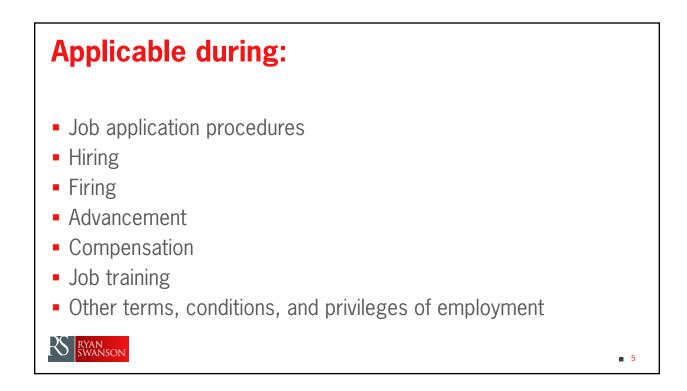






# Purpose of the laws ■ Prohibit discrimination and allow people with disabilities to have the same opportunities as everyone else; including to have the same employment opportunities as folks without disabilities.



# Is the employee an individual who has qualified for the protections of these laws?

- <u>ADA</u>: a physical or mental impairment that substantially limits a major life activity, or a history of a substantially limiting impairment.
- <u>Washington State</u>: the presence of a sensory, physical, or mental impairment that: is medically cognizable or diagnosable; or exists as a record or history.

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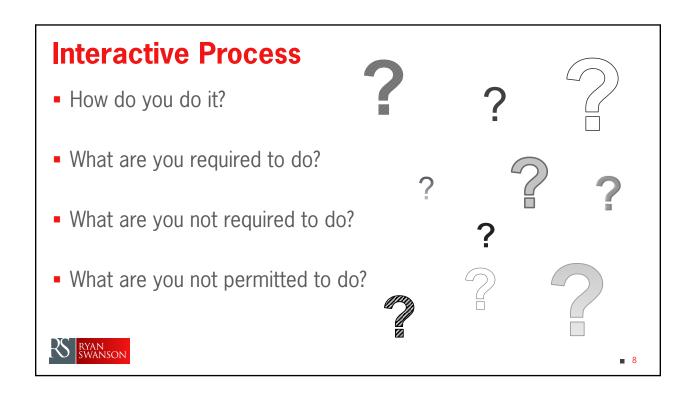
## **Governor Inslee's High-Risk Worker Proclamation:**

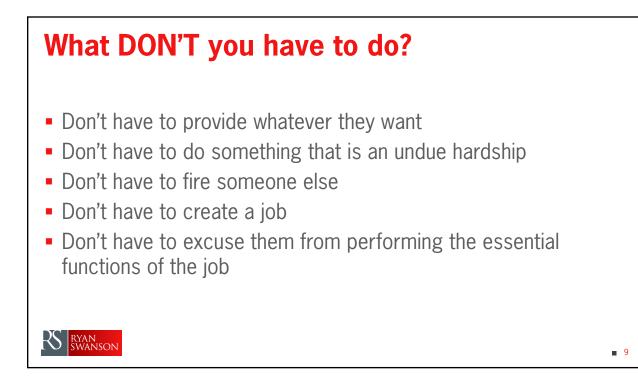
- Provides special protection to high risk workers
- Proclamation 20-46.1; two extensions and guidance issued
- Defined as people over 65 and also those with certain chronic underlying health conditions, regardless of age

