

County of Yuba
Human Resources &
Organizational Services
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Americans with Disabilities Act and Fair Employment and Housing Act Compliance Policy

Adopted November 13, 2012

Contents

PURPOSE / SCOPE	- 3 -
POLICY	- 4 -
DEFINITIONS	- 5 -
RESPONSIBILITIES	- 9 -
GUIDELINES	- 11 -
Employment Practices	- 11 -
Program/Facility Access:	- 12 -
Exceptions:	- 12 -
PROCEDURES	- 14 -
FORMS USED	- 17 -
REFERENCES/RESOURCES	- 17 -
REVISION RECORD.....	- 18 -
Appendix A – Guidebook to the ADA & FEHA	- 19 -
Appendix B – Complaint/Assistance Procedure	- 20 -

PURPOSE / SCOPE

The County of Yuba does not discriminate on the basis of a disability, impairment or genetic information, does not exclude persons with a disability or impairment from participation in any program or activity, and provides equal access to all of its programs, services and facilities to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), Amendments Act (ADAAA) and the Fair Employment and Housing Act (FEHA).

The purpose of the ADA, ADAAA and FEHA is to ensure that individuals with disabilities are afforded the same rights and privileges as non-disabled individuals.

The ADA and amendments prohibit discrimination on the basis of disability in employment, state and local government services and public accommodation and commercial facilities.

Employment - Title I applies to covered employers and prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring or discharge, compensation, advancement, job training, and other terms and conditions of employment.

Public Services - Title II requires covered entities to make their services, programs, and activities readily accessible and usable by the disabled. Covered entities include state and local governments, contractors who operate services and programs offered by governments, and public transportation.

Public Accommodations – Title III requires that all newly constructed or altered facilities be readily accessible and usable by individuals with disabilities. Covered entities must comply with the Uniform Federal Accessibility Standards or the standards detailed in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. While Title III does not directly apply to the County, the County is jointly responsible for compliance with Title III when utilizing an outside venue that is covered.

The California Fair Employment and Housing Act (FEHA) is a statute prohibiting employment discrimination covering employers, labor organizations, employment agencies, apprenticeship programs and any person or entity, who aids, abets, incites, compels, or coerces the doing of a discriminatory act. It prohibits employment discrimination based on race or color; religion; national origin or ancestry; physical disability; mental disability or medical condition; marital status; sex or sexual orientation; age, with respect to persons over the age of 40; genetic information; and pregnancy, childbirth, or related medical conditions. The FEHA also prohibits retaliation for opposing any practice forbidden by the Act or for filing a complaint, testifying, or assisting in proceedings under the FEHA.

In instances where the FEHA provides a greater benefit, resulting in broader protection of the civil rights of disabled individuals, than the FEHA's provisions prevail over the ADA and are represented accordingly in this policy.

POLICY

It is the policy of the Board of Supervisors that the County of Yuba shall:

- Not exclude persons with a disability or impairment from participation in any program or activity.
- Not deny access to any of its programs, services and facilities to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), ADA Amendments Act (ADAAA) and the California Fair Employment and Housing Act (FEHA).
- Not discriminate on the basis of disability or genetic information in its hiring or employment practices and comply with all federal and state laws accordingly.
- Provide reasonable accommodation when requested for those applicants and employees, who, because of their disability, are unable to perform the essential functions of their job.
- Engage in a timely, good faith interactive active process with applicants, employees and members of the public in need of reasonable accommodation.
- Generally and upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Yuba programs, services and activities.
- Make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the County of Yuba programs, services and activities.
- Comply with all applicable requirements of the ADA, ADAAA and FEHA.

The Board of Supervisors has established the Human Resources Director as the ADA Compliance Officer for Titles I and II and the Administrative Services Director as the ADA Compliance Officer (facilities) for Title III and structural access, with exceptions. Accordingly the Board of Supervisors designates the Human Resources Deputy Director as the ADA Coordinator for Titles I and II and the Assistant Director of Administrative Services as the ADA Coordinator (facilities) for Title III and structural access, with exceptions, for the County of Yuba.

The County of Yuba is committed to providing fair and impartial treatment regardless of disability status, and unrestricted access to all programs, services and activities. It is the County's intent to ensure all human resource policies, practices, and programs are administered and implemented in a fair, equitable and non-discriminatory manner. However, the ADA does not require the County of Yuba to take any action that would fundamentally alter the nature of its programs or services or impose an undue hardship.

DEFINITIONS

Ameliorative effects of mitigating measures includes medication, medical supplies, equipment, or appliance, low-vision devices, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

Auxiliary Aides and Services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments,
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and other similar services and actions.

