



# ADMINISTRATIVE POLICY

<b>SECTION:</b> 200 – General Administration	<b>POLICY#:</b> 211
<b>TITLE:</b> Access for People with Disabilities	<b>R &amp; O #:</b> 23-42
	<b>IMPLEMENTED BY PROCEDURE #:</b> 211-A Washington County ADA Grievance Procedure, 211-B Washington County ADA Grievance Procedure
<b>SPONSORING DEPT/DIV:</b> County Administrative Office, Office of Equity, Inclusion and Community Engagement	
<b>ADOPTED:</b> 6/27/2023	<b>REVIEWED:</b>

**PURPOSE:** The purpose of this policy is to formalize support for people with disabilities to enjoy Washington County services free of discrimination, to request reasonable accommodations and/or modifications to County-managed physical facilities, programs, services, public rights-of-way and activities offered by Washington County pursuant to the Americans with Disabilities Act (ADA), and to clarify options for members of the public to appeal accommodations decisions or make discrimination or harassment complaints.

This policy and its related procedure do not apply to applicants for employment or employees of the County. Policy and procedures on employment-related requests are contained in Personnel Rules and Regulations [Policy 305](#).

**AUTHORITY:** All public entities, regardless of whether they receive federal funding, are subject to Title II of the Americans with Disabilities Act (ADA) which prohibits discrimination based on disability. The purpose of the ADA is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities” and “to provide clear, strong, and consistent, enforceable standards addressing discrimination against individuals with disabilities.” 42 U.S.C. 12101 (b) (1) and (2).

The 2010 ADA Standards for Accessible Design set minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. 28 CFR 35.151; see also, 36 CFR part 1191 (Appendices B and D).

The State legislature has declared it the public policy of Oregon that acts of unlawful discrimination against any residents because of protected class status, including but not limited

to disability are a matter of public concern that jeopardizes the rights and privileges of its inhabitants as well as the institutions and foundation of a free democratic state. ORS 659A.006.

Pursuant to the Washington County Equity Resolution and Order 20-30, the Board of County Commissioners committed to structuring the Washington County organization to model services, practices and engagement approaches that equitably meet the needs of all community members, including but not limited to those with disabilities.

**DEFINITIONS:**

“Covered Entity” is any entity that receives federal financial assistance from the Department of Health and Human Services or is covered under Title II of the ADA as a program, service, or regulatory activity relating to the provision of health care or social services.

“Individual with a Disability” is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

"Reasonable accommodation/modification" is any change or adjustment to County-managed physical facilities, policies, programs, services, public rights-of-way and activities that permits a qualified applicant or participant with a disability to participate in the program, service or activity offered by Washington County. Such reasonable accommodations may include, but are not limited to:

- making existing County-managed physical facilities, meeting rooms, residences, and other spaces used by participants or the public readily accessible to, and usable by, individuals living with disabilities;
- making programs, services, documents, websites readily accessible to, and usable by, individuals living with disabilities; and
- acquisition or modification of policies, equipment or devices, appropriate adjustment or modifications of examinations or training materials, or the provision of qualified readers or interpreters and other similar accommodations for individuals living with disabilities.

“Undue financial or administrative burden” is an action requiring significant difficulty or expense, considering the following factors:

- the nature and cost of the accommodation requested;
- the overall financial resources of the facility or facilities, including the number of persons employed at such facility, the financial and operational of such accommodation;
- the overall financial resources of the covered entity;
- the overall size of the covered entity with respect to the number of its employees;
- the number, type and location of its County-managed physical facilities;

- the type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; and
- the geographic separateness, administrative or fiscal relationship of the County-managed physical facility or facilities in question to the covered entity.

**GENERAL POLICY:**

Washington County is committed to providing equal access to County-managed facilities, programs, services, public rights-of-way and activities to people living with disabilities. Washington County recognizes its obligation under the ADA to proactively modify its policies and procedures when necessary to ensure that people living with disabilities are afforded an equal opportunity to participate.

It is the policy of Washington County to comply with all applicable laws concerning the participation of people living with disabilities in accordance with guidance issued by the federal U.S. Access Board.

