

Ferry County
Resolution 2011-39

Americans with Disabilities Act (ADA)
Policies and Procedures

WHEREAS, The Congress of the United States adopted the Americans with Disabilities Act (ADA) of 1990 to prohibit discrimination against individuals with disabilities; and

WHEREAS, It is the intent of Ferry County to insure that individuals with disabilities are provided with equal enjoyment of the programs, services and activities provided by Ferry County; and

WHEREAS, Ferry County is committed to providing reasonable accommodations to its employee's and applicants for employment in order to assure that individuals with disabilities enjoy full access to equal employment opportunity at Ferry County.

NOW, THEREFORE, BE IT RESOLVED by the Ferry County Board of Commissioners, that by this reference incorporated herein, establishing an ADA policy and procedure for Ferry County is hereby adopted by resolution establishing the requirements for County departments, elected officials, boards and commissions for compliance with the Americans with Disabilities Act.

Ferry County
Americans with Disabilities Act (ADA)
Policies and Procedures

It is the intent of Ferry County to insure that individuals with disabilities are provided with equal enjoyment of the programs, services and activities provided by Ferry County. The County has a sincere commitment to the satisfaction and accommodation of all our citizens, regardless of disability. The ADA requires that no person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by Ferry County.

Nothing in this document shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

Accordingly, this local government WILL NOT:

- Refuse to allow a person with a disability to participate in a local government service, program, or activity simply because the person has a disability.
- Provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.
- Subject individuals with disabilities to discrimination in employment under any local government, service, program, or activity.

This local government WILL:

- Take appropriate steps to ensure that communications with applicant, participants, and members of the public are as effective as communications with others.
- Make reasonable accommodations in policies, practices, or procedures when necessary

to avoid discrimination on the basis of disability, unless a fundamental alteration in a local government program would result.

- Operate its programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

Definitions

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- In general – Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions – A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

“Essential functions of the job” refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

Policy & Procedure

- ✓ All employees will be provided the authority to make minor changes in procedures as required to accommodate an individual. If extensive or permanent changes are needed, the Board of County Commissioners, with input from the individual as to his/her preference, will be responsible for making decisions as to what is necessary and appropriate.
- ✓ Where readily achievable (i.e. financially and structurally possible) permanent solutions have been implemented providing for barrier free design for all disabilities.

- ✓ All reasonable effort will be made to ensure that all individuals are afforded the opportunity to function independently.
- ✓ All equipment and features that are required to provide ready access to individuals with disabilities will be maintained in working order. Accessible routes will not be blocked and accessible entrances will remain unlocked during operating hours.
- ✓ All individuals, whether disabled or not, shall not be discriminated against and shall be served in the same order in which each respective individual seeks assistance.
- ✓ Individuals with disabilities accompanied by service animals will be afforded access to all Ferry County facilities, programs, services, and activities as are open to other members of the public, unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, Ferry County will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject to the conditions and limitations established by law and applicable to individuals with disabilities and their service animals.
- ✓ Upon advance request, reasonable steps will be taken to furnish appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille) to afford a qualified individual with a disability an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by Ferry County. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, and activity or in undue financial or administrative burden.
- ✓ Within all notices or communication regarding public programs, services, or activities, information can be requested regarding special needs of individuals. Information can be obtained regarding accommodations needed for participation based on;
 - Mobility limitations/Needs
 - Communication needs and;
 - Visual impairments
- ✓ Where the removal of structural barriers has been determined as not readily achievable, alternate methods of providing equal access to programs, facilities, or services will be provided if readily achievable. Example: Providing an alternate accessible meeting room should there be a room where accessibility cannot be readily provided.
- ✓ In the event that the wheelchair lift unexpectedly breaks down and an individual with a disability needs access at that time, an alternate location will be used such as the Commissioners Office located at 290 E. Delaware Ave. Republic, WA 99166 which is accessible and located within a reasonable distance from the Courthouse.
- ✓ This policy and procedures is not intended to be inclusive of all possible practices pertaining to persons needing special accommodations. All requests will be considered independently as each individual is unique and may require creative and thoughtful solutions.
- ✓ Each County office will have a key to the wheelchair lift and will be expected to assist individuals who require the use of the lift. Basic Operating Instructions are attached hereto as Attachment 1. Training on operating the lift will be conducted by the County Risk Manager. If additional training is required, please schedule it with the Risk Manager at Ext. 1107.