A **complaint** is a claimed violation of the ADA, ADAAG or the FEHA.

Disability, with respect to an individual, includes: a temporary or permanent physical or mental impairment that limits one or more of the major life activities of such individual; a record of such impairment as certified by a medical expert; or being regarded as having such impairment, whether they have an impairment or not. An individual is disabled if she or he has a physical or mental impairment that renders her or him unable to perform a major life activity, or limits the condition, manner or duration under which she or he can perform a particular major life activity in comparison to other people.

Discrimination on the basis of a disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the County's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position. A function is typically essential for one or more of the following reasons:

- The position exists to perform the function.
- There are a limited number of employees available who perform this function.
- The function is highly specialized and the incumbent has been hired for his/her expertise and/or ability to perform it.

Genetic Characteristics is defined as either:

- Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
- Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of a disease or disorder.

Genetic Information is broadly defined to include:

- Genetic tests of an individual or his/her family members;
- An individual's family medical history;
- An individual's request for or receipt of genetic services or participation in clinical research that includes genetic services; and
- Genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual, and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Genetic tests are analyses of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes and include:

- Carrier screening for adults using genetic analysis to determine the risk of conditions such as cystic fibrosis, sickle cell anemia, spinal muscular atrophy, or fragile X syndrome in future offspring;
- Tests to determine if someone has the BRCA1 or BRCA2 variant evidencing a predisposition to breast cancer; and
- DNA testing that reveals family relationships, such as paternity.

Good faith means an employer and employee communicate directly with each other to determine essential information where neither party delays or interferes with the process.

Interactive process is a process between the employer and the applicant or employee with a known disability, which typically includes consulting with the individual to ascertain the precise job-related limitations and how they could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. They also include major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, lymphatic, cardiovascular and reproductive functions. In determining whether physical or mental impairment limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered without regard to ameliorative effects of mitigating measures: the nature and severity of the impairment; the duration or expected duration of the impairment; and the permanent or long-term impact (or expected impact) of or resulting from the impairment. Under the FEHA major life activities should be broadly construed and include physical, mental and social activities and working.

Medical Condition means any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic (as defined above).

Mental Disability means having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity, or having any other mental or psychological disorder or condition that requires special education or related services. An employee who has a record or history of a mental or psychological disorder or condition which is known to the employer, or is who regarded or treated by the employer as having one, is also protected.

Physical Disability means having any physiological disease, disability, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of several body systems and limits a major life activity. This also includes any other health impairment that requires special education or related services; having a record of any of the above which is known to the employer; and being perceived or treated by the employer as having any of the aforementioned conditions.

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B, HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer illegally uses drugs. The following conditions are not physical or mental impairments: transvestitism; transsexualism; illegal use of drugs; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; some gender identity disorders; height; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

A **qualified individual (qualified citizen)** with a disability means an individual with a disability, who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.

Reasonable accommodation is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;
- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enable individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.

Transition Plan is a written document that sets forth the steps necessary to make a facility compliant with Title II/III of the ADA and is only required in the event that structural changes to facilities need to be undertaken to achieve program accessibility.

Undue hardship means significant difficulty or expense incurred in the provision of accommodation. Undue hardship includes, but is not limited to, financial difficulty. Undue hardship refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the County, or the position an employee holds. Factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, the impact of the expense of the accommodation will have on the affected County operation, the permanence of the alterations affecting the site and the nature and structure of its operation.

Terms defined and not defined herein shall have the meanings as set forth in the FEHA, ADA and ADAAA, as amended or further clarified by law.

RESPONSIBILITIES

Board of Supervisors

- Commit Yuba County, its officers, and employees to support and pursue in good faith the basic guarantees of equal rights and access to County employment, services, programs and facilities;
- Pledge their support to the objectives of the Compliance Policy;
- Provide, within budgetary limits, the necessary financial and staff support needed for the effective implementation and maintenance of the Compliance Policy;
- Pledge the cooperation of all County officers and employees in the achievement of this policy's objectives; and

County Administrator

- Assume the ultimate responsibility for the success of the Compliance Policy;
- Pledge the cooperation of all department heads, supervisors, and employees in the achievement of this policy's objectives; and
- Assure effective communication of, and conformance with, the requirements of this policy and assure that each department head takes such action as is necessary to achieve the policy's objectives.

