

Chapter V

DISABILITY DISCRIMINATION RULES

Section 1. Purpose.

The purpose of these rules and regulations is to provide definitions and guidelines concerning disability discrimination under the Wyoming Fair Employment Practices Act, W.S. 27-9-101 through 27-9-108.

Section 2. Definitions.

(a) "Disabled person" means any person who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such an impairment.

(b) "Physical impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

(c) "Mental impairment" means any mental or psychological disorder, such as mental retardation; organic brain syndrome; emotional or mental illness; and specific learning disabilities.

(d) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

(e) "Has a record of such an impairment" means: (1) has a history of a mental or physical impairment which substantially limits one or more life activities, or (2) has been misclassified as having a mental or physical impairment which substantially limits one or more life activities.

(f) "Is regarded as having an impairment" means: (1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by an employer as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; (3) has none of the impairments defined in paragraphs (b) and (c) but is treated by an employer as having a substantially limiting impairment; or (4) has none of the impairments defined in paragraphs (b) and (c) but is subject to an adverse employment action by an employer because of genetic information. Genetic information is defined as information about an individual's genetic tests, the genetic tests of his/her family members, or occurrences of disease or disorder among his/her family members.

(g) "Qualified disabled person" means a disabled person who is capable of performing a particular job, or who would be capable of performing a particular job with reasonable accommodation to his disability.

(h) "Reasonable accommodation" means a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified disabled person to enjoy the same employment opportunities as are available to other employees.

(i) "Undue hardship" means an action that is excessively costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business.

Section 3. Reasonable Accommodation.

(a) An employer shall make reasonable accommodation for known physical or mental impairments of qualified disabled persons unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

(b) Reasonable accommodations may include but are not limited to the following:

(i) Making facilities used by employees readily accessible to and useable by qualified disabled persons;

(ii) Job restructuring;

(iii) Modifying work schedules;

(iv) Acquiring or modifying equipment or devices; or

(v) Providing qualified readers or interpreters.

(c) In determining undue hardship, the following factors are to be considered:

(i) The nature and cost of the accommodation in relationship to the size of the business;

(ii) The business's financial resources; and

(iii) The impact of the accommodation on the nature and structure of the business operation.