

ADA ACCOMMODATION POLICY

Policy 959

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ADA Accommodation Policy

Access to governmental services for all persons is a fundamental right. It is the policy of Clallam County to ensure that persons with disabilities have equal and meaningful access to County services and public facilities.

.1 APPLICATION:

This policy shall apply to all employees of Clallam County and members of the public who seek accommodations due to a disability or disabilities as defined under the Americans with Disabilities Act and its amendments. All County offices and departments subject to the rulemaking authority of the Board of County Commissioners will be required to follow the procedural requirements set forth in this policy, when receiving or addressing requests made to Clallam County for accommodation of persons with a disability. If a County office or department has developed their own policy for accommodations of persons with a disability they are not required to follow the procedural requirements set forth in this policy.

.2 PURPOSE

The purpose of this policy is to create a uniform process by which persons with disabilities can obtain reasonable accommodations in order to access or participate in County services, programs and facilities. Specifically, this policy outlines how Clallam County will carry out this purpose and sets forth a process by which requests for accommodation will be handled.

.3 RESPONSIBILITIES

This policy will define who is eligible to apply for an accommodation and will set forth a process for applicants to present accommodation requests.

Clallam County must assess whether or not to provide a requested accommodation under the definitions and rules contained in the Americans with Disabilities Act.

Clallam County will provide a reasonable accommodation unless the applicant has failed to meet the substantive requirements of this policy, or the requested accommodation would create an undue burden; fundamentally alter the nature of the County service, program or activity; or the accommodation would create a direct threat to the safety or well-being of the applicant or others.

.4 DEFINITIONS

4.1 Accommodation

Means measures to make each County service, program or activity, when viewed in its entirety, readily accessible to and usable by an individual who is a person with a disability, and may include, but is not limited to:

- A) Making reasonable modifications in policies, practices and procedures.
- B) Furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, certified or qualified interpreters or readers.

4.2 Applicant

Means any person with a disability who has a specific interest in, desires access to, or is participating in any County service or program.

4.3 Person with a disability

Means a person covered by the Americans with Disabilities Act of 1990 (& 42 U.S.C. 12101 et seq.), the Washington Law against Discrimination (RCW 49.60 et seq.), or other similar local, state or federal laws which govern Clallam County. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such impairment or is regarded as having such impairment.

.5 PROCEDURAL REQUIREMENTS

5.1 Notification

All requests for accommodation shall be made using the approved "**Clallam County Request for Accommodation**" form available on www.clallam.net

- A) If a request for reasonable accommodation is made directly by an applicant to an employee of Clallam County, the employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the applicant, or a person on their behalf, complete the form, or by the employee taking the information orally, completing the form and forwarding the request to the Clallam County ADA Coordinator.
- B) If a non-County agency or body (e.g. other state or local governmental agency, advocacy group, etc.) makes a request for reasonable

accommodation on behalf of a disabled individual to Clallam County, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to Clallam County's ADA Coordinator.

- C) The Request for Reasonable Accommodation form shall include a description of the accommodation sought, along with a statement of the impairment necessitating the accommodation.
- D) Clallam County may require the applicant to provide additional information about the qualifying impairment to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet designated "Confidential Medical and Health Information". Such information is confidential and shall only be used by the person(s) responsible for evaluating and arranging for the accommodation, or as required by law.
- E) An application for accommodation should be made as far in advance as practical of the event/date for which the accommodation is sought, but not less than five (5) business days prior to the event/service date, except in the case of an emergency.

5.2 Assessment

- A) In determining whether to grant an accommodation, Clallam County will:
 - i) Consider the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and its amendments, and the Washington Law Against Discrimination (RCW 49.60), and other similar local, state and federal laws which govern Clallam County.
 - ii) Give primary consideration to the accommodation requested by the applicant.
 - iii) Make the decision on an individual and case specific basis with due regard to the nature of the applicant's disability and feasibility of the requested accommodation.
- B) If an application for accommodation is presented to Clallam County five (5) or more business days prior to the event/service date for which the accommodation is sought, an accommodation shall be provided unless:
 - i) The requested accommodation is not available, and no alternative accommodation would enable the applicant to participate in the event or service requested.

- C) If an application for accommodation is presented to Clallam County fewer than five (5) business days prior to the scheduled date of the event or service for which the accommodation is requested, and if the applicant would otherwise be entitled to an accommodation, it shall be provided unless:
 - i) It is impossible for the County to provide a reasonable accommodation on the date specified due to insufficient advance notice.
- D) An application for accommodation may be denied if Clallam County finds one or more of the following:
 - i) The applicant has failed to satisfy the substantive requirements of this policy.
 - ii) The requested accommodation would create an undue financial or administrative burden.
 - iii) The requested accommodation would fundamentally alter the nature of the County service, program or activity.
 - iv) The requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

5.3 Accommodation or Denial

- A) Clallam County will render a decision in writing regarding the requested accommodation. This written decision shall be prepared by the County ADA Coordinator within 3 business days of receipt of the "Request for Reasonable Accommodation Form".
- B) If the request is granted the ADA Coordinator, or his/her designee, shall notify the applicant that the request has been approved and describe the reasonable accommodation that will be made. The ADA Coordinator, or his/her designee, shall also notify any other County employee(s) responsible for implementing the accommodation regarding the nature of the accommodation to be provided.
- C) If Clallam County denies an accommodation, the written decision shall be provided to the applicant, including the reasons for denial.

5.4 Complaint Procedure

- A) A complaint should be in writing and contain information about the alleged discrimination such as name, address, email, 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 available for persons with disabilities upon request.
- B) A complaint should be submitted by the grievant and/or his/her designee to the office of the ADA Coordinator as soon as possible but no later than 60 business days after the alleged violation.
- C) Within 30 business days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) business days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of Clallam County and offer options for substantive resolution of the complaint.

5.5 Appeal Procedure

- A) If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) business days after receipt of the response to the County Administrator or their designee.
- B) The appeal shall be in writing.
- C) The County Administrator shall confirm in writing to the complainant the date of receipt of the appeal or confirm via an alternative means if requested.
- D) After receiving the appeal, the County Administrator will review it and respond in writing or a format accessible to the complainant as a final resolution of the complaint within twenty (20) business days.
- E) The appeal to the County Administrator shall be the final administrative appeal process provided by the County.

5.6 Record Keeping

The ADA Coordinator shall be responsible for maintaining copies of all Requests for Reasonable Accommodations made to Clallam County and copies of all written decisions. All employees of Clallam County are responsible for forwarding copies of the Request for Reasonable Accommodation Forms to the ADA Coordinator within one business day of receipt.