Human Resources Director / Administrative Services Director / ADA Compliance Officer (or designee)*

- Coordinate the efforts of this policy with the Board of Supervisors, County Administrator, department heads, and the ADA Coordinator;
- Initiate, coordinate and evaluate the County's compliance procedures to ensure that all employees, applicants and the general public receive the benefits of equal access to the County facilities, programs and services;
- Evaluate, monitor and make recommendations on the Compliance Policy, Self-Evaluation Process and Transition Plans, as necessary;
- Coordinate the County's Compliance policy with the appropriate federal and state agencies; and
- Work to resolve internal and external complaints of access denials or discriminatory employment actions.

Human Resources Deputy Director / Assistant Administrative Services Director / ADA Coordinator (or designee)*

- Administer the County's ADA, ADAAA & FEHA compliance procedures to ensure that all employees, applicants and the general public receive the benefits of equal access to the County facilities, programs and services;
- Assist in the evaluation and monitoring of the ADA Compliance Policy, Self-Evaluation Process and Transition Plans, as necessary;
- Engage in the Interactive Process with employees, applicants and the general public when necessary; and
- Arrange, conduct and evaluate training activities related to ADA compliance programs and policies.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

Human Resources Staff / Administrative Services Staff*

- Work with management and consultative committees to develop, review and implement the ADA/FEHA Compliance Policy;
- Provide training to department managers and supervisors on the requirements of the Compliance Policy;
- Research ADA/FEHA matters and keep management informed of developments in ADA/FEHA Compliance;
- Post this policy and/or required documentation on the County's intranet and internet.

Human Resources Staff (in addition to the above):

- Ensure that the physical requirements listed on County job classification specifications are stated clearly and completely and are relevant to the job;
- Ensure that the County's recruitment and promotional practices provide for equal consideration of all qualified applicants and/or candidates;
- Ensure all elements of the examination process are directly related to actual job duties and requirements and will be administered fairly to all applicants and/or candidates; and

Management

- Demonstrate commitment and support of this policy;
- Ensure that the principles covered in the Compliance Policy are upheld by employees for whom they are responsible;
- Ensure that decisions relating to promotions, transfers, reclassifications, demotions, lay-offs, or termination of County employees are made free of discrimination;
- Ensure equality of employment opportunity is extended to all employees, and that no unlawful discrimination occurs in employment practices; and
- Report any discrimination or non-compliance complaint to the ADA Compliance Officer.
- Ensure that the requirements of Notice to the Public are satisfied for all employment activities and programs as appropriate.
- Document requests for accommodation and ensure that the process outlined in this policy is followed.

Employees and/or Applicants

- Understand and abide by the County's Compliance Policy, and comply with its terms;
- Support a work climate that is conducive to achieving equal employment opportunities and programs, service and facility access and a workplace free from discrimination;
- Request an accommodation if one is needed;
- Report conduct which is prohibited by this policy, whether or not personally involved, to his/her supervisor or the County ADA Compliance Officer. All employees have the right and responsibility to report conduct which is a violation of any policies or guidelines related to discrimination; and
- Cooperate completely in any investigation of violations of this policy.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

GUIDELINES

Employment Practices

An individual with a disability is an employee or applicant for employment who, with or without reasonable accommodation, can perform the essential functions of an employment position the individual either holds or desires.

Provisions:

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant who is offered a job or employee with a disability to perform the essential functions of a job, to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities and/or to participate in the County's recruitment and testing process and to enjoy employment opportunities equal to those available to other applicants. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Reassignment to a vacant position,
- Modified work schedules,
- Adjusting or modifying examinations or examination conditions, training materials or policies,
- Providing readers and/or interpreters, and
- Making the workplace readily accessible to and usable by people with disabilities.

Accommodation is not required if:

- It changes the essential functions of the position;
- The employee cannot perform the essential job functions even with the accommodation;
- It creates a hazardous condition;
- The employee would not meet a bona fide occupational qualification;
- A statutory requirement (i.e. labor code, CalOSHA, etc.) pre-empts the FEHA/ADA provision;
- It reduces or replaces the minimum requirements or a skill or certification required to perform a job;
or
- It poses an undue hardship on the County.

Reasonable Accommodations:

An individual with a disability may request a reasonable accommodation by contacting his/her immediate supervisor, the Human Resources Department, or the ADA Coordinator and/or completing the *Employee Request for Accommodation* form. Applicants for employment may request a reasonable accommodation by utilizing the *Request for Reasonable Accommodation in Employment Examination Process* available from the Human Resources Department. Individuals may suggest a reasonable accommodation based upon the individual's own life or work experience. The County is under no obligation to implement this suggested accommodation, only to take it under consideration in addition to other accommodations the County finds reasonable through its own research and experience. When an appropriate accommodation is not readily apparent, the County must make a reasonable effort to identify one. The County ADA Coordinator, or designated representative, will engage in the interactive process with the applicant or employee about potential accommodations that would enable the individual to participate in the application process and/or perform the essential functions of the job in question.

