

RESOLUTION 10 239

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY POLICY: ADOPTION OF THE BENTON COUNTY POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY AND ACCOMMODATION REQUEST/GRIEVANCE PROCEDURES

WHEREAS, other County Elected Officials have signed and approved the attached Benton County Policy Prohibiting Discrimination on the Basis of Disability and Accommodation Request/Grievance Procedures; NOW THEREFORE

BE IT FURTHER RESOLVED that the Board of Benton County Commissioners hereby approves the attached Benton County Policy Prohibiting Discrimination on the Basis of Disability and Accommodation Request/Grievance Procedures.

Dated this 19 day of April, 2010

[Signature] Chairman of the Board

[Signature] Chairman Pro-Tem

[Signature] Member

Constituting the Board of County Commissioners of Benton County, Washington

Attest: [Signature] Clerk of the Board

cc: Personnel, Auditor, Policy book, Intra net

**Benton County Policy**  
**Prohibiting Discrimination on the Basis of Disability and**  
**Accommodation Request/Grievance Procedures**

**POLICY**

In accordance with the requirements of the Americans with Disabilities Act (“ADA”) and state law, it is Benton County’s policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities, or be subjected to discrimination.

**ADA Coordinator:** The Benton County Personnel/Risk Manager has been designated as Benton County’s ADA Coordinator. The Personnel/Risk Manager is located in the Benton County Personnel Resources Office in the Benton County Justice Center, 7122 W. Okanogan Place, Building A, Kennewick, WA 99336, and can be reached by calling (509) 737-2777 or by fax at (509) 737-2778.

**Employment:** Benton County does not discriminate on the basis of disability in its hiring or employment practices and provides reasonable accommodation in accordance with the ADA and state law. Disability discrimination is also prohibited under Benton County’s Anti-Discrimination and Harassment Policy and Complaint Procedure, a copy of which can be found in the Personnel Resources Office.

**Equally Effective Communication:** Benton County provides appropriate aids and services to enable effective communication for persons with disabilities, so that they can participate equally in Benton County services, programs, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Programs, Policies, and Procedures:** Benton County makes reasonable modifications of programs, policies, and procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its services, programs, and activities. For example, individuals with service animals are welcome in Benton County offices, even where pets are generally prohibited.

**Auxiliary Aids and Services and Other Accommodations:** Anyone who requires an auxiliary aid or service for effective communication; a modification of programs, policies, and procedures to be able to participate in a service, program, or activity of Benton County; or other accommodation is to contact the ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event, in accordance with the Accommodation Request Procedure, below.

**No Surcharges:** Benton County does not place a surcharge on any individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or other reasonable accommodation.

**Questions and Complaints:** Additional information concerning the ADA and the rights provided thereunder is available from the ADA Coordinator. Complaints are processed in accordance with the Grievance Procedure, below.

## **ACCOMMODATION REQUEST PROCEDURE**

Benton County has adopted a process for requests for reasonable accommodation to ensure access to Benton County employment, services, programs, and activities.

**Current Benton County Employees:** Benton County provides reasonable accommodations to enable current employees with disabilities to perform the essential functions of the position. Any Benton County employee needing accommodation is to contact his/her Elected Official or Department Manager or seek assistance from the Personnel Resources Department.

**District Court Courtroom Accommodations:** For District Court courtroom accommodations for parties, witnesses, and/or jurors (including requests for interpreters), the District Court judge for the particular court proceeding makes the accommodation decisions. Parties, witnesses, and/or jurors are to make these accommodation requests directly to the judge in open court, for decision by the judge.

**Superior Court Courtroom Accommodations:** For Superior Court courtroom accommodations for parties, witnesses, and/or jurors (including requests for interpreters), requests can be made at the Superior Court Administrator's office to the presiding judge, officer of the court or designee and/or to the judge in open court for the particular court proceeding. Forms for requests for reasonable accommodation are available at the Court Administrator's office and on the Superior Court website.

**All Other Requests for Reasonable Accommodation:** All other requests for reasonable accommodation, including requests by applicants for employment and participants in Benton County services, programs, or activities, are to be made as follows:

1. Complete the Request for Reasonable Accommodation form. The form is available on the Benton County website ([www.co.benton.wa.us](http://www.co.benton.wa.us)), through the ADA Coordinator, and/or the County Department/Office in which the person is requesting an accommodation.