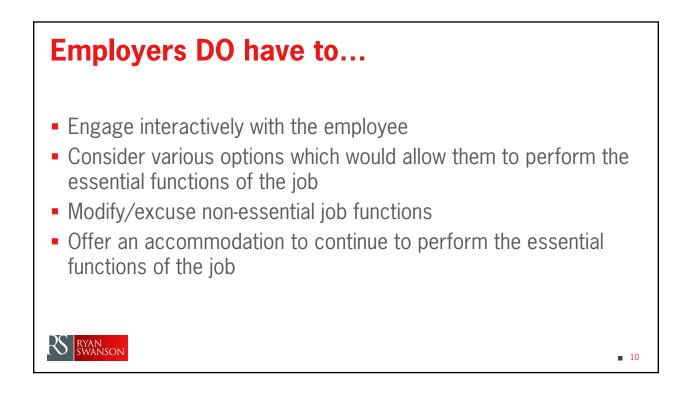
**7** 

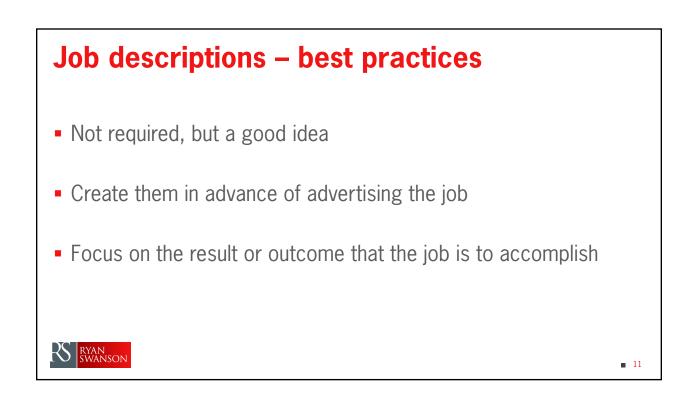
Applies to all Washington employers

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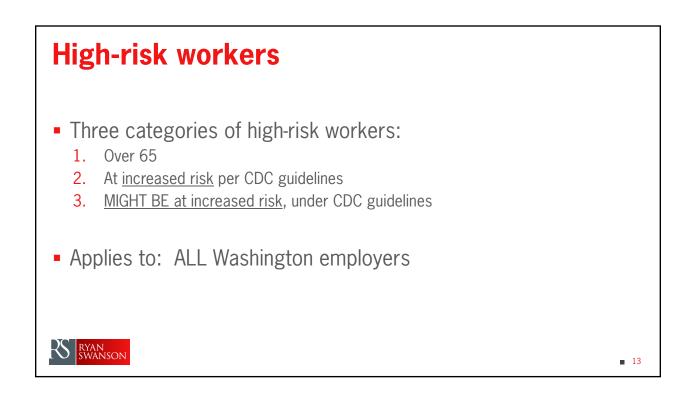


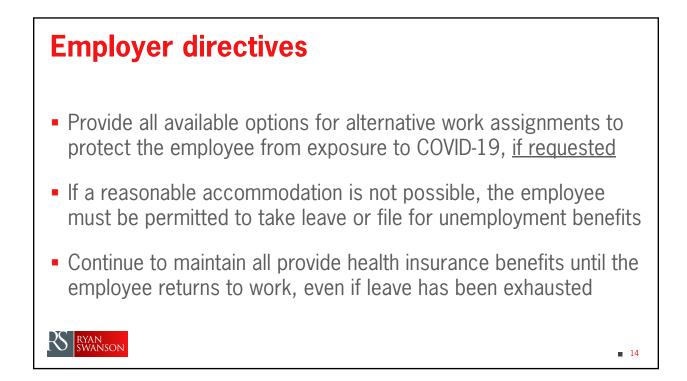


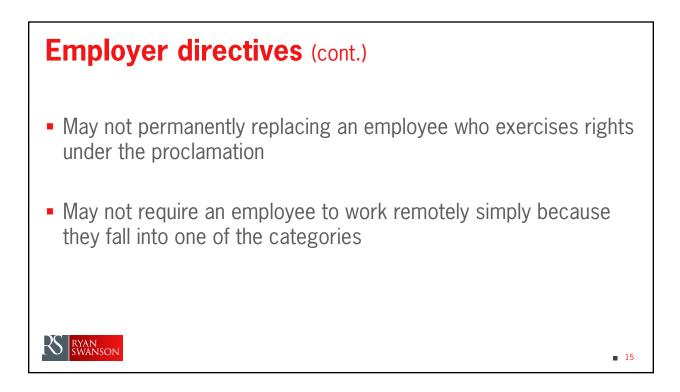
# **COVID** considerations

- Interim/trial accommodation in light of a changing landscape
- Undue hardship may look different
- High risk workers











- No for 65+
- No for "At Risk"
- Yes for "Might be At Risk"



### Participant Question: What can and can't you ask?

Generally you can ask:

- Whether the person can perform the essential functions of the job, either with or without accommodation
- Practical questions about their requested accommodation
- Request additional information about their requested accommodation

Examples of questions you cannot ask:

- Whether they are disabled
- The nature and severity of the disability
- Disability-related medical issues

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### Participant Question: What can and can't you ask? (cont.)

COVID-Specific questions you can ask:

- Whether they have symptoms
- Whether they have been exposed/been around someone with COVID
- Whether they have been tested for COVID
- Temperature checks and self-reporting questionnaires are permitted

Examples of COVID-related questions you cannot ask:

- Whether a family member has COVID
- Whether they are immunocompromised
- Whether they have a condition which makes them more susceptible to COVID



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# Thank you.

Hana Kern Ryan, Swanson & Cleveland, PLLC

206.654.2210 <u>kern@ryanlaw.com</u> www.ryanswansonlaw.com

### **Upcoming Webinars:**

Wednesday, September 30, 12pm: Employee Termination Best Practices (During COVID and Beyond)

Thursday, October 1, 12pm: Top Three New Employment Laws You Missed During the Pandemic

Friday, October 2, 12pm: Panel Presentation - Employment Law Updates & FAQs

ryanswansonlaw.com/registration