Program/Facility Access:

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing County facilities, programs or services

Provisions:

Reasonable accommodation is any change or adjustment to a program, policy, facility, communication method or other equipment or service that permits an individual with a disability access to a County program, service or facilities otherwise afforded to the general public. For example, reasonable accommodation may include:

- Acquiring or modifying equipment or devices,
- Auxiliary aids,
- Adjusting or modifying service conditions or policies,
- Providing readers and interpreters, and
- Making the program/facility readily accessible to and usable by people with disabilities.

Accommodation may include modification of existing facilities and making equipment used by individuals readily accessible and usable by individuals with disabilities. Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity;
- It creates a hazardous condition;
- Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability; or
- It poses an undue hardship on the County.

Reasonable Accommodations:

An individual with a disability may request a reasonable accommodation by contacting the County department providing the facility, program or service; the Human Resources Department; or the ADA Coordinator (facilities) and/or completing the *ADA Complaint/Assistance Form*. The individual may suggest a reasonable accommodation based upon the individual's own life or work experience. The County is under no obligation to implement this suggested accommodation, only to take it under consideration in addition to other accommodations the County finds reasonable through its own research and experience. When an appropriate accommodation is not readily apparent the County must make a reasonable effort to identify one. The County ADA Coordinator (facilities), or designated representative, will engage in the interactive process with the disabled individual about potential accommodations that would enable the individual to partake of the County services, programs or facilities as outlined in this policy.

Exceptions:

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Whether a particular accommodation will impose an undue hardship is determined on a case-by-case basis. If a particular modification is determined to cause an undue hardship to the County of Yuba, the County shall attempt to identify another modification that would not pose such a hardship. If cost causes the undue hardship, the County must consider whether funding for the modification is available

from an outside source. If no such funding is available, the County must give the person with a disability the opportunity to provide the modification or to pay for that portion of the modification that constitutes an undue hardship.

All final decisions regarding reasonable accommodation and undue hardship rest with the County's designated ADA Compliance Officer*.

This policy, where silent, shall remain in accordance with the ADA/ADAAA and FEHA, as amended. When there is a disparity between these regulations, the regulation with the stricter requirement will prevail. When a conflict arises between this policy and either of these regulations, the policy or regulation with the stricter requirement shall prevail.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

PROCEDURES

The procedures below are meant to describe, in general terms, a process tailored to each distinctive circumstance. Therefore, such procedures serve only as guidelines and are subject to change based on the circumstances as deemed appropriate by the ADA Coordinator*. The ADA Coordinator* and ADA Compliance Officer* may designate an individual within the Human Resources or Administrative Services department to assume a role on his/her behalf during the ADA accommodation process. A Department head may designate another individual to assume a role on his/her behalf during the ADA accommodation process.

ADA Assistance Request

1. An individual requests an accommodation or submits the ADA Assistance Request Form to the Human Resources Department. Should an employee become aware of a request for a reasonable accommodation, the employee will notify his/her direct supervisor and the Human Resources department. The Human Resources department will encourage the individual to complete an ADA Assistance Request to assist in the interactive process.
2. The ADA Coordinator checks for available auxiliary aids, as appropriate. If necessary, the ADA Coordinator and the appropriate Department Head determine whether the individual's disability poses a direct threat to the health or safety of other individuals in the workplace, and whether the threat can be removed by a reasonable accommodation. If there is no direct threat and an auxiliary aid is available and appropriate, the individual will be reasonably accommodated. If an auxiliary aid is not available or appropriate, then other potential accommodations are reviewed.
3. For program accessibility requests, the ADA Coordinator and the Department Head consider whether reasonably modifying the policies, practices and/or procedures of the program would accommodate the individual. If an accommodation is available and appropriate, the individual will be reasonably accommodated. If the accommodation imposes an undue hardship or fundamentally alters the nature of the program the individual cannot be accommodated at this time.
4. For Title III structural access issues the ADA Coordinator (facilities) will determine if the facility meets the standards set forth in the Uniform Federal Accessibility Standards and the ADA Accessibility Guidelines for Buildings and Facilities, whether architectural barriers need to be removed from an existing facility, and whether such an alteration is available that is both achievable and does not pose an undue hardship.

