~~26.23.2. Timeline: Within one week seven (7) business days of the request for reasonable accommodations, disclosure of disability, the u~~University ~~must respond to will~~ acknowledge the request by notifying the ASE, thus initiating ~~the~~ interactive process. Throughout the interactive process, the ~~u~~University and ASE will engage in reasonably

timely communications, taking into consideration the ASE's unique circumstance disabilities, consisting of responses within no more than a week.

~~26.23.3.~~ During the interactive process, the University considers information related to: the essential functions of the job, the ASE's functional limitations and/or unique circumstances; possible accommodations; and issues related to the implementation of a reasonable accommodation. This information will be used by the University to determine the type of reasonable accommodation(s) that may ~~will~~ be ~~made-offered~~ and the implementation process. If possible, the University will present multiple options for the ASE to consider, and the ASE will determine which accommodation(s) if any, will be implemented.

~~26.23.4.~~ ASEs may ~~bring~~ involve a support person to assist in the interactive process ~~meeting~~, which may include a union representative.

~~26.34:~~ Temporary ~~w~~Work ~~a~~Adjustment

When the ~~interactive~~ process is initiated, the supervisor/department administrator, in consultation with the appropriate ~~Disability Services team~~ University office for the associated request, shall assist in a temporary work adjustment until the ~~interactive~~ process is completed.

26.4: Disability-Related Accommodations

26.4.1. Disability definition: Presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact.

26.4.2. The ASE is responsible for providing the appropriate office (Disability Services) with documentation, if requested by the University, establishing a disability as defined in 26.4.1, identifying the ASE's functional limitations, and describing how such limitations affect the ASE's ability to perform the functions of their job.

26.4.3. Options for reasonable accommodation may include, but are not limited to: assistive devices; modification of existing facilities; restructuring the job to eliminate non-essential job functions; and leaves of absence.

~~26.5: Safety-related disability accommodations~~

~~26.5.1. The University will not require nor will an ASE work in an environment that may exacerbate or worsen, or increase the risk of exacerbating or worsening, their disability or health condition.~~

~~26.5.2. For ASEs with a disability or other health condition, the University will provide job-related furniture and equipment that creates a safe work environment. The University shall make reasonable efforts to maintain safe and accessible working conditions in the~~

~~workplace including, but not limited to, equipment required to carry out assigned duties, such as personal protective equipment, if requested by an ASE.~~

26.56 Pregnancy and Postnatal-related ~~a~~Accommodations and supports

26.56.1 ~~The University will allow reasonable time for an ASE to express breast milk for two years after the child's birth and each time the employee has need to express milk. In~~ reasonable proximity to the lactating parent's work location, ASEs shall have access to spaces other than a bathroom, for the purpose of expressing and storing breast milk which will be clean and private (locked and with no view in from the outside), ~~clean, and quiet~~ room equipped with a table, comfortable chair, and electrical outlet, ~~sink or sink nearby,~~ dish soap, ~~and other supplies for the cleaning and care of pumping equipment alongside~~ adequate space to store a pump, and an insulated food container (e.g., refrigerator).

26.56.2 ~~If no such designated space exists in reasonable proximity to an ASE's work location, the department will designate an appropriate temporary space that meets the above criteria; University will work with the ASE to identify a convenient location,~~ which is not open to the general public, for the purpose of expressing and storing breast milk.

26.56.23 ~~The University will allow adequate time for an ASE to express breast milk and, if requested by the ASE, the University will allow the following as an accommodation:~~ (1) provide more frequent, longer, or flexible restroom breaks, (2) modify a no food or drink policy to allow for breaks to eating/ or drinking, (3) provide seating or allowing the employee to sit more frequently if their job requires them to stand, and (4) limit lifting work-related lifting demands to not over 17 pounds or less without the need to provide written certification from a health care provider.

26.56.34 The University shall maintain a webpage listing the established lactation stations of which the University is aware, to include access instructions, and what equipment is available at each station (e.g., sink, refrigerator). ~~The parties may add lactation stations to this webpage periodically, which will be discussed at the request of either party. These lactation stations will be available to all ASEs. The website address for the lactation stations will be included in ASE appointment letters. As of the effective date of this Agreement, the website address is: <https://access.wsu.edu/lactation-rooms/>. Any ASE may submit contact the ADA coordinator at any time to notify them of an update to the information contained on the site at any time.~~

26.56.45 In addition, a pregnant ASE employee may request other workplace accommodation(s), including, but not limited to: (1) ~~J~~job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station, (2) ~~P~~providing for a temporary transfer to a less strenuous or less hazardous position, (3) ~~S~~scheduling flexibility for prenatal visits. The University may request the ASE seek documentation from a health care provider outlining the need for accommodation.

26.67: Domestic Violence, Sexual Assault, and Stalking Safety Accommodations

26.6.1. An ASE may request a reasonable safety accommodation in response to actual or threatened, or perceived if the employee is a victim, or perceived victim, of domestic violence, sexual assault or stalking. A safety accommodation must be equitable to preserve an ASE's access to their work or education, as well as and voluntarily accepted by the employee, and may include, but is not limited to: ~~A~~ (1) transfer, reassignment, and modified schedule ~~A~~ (1) transfer, reassignment, and modified schedule: ~~B~~ (2) Changed work telephone number, changed work email address, and changed workstation, ~~C~~ (3) Installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual, perceived, or threatened domestic violence, sexual assault, or stalking.

26.6.2. The University may request accommodations be supported by documentation. Appropriate documentation can include: (1) police reports or court documents, (2) an employee's written statement, (3) a statement from a provider, clergy, attorney, or advocate. The University may implement interim safety accommodations prior to receipt of supporting documentation.