

**YAKIMA COUNTY
ADA ACCOMMODATION POLICY for EMPLOYEES
POLICY NO. HR-022**

Access to governmental services for all persons is a fundamental right. Yakima County is committed to ensuring that persons with disabilities have equal and meaningful access to County employment, services, programs, public facilities, and communications provided by Yakima County.

Application:

This policy shall apply to all employees of Yakima County who seek accommodations due to a disability or disabilities as defined under the Americans with Disabilities Act (ADA) and its amendments or seeks accommodation under state law. 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.

Purpose:

The purpose of this policy is to create a uniform process by which requests can be made to obtain reasonable accommodations to assist an individual in accessing or participating in County employment, services, programs, or facilities.

Responsibilities:

The County will guarantee equal opportunity to persons with disabilities to participate in and enjoy the benefits of County employment, services, programs and activities, and the facilities in which County services, programs and activities are provided.

Yakima County will provide effective communication in alternate formats as requested and reasonable accommodation for persons with disabilities in compliance with the Americans with Disabilities Act (ADA) and other laws.

Yakima County will provide a reasonable accommodation unless it is determined that 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 wellbeing of the applicant or others.

Yakima County will ensure that all public meetings will be held in accessible locations and formats.

Definitions:

Accommodation is defined as a measure to make County employment, services, programs or activities, when viewed in their entirety, readily accessible to and usable by an individual 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, assistive listening devices, text telephones, materials in alternative formats, certified or qualified interpreters or readers or personal assistance.
- C) Ensuring County staff will be trained in the use of appropriate auxiliary aids and assistive services and that these will be provided for County sponsored activities if such can be made available without undue hardship to the County.

Applicant means any person requesting an accommodation who has a specific interest in, desires access to, or is participating in any County service, program, activity, or employment.

Person with a disability is defined as 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 Yakima County. This term includes but is not limited to an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a documented history of such impairment or is regarded as having such impairment.

Procedural Requirements:

I. Accommodation Requests

All requests for accommodation, should be directed to the ADA Coordinator for General and Employee Related ADA Accommodations as listed at the end of this document as far in advance as practical of the event/date for which the accommodation is sought, but not less than 5 business days prior to the event/service date, except in the case of an emergency.

The request shall then be documented in writing or by using the “**Yakima County Request for Accommodation**” form (Appendix A). The form is available in the County Human Resources Department and on the Yakima County employee website: <https://yakimacounty.sharepoint.com/SitePages/YCShare.aspx>

- A) The form may be presented in writing or presented orally and reduced to writing. The County can assist the individual making the request. The request will then be forwarded to the appropriate ADA Coordinator for General and Employee Related ADA Accommodations for review and assistance.
- B) Yakima County may require the employee / applicant to provide additional information about the qualifying impairment to help assess the appropriate accommodation which may include medical and other health information. This information is confidential and shall only be used by the ADA Coordinator and / or person(s) responsible for evaluating and arranging for the accommodation, or as required by law.

II. Assessment:

- A) In determining whether to grant an accommodation, Yakima 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 Yakima 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.

Advanced notice is preferred. If an application for accommodation is presented to Yakima County, it shall be provided unless it is impossible for the County to provide a reasonable accommodation on the date specified due to insufficient advance notice.

- B) An application for accommodation may be denied if Yakima County finds one or more of the following:
 - i) The requested accommodation would create an undue hardship.
 - ii) The requested accommodation would fundamentally alter the nature of the County essential employment functions, service, program, or activity. (Example: if specific certification or licensure is required of a position and the candidate could not obtain, we would not consider the candidate for accommodation or the position due to additional liability.)
 - iii) The requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

III. Notification of Determination

- A) Yakima County will respond in writing regarding the requested accommodation. This written decision shall be prepared by the designated ADA Coordinator within 5 business days of receipt of the request.
- B) If the request is granted, the designated ADA Coordinator shall notify the applicant that the request has been approved and describe the reasonable accommodation that will be made. The designated ADA Coordinator shall also notify any other County employee(s) responsible for implementing the accommodation.
- C) If Yakima County denies an accommodation, the written decision shall be provided to the applicant, including the reasons for denial.
- D) Appeals to the determination and accommodation will be reviewed by the Yakima County Board of County Commissioners.

IV. Employee Consideration for Reassignment as an Accommodation

- A) Requests that are granted and result in the employee accepting a new position, also known as a reassignment. The employee is required to meet the minimum education and experience requirements of the reassignment position
- B) Accommodations where the employee has been offered a bona fide position in which the employee has declined may result in the continuation of the interactive process or termination of employment.

V. Record Keeping

The County ADA Coordinator shall be responsible for maintaining copies of all Requests for Reasonable Accommodations made to Yakima County and copies of all written decisions. All employees of Yakima County are responsible for forwarding requests for accommodation, both verbal and written to the County ADA Coordinator within one business day of receipt.

Adopted Copy Available at
Yakima County Human Resources
128 N. 2nd Street, Room B27
Yakima, WA 98901



ADA ACCOMMODATIONS CONTACT INFORMATION FOR YAKIMA COUNTY:

Complaints that a County program, service, activity or facility is not accessible to individuals with disabilities should be directed to the County's ADA Coordinator at (509) 574-2227 (TTY Users Dial: 711) or human.resources@co.yakima.wa.us.

FOR GENERAL AND EMPLOYEE RELATED ADA ACCOMMODATIONS:

Elise Benitez, Senior Program Analyst
Yakima County Human Resources Department
Address 128 N. 2nd Street, Room B27
Yakima, WA 98901
Phone Number (509) 574-2210
Fax Number (509) 574-2211
E-Mail Address elise.benitez@co.yakima.wa.us or human.resources@co.yakima.wa.us

County Website: <http://wa-yakimacounty.civicplus.com>



Yakima County Request for ADA Accommodation

Today's Date:	Date Request Received: (For County, use date received)
Name:	
Email:	
Mailing Address:	
Telephone:	Other (specify):
What is the best way to notify you about the decision of your request?	<input type="checkbox"/> Email <input type="checkbox"/> Mail <input type="checkbox"/> Telephone <input type="checkbox"/> Other
Describe the activity or County service you need accommodation for. Include the date, time, and location:	
Describe the disability for which you are requesting an accommodation:	
Describe what accommodation you are requesting and explain why this specific accommodation is necessary:	
Provide any information that you think would help the County respond to your request.	
Signature of Person Requesting Accommodation:	
<u>Return this form to the County ADA Coordinator at:</u> Yakima County ADA Coordinator Human Resources Department 128 N 2nd Street, Rm B-27 Yakima, WA 98901 Email: human.resources@co.yakima.wa.us	