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Ferry County to comply with all federal and state laws concerning the employment of persons with disabilities.

It is Ferry County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Ferry County is committed to providing reasonable accommodations to its employees and applicants for employment in order to assure that individuals with disabilities enjoy equal employment opportunities at Ferry County. Ferry County provides reasonable accommodations:

- When an applicant with a disability needs an accommodation in order to be considered for a job;
- When an employee with a disability needs an accommodation to enable him or her to perform the essential functions of the job or to gain access to the workplace; and
- When an employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

Ferry County will process requests for reasonable accommodation and, where appropriate, provide reasonable accommodations in a prompt, fair and efficient manner.

Ferry County will reasonably accommodate qualified individuals with a disability so that they can perform the essential function of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, - when such threat cannot be eliminated by reasonable accommodation- will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Any individual, who believes that the County should provide additional reasonable accommodations, shall direct their request/complaint to the County's ADA Coordinator. The grievance procedures are as follows:

Ferry County
Grievance Procedure under
The American with Disabilities Act

This Grievance Procedure is established to meet the requirements of the American 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 **Ferry County**. The County's Personnel Policy governs employment-related complaints of disability discrimination as well as the ADA policy.

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 tape recording of the complaint will be made available for person with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Ferry County Risk Manager
350 E. Delaware Ave #15
Republic, WA 99166
(509) 775-5225 Ext. 1107

Within 15 calendar days after receipt of the complaint, the **Ferry County Risk Manager**, will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the **Ferry County Risk Manager** will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of **Ferry County** and offer options for substantive resolution of the complaint.

If the response by the **Ferry County Risk Manager** does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **Board of County Commissioners of Ferry County**.

Within 15 calendar days after receipt of the appeal, the **Board of County Commissioners** will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **Board of County Commissioners** will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the **Ferry County Risk Manager**, appeals to the **Board of County Commissioners**, and responses from these two offices will be retained by the **County** for at least 3 years.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Ferry County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **Ferry County** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title of the ADA.

Effective Communication: **Ferry County** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Ferry County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communication accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Ferry County will make all 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. For example, individuals with service animals are welcomed in Ferry County offices, even where pets are generally prohibited.

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 **Ferry County**, should contact the office of the **Ferry County Risk Manager** at 350 E. Delaware #15, Republic, WA. 99166 (509) 775-5225 Ext 1107 as soon as possible but no later than 48 hours before the scheduled event.

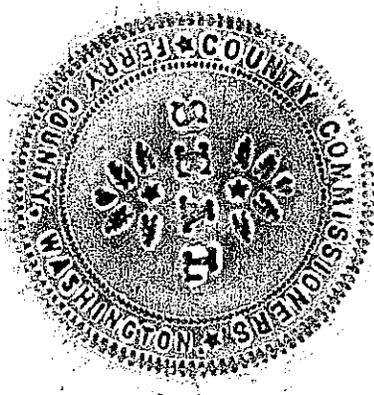
The ADA does not require Ferry County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service or activity of Ferry County is not accessible to persons with disabilities should be directed to the Ferry County Risk Manager, 350 E. Delaware Ave. #15, Republic, WA. 99166, (509) 775-5225 Ext. 1107.

Ferry 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.

The Risk Management/Human Resource Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety and undue hardship issues under the direction of the Ferry County Board of County Commissioners.

DATES this 25th day of July 2011.



BOARD OF FERRY COUNTY COMMISSIONERS
FERRY COUNTY, WASHINGTON

BRAD L. MILLER, Chairman

ROBERT "BOB" HEATH, Vice-Chair

BRIAN DANSEL, Member

ATTEST:

Debbie Bechtol
Clerk of the Board

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