Forms and related documents on the Benton County website ([www.co.benton.wa.us](http://www.co.benton.wa.us)) are available in two formats – Adobe (PDF) and Microsoft Word (DOC). Both formats allow the requester to download the form and type the information, or print the form and complete the hard copy.

The ADA Coordinator is available to assist the requester with this process as needed.

2. Although the responsibility for requesting a reasonable accommodation rests primarily with the applicant or participant, the ADA Coordinator is available as a resource in the preparation, explanation, and dissemination of reasonable accommodation information and in providing technical assistance.
3. Please include the following information with the request for reasonable accommodation:
  - a) Name, address, and telephone number of the person requesting the accommodation.
  - b) The specific limitation and the type of accommodation requested, with an explanation of how the accommodation will assist in the application/hiring process or participation in a service, program, or activity.
  - c) Verification of the disability by the requester's healthcare provider may be required.
4. The completed Request for Reasonable Accommodation form shall be submitted to the ADA Coordinator as soon as possible but no later than 48 hours before a scheduled event. Requests received later than 48 hours will only be considered and granted when possible, as determined by the ADA Coordinator and Elected Official.
5. The ADA Coordinator, working in coordination with the Elected Official or his/her designee, reviews the completed Request for Reasonable Accommodation form. The Elected Official or his/her designee approves or denies all accommodation requests. The ADA Coordinator notifies the requester of the Elected Official's decision to approve or deny the request by contacting the requester in the manner requested and by sending a written Notice of Accommodation.
6. The Notice of Accommodation indicates the type of accommodation that was approved and who to contact to receive the accommodation. If the request for an accommodation was not approved, the notice explains why and the appeal process.
7. If the request is denied, the requester may appeal the decision. The requester may submit the appeal to the ADA Coordinator in writing or verbally. Appeals must be received within 5 business days after the request was denied.
8. Following receipt of an appeal, the ADA Coordinator contacts the Elected Official to review the appeal and determine what alternative accommodations

might be available. The ADA Coordinator contacts the requester within 10 business days after receipt of the appeal to inform the requester of the final decision regarding the accommodation request.

### **GRIEVANCE PROCEDURE**

Benton County has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the ADA or state law. Benton County prohibits retaliation for making complaints or participating in an investigation.

The Benton County Equal Employment Opportunity/Anti-Discrimination/Harassment Policy and Complaint Procedure govern employee-related complaints of disability discrimination. All other complaints should be addressed to the ADA Coordinator, using the following procedure:

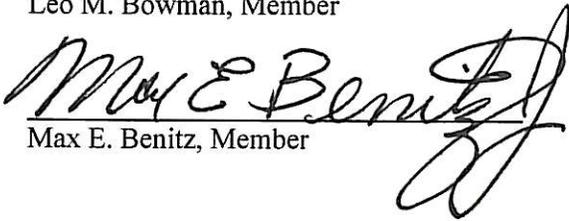
1. A complaint shall be filed verbally or in writing, contain the name and address of the person filing the complaint, and briefly describe the alleged violation.
2. A complaint shall be filed within 10 business days after the complainant becomes aware of the alleged violation.
3. An investigation follows the filing of a complaint, when appropriate and necessary as determined by the ADA Coordinator and Elected Official. The ADA Coordinator, working in coordination with the Elected Official or his/her designee, conducts the investigations. The investigation is informal or formal as needed, thorough, and affords all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
4. The ADA Coordinator, working in coordination with the Elected Official or his/her designee, issues a written evaluation as to the validity and resolution of the complaint and forwards a copy to the complainant within thirty (30) business days after the filing of the complaint. Such time period may be extended by the ADA Coordinator and/or the Elected Official as necessary to ensure adequate investigation of the complaint.
5. The ADA Coordinator maintains the files and records of Benton County relating to any and all ADA complaints that are filed.
6. If the grievance impacts the budget, the ADA Coordinator will keep the Board of County Commissioners informed as to the nature of the grievance, and the Board of County Commissioners may be involved in its resolution.
7. Prompt and equitable resolution of a complaint filed hereunder is not impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal or state department or agency.

