

Effective Date: 09/21/09

POLICY

Cancels: Res. 046095

See Also: POL-1000-HR; PRO-1001-1-HR; PRO-1001-2-HR

Approved by: BOCC
Res. # 069917

POL-1001-HR PROVIDING REASONABLE ACCOMMODATION

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 Provides Reasonable Accommodation to Qualified Individuals.

Whitman County provides reasonable accommodation for qualified individuals with disabilities for services, programs and employment. The County adheres to applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required providing equal opportunity to

qualified individuals with disabilities. Reasonable accommodation shall be provided in a timely and cost-effective manner.

The need and provision of reasonable accommodation must be made on a case by case basis. Each individual is unique. Generalizations about specific disabilities and accommodations must be avoided. A decision to grant or deny an accommodation should only be made after obtaining all necessary information. The applicant shall be contacted before a decision is made.

This policy shall be implemented as part of Whitman County's Equal Employment Opportunity and ADA policies.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Whitman County, should contact the **county department hosting the event or Kelli Campbell, ADA Coordinator, 400 N. Main St., Colfax, WA 99111. (509) 397-5243. kellie@co.whitman.wa.us. Fax: (509) 397-6355.** Contact needs to be made within five working days of the scheduled event or as soon as possible thereafter.

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, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

2. Analysis of County Functions May Be Made.

As requested, managers and supervisors shall prepare analyses of services, programs or jobs within their units, which might include self-evaluations, defining environmental issues, or essential functions, elements and tasks involved in job activities, services or programs. Such documentation shall be developed for the ADA Coordinator and be updated and reviewed as needed. This shall include an inspection of the workplace to insure that no barriers exist that would prevent the disabled individual from doing his/her job.

3. Personnel Actions Shall Be Made In Accordance with the ADA.

In considering a person with a disability for services, program, employment, promotion or in any personnel action, the existence of a disability should not adversely affect the decision. Opportunities shall not be denied to anyone because of the need to consider reasonable accommodation. However, this policy

does not create or imply a contract. Job applicants and/or current employees are subject to withdrawal of offers or termination at any time, except as otherwise required by law. Nor does reasonable accommodation negate the requirements for good job performance, training, acceptable behavior or supervisory instruction.

Accommodations may be denied if: (1) the accommodation would impose an undue hardship for the County; (2) the applicant's/employee's qualifications with accommodation does not make him/her the best qualified candidate; or (3) the applicant/employee would impose a threat of substantial harm to the health or safety of other employees.

4. A Request for Medical Verification May Be Required.

A request for medical verification of a disability may be required before reasonable accommodation is made to employees. The verification is meant to: confirm the disability; determine if the employee is able to perform the essential functions of the job; and to assist the County in determining the most appropriate accommodation. The County reserves the right to obtain updated medical verification at any time.

5. Grievances May Be Filed With the ADA Coordinator.

If an applicant for accommodation wishes to challenge an action related to reasonable accommodation, they can appeal it through the ADA Coordinator. (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
kellic@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.

6. Violators of This Policy 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.

Violations of this policy will be cause for disciplinary action, up to and including termination. Any employee who feels he or she has been a victim of harassment in violation of this policy should bring this concern to his/her Department Head/Elected Official or the ADA Coordinator for appropriate action. (See procedure PRO-1001-2-HR)

Retaliation for reporting violators and/or making grievances in accordance with the policy is prohibited.