The County shall review all requests for accommodations individually and in a timely fashion, and shall make determinations on a case-by-case basis while considering Washington County's commitment to equity, diversity and inclusion, to removing barriers to participation, as well as the feasibility of the proposed accommodation and its impact on ensuring the essential function(s) of the service(s) provided.

The County shall seek to receive and interpret all such requests for accommodations liberally in the light most favorable to the individual making the request. Clients and community members do not need to use the words "accommodation" or "modification" for the County to interpret the request as such.

Requests may be made by a person with a disability or a nondisabled person authorized to submit a request on behalf of a specific person with a disability or related to general ADA compliance

The County will respond to all requests and, where possible, engage in an interactive process with the applicant.

The County, and where appropriate, its grantees and contractors, shall bear any cost of approved reasonable accommodations or modifications, will not charge the applicant or participant.

Individual clients and community members may grieve alleged ADA violations as provided in the Washington County ADA Grievance Procedure 211-B.

The Board of Commissioners designates the County Administrative Officer as responsible for implementing this Policy, who delegates this responsibility to the Chief Equity and Inclusion Officer, or designee, as the Washington County ADA Coordinator.

## **POLICY GUIDELINES:**

### Responsibilities:

1. Pursuant to this policy, the Office of Equity, Inclusion and Community Engagement (“OEICE”) or other designee is responsible for
  - a. working collaboratively with department directors, managers and supervisors to develop Administrative Procedures to implement this policy for County Administrator approval;
  - b. monitoring compliance with the policy;
  - c. providing public notification of rights, contact information for the ADA Coordinator, and grievance process and form
  - d. providing for training for all employees;
  - e. determining the appropriate course of action upon receiving a complaint;
  - f. determining the process for conducting a timely, fair and impartial investigation of client and community complaints or grievances; and
  - g. recommending appropriate responses to findings following a review or investigation.
  
2. Pursuant to this policy, managers and supervisors are required to
  - a. be knowledgeable of and enforce this policy;
  - b. monitor behavior of staff and contractors to comply with this policy and ensure facilities and services are provided by staff and contractors in a place and manner that is accessible to people of all abilities;
  - c. provide an annual reminder of the contents of this policy to their subordinate employees and contractors;
  - d. immediately report any reported or suspected violation of this policy to their manager or to OEICE;
  - e. ensure that any complaint that is brought to their attention is referred to OEICE in a timely manner; and
  - f. work collaboratively with OEICE to determine the appropriate course of action when an allegation is reported.
  
3. Pursuant to this policy, employees, volunteers and contractors are responsible for:
  - a. reading, understanding and complying with the provisions of this policy;
  - b. treating members of the public in a manner that is consistent with this policy;
  - c. making all reasonable efforts to proactively promote accessibility in the provision of services;

- d. immediately reporting any reported or suspected violation of this policy to their manager or to OEICE;
- e. fully cooperating with all investigations into any complaints or alleged violations of this policy by providing all relevant facts and information requested; and
- f. maintaining confidentiality with respect to investigations conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except as directed by the County Administrative Officer, department directors, division head, or Chief Equity and Inclusion Officer.

Exceptions:

Exceptions may only be granted by the Washington County Board of Commissioners unless such authority has been delegated to the County Administrative Officer.

Implementation:

This policy and its implementing procedures apply to all County-managed physical facilities, public rights-of-way, services, programs and activities provided by Washington County, grantees and contractors of Washington County.

Elected officials and department directors are expected to be knowledgeable of, and shall be responsible for, implementing this policy within their respective departments.

All County employees, grantees and contractors must comply with this policy. Violations may result in disciplinary action (up to and including termination).

This policy does not apply to requests for reasonable accommodation by County employees, interns, contractors, or other individuals otherwise covered in [Washington County Administrative Policy 305 - American with Disabilities Act \(ADA\)](#).

Periodic Review:

This policy shall be reviewed by the Office of Equity, Inclusion and Community Engagement at least every three years, or more often if needed, and updated as necessary.