Approved and accepted by the undersigned Benton County Elected Officials:

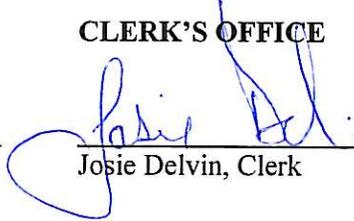
**BENTON COUNTY  
BOARD OF COMMISSIONERS**

  
James Beaver, Chairman

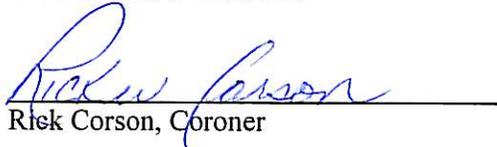
  
Leo M. Bowman, Member

  
Max E. Benitz, Member

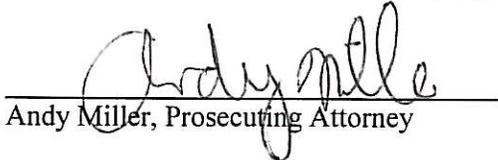
**CLERK'S OFFICE**

  
Josie Delvin, Clerk

**CORONER'S OFFICE**

  
Rick Corson, Coroner

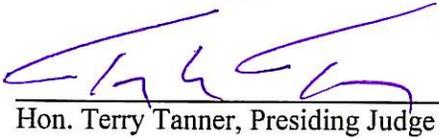
**PROSECUTING ATTORNEY'S OFFICE**

  
Andy Miller, Prosecuting Attorney

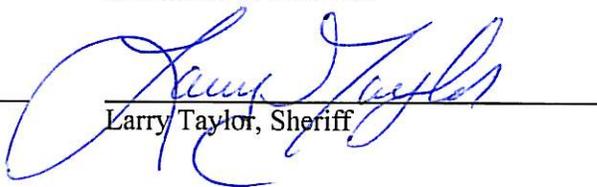
**AUDITOR'S OFFICE**

  
Brenda Chilton, Auditor

**DISTRICT COURT**

  
Hon. Terry Tanner, Presiding Judge

**SHERIFF'S OFFICE**

  
Larry Taylor, Sheriff

**ASSESSOR'S OFFICE**

  
Barbara Wagner, Assessor

**TREASURER'S OFFICE**

  
Duane Davidson, Treasurer



# Benton County Request for Reasonable Accommodation Form

Date: \_\_\_\_\_

Person Requesting Accommodation: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Please Contact me by  Phone  Mail  Other \_\_\_\_\_

The completed Request for Reasonable Accommodation form shall be submitted to the ADA Coordinator as soon as possible but no later than 48 hours before a scheduled event. Requests received later than 48 hours will only be considered and granted when possible, as determined by the ADA Coordinator and Elected Official.

**District Court Courtroom Accommodations:** For District Court courtroom accommodations for parties, witnesses, and/or jurors (including requests for interpreters), the District Court judge for the particular court proceeding makes the accommodation decisions. Parties, witnesses, and/or jurors are to make these accommodation requests directly to the judge in open court, for decision by the judge.

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Board/Commission Meeting

| Date | Time | Location of Meeting |
|------|------|---------------------|
|------|------|---------------------|

Service/Program/Activity

| Name of Service/Program/Activity | Date of Service/Program/Activity |
|----------------------------------|----------------------------------|
|----------------------------------|----------------------------------|

Application / Hiring Process

| Position Title |
|----------------|
|----------------|

Assistance with (check all that apply):

Application  Testing  Interview

Describe the specific limitation and the type of accommodation requested, with an explanation of how the accommodation will assist in the application/hiring process or participation in a service, program, or activity.

Note: Verification of the disability by the requestor's healthcare provider may be required.

I declare under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Name of Requestor: \_\_\_\_\_

Submit by Email

Print Form



BENTON COUNTY  
NOTICE OF ACCOMMODATION

Date of Notice: \_\_\_\_\_

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Copy of Request for Reasonable Accommodation Form is attached.

Request for Reasonable Accommodation:

Approved       Alternate Accommodation Approved       Request Denied

Type of Accommodation Approved:

Duration of Accommodation:

Requestor must contact the following person to acquire accommodation:

- ADA Coordinator**  
**Benton County Personnel / Risk Manager**  
**Benton County Personnel Resources**  
**Benton County Justice Center**  
**7122 W. Okanogan Place, Building A**  
**Kennewick, WA 99336**  
**(509) 737-2777 (Telephone)**  
**(509) 737-2778 (Fax)**

**Other:**

**Explanation for Denial of Accommodation:**

**Appeal Process:**

If a request is denied, the requester may appeal the decision. The requester may submit the appeal to the ADA Coordinator in writing or verbally. Appeals must be received within 5 business days after the date of this notice. The ADA Coordinator contacts the requester within 10 business days after receipt of the appeal to inform the requester of the final decision regarding the accommodation request.