

## **2-B Americans with Disabilities Act**

### **SCOPE**

The purpose of the Americans with Disabilities Act (ADA) is to eliminate discrimination against millions of Americans with disabilities. The ADA is civil rights legislation for people with disabilities. It affects all services provided to the public by Kingman County.

### **POLICY**

To help the County carry out the requirements of the ADA, the County has a policy of reasonable accommodation for people with "disabilities" as this term is defined by law. People with disabilities cannot be excluded from participation in or be denied the benefits of services, programs, communications, or activities that we provide. This means that if an individual with a disability requests service, we may need to make special arrangements in order for them to participate in a program or receive the service in a way that is usable to them. Depending on the type of program or service offered and the nature of an individual's disability, a person with a disability may need special assistance.

To ensure that we are operating in a non-discriminatory manner, employees with public contact shall be sensitive to the special needs of people with disabilities. This may include noticing people who appear to need help, asking them if they need any special assistance, and trying to provide the assistance requested to ensure that the person with a disability receives service that is equivalent to that provided to others. Many employees have dealt with people with disabilities on a regular basis. However, there may be an increase in requests for services since the ADA has become effective and people with disabilities become more informed of their rights under ADA.

### **General Information**

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.

#### **1. Deafness**

- a) Speech supplemented by gestures and visual aids can be used in some cases.
  - b) A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
  - c) A teletypewriter (TTY, also known as a TDD) can be used to exchange written messages over the telephone.
2. Visual Impairments
- a) People with visual impairments may request information in large print. This is easily done using a copier that can enlarge a document, or if the material is done using a personal computer, it can be printed with a larger font size.
  - b) If information is requested in Braille, arrangements can be made through the Library of the Blind and Physically Handicapped. This requires at least one-week notice.
  - c) Employees may also volunteer to read the information to the person with the visual impairment.
3. Special Communication Needs DP&P 3.030-Americans with Disabilities Act (ADA) Effective Date: 7/1/1996
- a) Developmental disability is a broad term that includes many different disabilities which occur at birth or before reaching adult age. Examples are: cerebral palsy, mental retardation, spina bifida, autism, epilepsy, and other conditions.
  - b) Some persons with developmental disabilities may have special communication needs, while other may not.
  - c) Some individuals have limited reading and comprehension skills and may not realize that they can ask for assistance.
  - d) Some individuals have limited verbal skills and are difficult to understand or may sound as if they are intoxicated when they speak.
  - d) Others may be non-verbal and use communication boards or electronic equipment to communicate.
4. Employees may be able to offer assistance by assisting in the completion of forms, giving clear and concise instructions, and providing additional information in a step-by-step format.

### **Accommodations**

1. The ADA's impact on public meetings and public information materials is as follows:
  - a) Employees who are responsible for scheduling public meetings must ensure that the meetings are held in accessible locations.
  - b) Public meeting notices must include statements that accommodations for persons with disabilities will be made upon request.
2. Request information
  - a) Ask what the person with the disability requires.
  - b) ADA specifically requires that assistance be offered on a case-by-case basis.
  - c) Persons with disabilities are as diversified as any other group and different people experience their disabilities in different ways.
  - d) A decision on how to assist a person with a disability must be based on the facts about that individual and not on generalizations about what a class of individuals with a disability can or cannot do.
3. If employees are unsure as to what type of accommodation to make or how to follow through with a request, they shall contact their Department Head and /or the Human Resources Administrator.

## **EMPLOYMENT AND AMERICANS WITH DISABILITIES ACT**

### **Scope**

#### **Reasonable Accommodation (ADA)**

No qualified individual with a disability shall, on the basis of disability alone, be excluded from participation or be denied the benefits of services, programs, activities, or employment. The Department, subject to reasonable fiscal limitations, shall provide reasonable accommodations to the public, on request, for physical access, communications, or other needs in order to allow participation of people with disabilities in services, programs, and activities.

### **Policy**

The County recognizes the requirement prescribed by the Americans with Disabilities Act (ADA) to make reasonable accommodations for the known or perceived physical or mental limitations of otherwise qualified employees with disabilities.

#### **I. Definitions**

- A. The term "disability" as determined by the U.S. Equal Employment Opportunity Commission means, with respect to an individual:
- 1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - 2) A record of such an impairment, or
  - 3) Being regarded as having such an impairment. (Ref. ADA Section 3 (2) )

#### **II. Accommodation**

- A. There are four categories of reasonable accommodation:
- 1) Accommodations required to enable prospective employees and candidates to compete for a position, and provide equal opportunity in the application process;
  - 2) Accommodations that enable the County's employees with disabilities to perform the essential functions of the position held or desired'
  - 3) Accommodations that enable the County's employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities, and
  - 4) Accommodations made that enable people with disabilities to participate in or receive the benefits of services, programs, and activities that the County provides.

#### **III. Responsibilities**

- A. The Department Head shall coordinate reasonable accommodation requests by employees who have incurred disabilities in compliance with the American Disabilities Act. Reasonable Accommodation (ADA).

#### **IV. Accommodation Request Procedure**

- A. A request for a reasonable accommodation will be made in writing by the affected employee, addressed directly to the Americans with Disabilities Act (ADA) to the Department Head. The written request shall include:

- 1) Identification and a brief history of the employee's disability.
- 2) A description of the accommodation(s) that the employee is seeking, and examples of reasonable accommodation may be provided by the administration.
- 3) All relevant documentation, including any attending physician's report describing the disability and the accommodation(s) required.
- 4) Upon receiving a request for a reasonable accommodation, the Department Head shall review the request and all attached documentation. After reviewing the requirements of the Americans with Disabilities Act, the request shall be forwarded with a recommendation to the Director of Human Resources.
- 5) The Department Head, after consultation with the Director of Human Resources, shall make a determination on all requests for reasonable accommodation.
- 6) The Department Head shall notify the affected employee of the determination, if possible within 30 calendar days of submission of the request and shall coordinate the accommodation process.
- 7) Complaints shall be handled through the County Legal Adviser.