

ARTICLE 31

ACCOMMODATIONS

31.1 GENERAL PROVISIONS

In a manner that is consistent with applicable law, the University shall provide reasonable accommodation to qualified ASEs. 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.

31.2 INTERACTIVE PROCESS OF ACCOMMODATIONS

31.2.1 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 accommodation, as soon as they become aware of the need.

When an ASE requests reasonable accommodation, 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. 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.

31.2.2 Timeline: Within seven (7) business days of the request for reasonable accommodations, the University will acknowledge the request by notifying the ASE, thus initiating the interactive process. Throughout the interactive process, the University and ASE will engage in reasonably timely communications, taking into consideration the ASE's unique circumstance, consisting of responses within no more than a week.

31.2.3 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 be 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.

31.2.4 ASEs may involve a support person to assist in the interactive process, which may include a union representative.

31.3 TEMPORARY WORK ADJUSTMENT

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

31.4 DISABILITY-RELATED ACCOMMODATIONS

31.4.1 **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.

31.4.2 **To qualify for a disability related reasonable accommodation:**

- a. An impairment must be known or shown through the interactive process to exist in fact and;
- b. The impairment must have a substantially limiting effect
 - a) on the employee's ability to perform their job,
 - b) the employee's ability to apply or be considered for a job, or
 - c) the employee's access to equal benefits, privileges, or terms or conditions of employment; or
- c. The employee must have put WSU on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

31.4.3 The University will work with ASEs to determine if reasonable accommodations may be granted, based on supporting documentation of disability-related workplace accommodations with a previous employer.

31.4.4 **Application:** If an ASE is unsure whether they qualify for formal accommodation as outlined above, they are encouraged to contact the appropriate office (Disability Services) to apply for, or seek resources related to accommodations, or options that may be available to them beyond the formal process. The ASE is responsible for providing the appropriate office (Disability Services) with documentation, if requested by the University, establishing a disability as outlined in 31.4.2, identifying the ASE's functional limitations, and describing how such limitations affect the ASE's ability to perform the functions of their job.

31.4.5 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.

31.5 PREGNANCY AND POSTNATAL ACCOMMODATIONS

31.5.1 The University will allow reasonable time for an ASE to express breast milk for two years after the child's birth, when the employee has need to express milk. The time period may be extended by mutual agreement with their supervisor.

31.5.2 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), equipped with a table, comfortable seating, and electrical outlet.

If no designated space exists in reasonable proximity to an ASE's work location, the 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.

31.5.3 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 eat or drink, (3) provide seating or allow the employee to sit more frequently if their job requires them to stand, and (4) limit work-related lifting demands to not over 17 pounds without the need to provide written certification from a health care provider.

31.5.4 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). These lactation stations will be

available to all ASEs. As of the effective date of this Agreement, the website address is: [_access.wsu.edu/lactation-rooms](https://access.wsu.edu/lactation-rooms). Any ASE may submit an update to the information contained on the site at any time.

31.5.5 In addition, a pregnant ASE may request other workplace accommodation(s), including, but not limited to: (1) 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) providing for a temporary transfer to a less strenuous or less hazardous position, (3) scheduling flexibility for prenatal visits. The University may request the ASE seek documentation from a health care provider outlining the need for accommodation.

31.6 DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING SAFETY ACCOMMODATIONS

31.6.1 An ASE may request reasonable safety accommodation in response to actual, threatened, or perceived domestic violence, sexual assault or stalking. The University will consider the personal preference of an ASE when implementing safety accommodations. Safety accommodations are intended to preserve an ASE's access to their work or education, and may include, but are not limited to: (1) transfer, reassignment, and modified schedule, (2) changed work telephone number, changed work email address, and changed workstation, (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.

31.6.2 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.