

Effective Date: 09/21/09

POLICY

Cancels: Res. 046095

See Also: POL-1001-HR; PRO-1001-1-
HR; PRO-1001-2-HR

Approved by: BOCC
Res. # 069916

POL-1000-HR

COMPLYING WITH THE AMERICANS WITH DISABILITY ACT

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees, qualified individuals with disabilities and authorized agents.

Definitions

ADA – Americans With Disabilities Act

Applicant – For the purposes of this policy an applicant is an individual with a disability needing accommodation.

Individual with a Disability – Any person who has physical or mental impairment as defined by federal and Washington State law.

Reasonable Accommodation – Modification or adjustment to a program, service, job or work environment that will enable a qualified individual with a disability to participate in a program, service or job. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges equal to those of individuals without disabilities. Reasonable accommodation includes, but is not limited to: making facilities accessible; providing assistive devices, including interpreters for the hearing impaired and readers for the sight impaired or learning disabled; modifying written or oral material; adjusting work schedules; or restructuring jobs. All applicants/employees are to be made aware of the reasonable accommodation policy.

Undue Hardship – An action requiring significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resource, nature and structure of the operation.

1. Whitman County Operates in Accordance with the ADA.

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990 and Washington State law. Whitman County and its contractors will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. It is the County's goal to assure disabled persons the opportunity to participate in or benefit from County services.

Nor does Whitman County discriminate on the basis of disability in its hiring or employment practices. It strives to comply with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

All Whitman County departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services, or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting county department shall monitor respective contracts for compliance with Section 504/ADA.

2. Whitman County Shall Provide Reasonable Accommodation.

The County will, upon request, provide appropriate aids and services leading to effective communication for qualified individuals with disabilities so they can participate equally in County programs, services and activities. Accommodations may include, but are not limited to interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, assistance in filling out forms and other similar services and actions. Disabled persons may request auxiliary aids and services of their choice, which will be given primary consideration. Reasonable accommodations shall be determined by each department with consultation from Human Resources as needed. (See Policy POL-1001-HR)

Whitman County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

Anyone who requires accommodation should contact the Whitman County Human Resources Department at:

Kelli Campbell
ADA Coordinator
Whitman County Human Resources
400 N. Main Street
Colfax, WA 99111
(509) 397-6205

www.whitmancounty.org

Requests must be made as soon as possible but no later than five (5) working days before the scheduled event.

The ADA does not require Whitman County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Whitman County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

3. **Personnel Actions and Committee Volunteer Decisions Shall be Made in Accordance with ADA.**

Whitman County has a commitment to ensure that we provide equal opportunities for disabled persons to participate on our boards, commissions and as employees. All board meetings will be held in accessible locations, reasonable accommodations for auxiliary aids will be provided, upon request, and our application and interview processes will be held in accessible locations. Requests for accommodation during the application/interview will be sought and reasonable accommodation provided. Through our recruitment process, we will actively seek and invite the participation of individuals who are disabled.

4. **Future Construction/Renovation of County Facilities Shall Be in Accordance with State and Federal Standards.**

To the extent feasible and practicable all future construction and renovation of County-owned buildings and facilities will be carried out in accordance with Washington State Barrier-Free Code regulations and ADA Accessibility Guidelines (ADAAG).

5. **The County Will Provide Proper Posting of its Compliance.**

Communication of accessibility will be included with the County's employment posters. It shall also be included with public advertising, applications and other publicity announcements.

6. **Grievances May Be Made Through the ADA Coordinator.**

In the event citizens and other participants in the County's programs, services, and activities feel the County has violated their rights under the ADA, this policy provides for a grievance procedure for handling such complaints. (See procedure PRO-1001-2-HR)

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Whitman County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

Complaints shall be addressed to:

Kelli Campbell
ADA Coordinator
Whitman County Human Resources
400 N. Main Street
Colfax, WA 99111
(509) 397-6205
kellie@co.whitman.wa.us

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

A complaint shall be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation. An investigation shall be conducted within fifteen (15) working days of receiving the complaint. It shall afford all interested persons and their representatives, if any, an opportunity to meet about and/or submit information relevant to such investigation. A determination shall be made in writing, and where appropriate, in a format accessible to the complainant, within thirty (30) working days of the complaint, unless additional time is required. If dissatisfied, the complainant may request a reconsideration of the determination from the Board of County Commissioners or their designee. The Board shall investigate and respond in writing, or other needed format, within thirty (30) working days. If additional time for any step of the grievance procedure is needed, the complainant shall be notified of how much time is required.

The right of a person to have a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of the grievance procedure is an administrative remedy the result of which may be appealed to the Superior Court.

The ADA Coordinator shall maintain the files and records of Whitman County relating to complaints filed for three years.

7. Violators May Be Subject to Discipline.

These rules shall be construed to: protect the substantive rights of interested persons; to meet appropriate due process standards; and to comply with the ADA and implementing regulations.

Violators of this policy may be subject to discipline up to and including termination. Retaliation for reporting violators and/or making grievances in accordance with the policy is prohibited.