Employment Applicant ADA Accommodation Request

1. Once an applicant submits the request for accommodation to the Human Resources Department, the ADA Coordinator will examine the applicant's request and determine the nexus of the disability to the testing environment/circumstances and research potential impact and availability of the requested accommodation.
2. The ADA Coordinator enters in an interactive dialogue with the applicant to find out his/her physical or mental functional limitations as they relate to the recruitment process. This interactive dialogue will continue throughout the entire recruitment process.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

3. The ADA Coordinator determines based on objective medical or other evidence that the known requirements of the position applied for and the means in which they must be tested, if the following are met:
 - a. Is the applicant's disability covered under the ADA/FEHA?
 - b. If the applicant's disability poses a direct threat to the health or safety of other individuals in the workplace, can this threat be removed by a reasonable accommodation, if appropriate?
 - c. Is the applicant qualified for the position, with or without a reasonable accommodation?
4. The applicant and the ADA Coordinator identify potential accommodations.
5. The ADA Coordinator evaluates whether the proposed accommodations are reasonable, whether there are other accommodations which will remove any direct threat, whether the accommodations allow the examination to measure the essential function, knowledge, skills or abilities or other minimum requirements of the position desired, and whether any proposed accommodations will create an undue hardship. Accommodations that do not meet these criteria need not be implemented.
6. If the criteria are met, the applicant will be accommodated. If the criteria are not met, then the applicant will not be accommodated at this point. The ADA Coordinator will re-assess the situation when the direct threat or undue hardship is eliminated, as needed.

Employee ADA Accommodation Request

1. Employee completes the Employee Request for Accommodation Form. The employee shall give the original form to the Human Resources department and provide a copy of the form to his/her direct supervisor. Should a supervisor become aware of a request for a reasonable accommodation, the supervisor will notify the Human Resources department and provide the Employee the Employee Request for Accommodation form and request he/she complete the required fields.
2. The Supervisor completes the supervisory portion of the Employee Request for Accommodation form and sends the original form to the Human Resources department. The supervisor sends a copy of the completed form to his/her Department Head.
3. The Department Head completes the Department Head portion of the Employee Request for Accommodation form and sends the original to the Human Resources department.
4. Upon receipt of the Employee portion of the Request for Accommodation, or upon reasonable notification and request, the ADA Coordinator, or designee, analyzes the employee's job description and determines the essential functions. The ADA Coordinator, or designee, will also analyze and review the Employee Portion of the Request form, in addition to the Supervisory and Department Head portion of the Request form, as they are received. The employee may be asked to submit a Medical Release for Employee Requesting Accommodation due to Disability.
5. The ADA Coordinator and the Department Head enter into an interactive dialogue with the employee to find out his/her physical or mental functional limitations as they relate to the job's essential functions. This interactive dialogue will continue throughout the entire process.
6. The ADA Coordinator and the Department Head determine, based on objective medical or other evidence, if all of the following are met:
 - a. Is the employee's disability covered by the ADA/FEHA?
 - b. If the employee's disability poses a direct threat to the health or safety of other individuals in the workplace, can the threat be removed by a reasonable accommodation, if appropriate?
 - c. Is the employee qualified for the position and able to perform the essential duties, with or without a reasonable accommodation?
7. The employee, ADA Coordinator and the Department Head identify potential accommodations.

8. The ADA Coordinator and the Department Head evaluate whether the proposed accommodations are reasonable, whether there are accommodations which will remove any direct threat, whether the accommodation changes the essential functions and/or nature of the job, and whether any proposed accommodations will create an undue hardship. Accommodations that do not meet these criteria need not be implemented.
9. If the criteria are met, the employee will be accommodated. If the criteria are not met, then the employee will not be reasonably accommodated at this point. The ADA Coordinator will re-assess the situation when the direct threat or undue hardship is eliminated, as needed.

ADA Complaint Process

1. A complaint should be filed in writing, contain at least the name and address of the person filing it, and briefly describe the alleged violation of the regulations. Alternative means of filing will be available to individuals with disabilities who require such an alternative.
2. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days.
3. Complaints will be resolved in accordance with Yuba County Employer-Employee Relations Policy, Grievance Procedures.
4. A complaint is considered received by the ADA Compliance Officer* when physically received in the Human Resources department and appropriately date stamped.
5. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation may be formal or informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
6. The Human Resources department shall maintain the files and records relating to the complaints filed for a period of at least one year.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. Other remedies include the filing of an ADA complaint with the appropriate state or federal agency.

* Administrative Services' role is in ADA/FEHA compliance of facilities and structural access only

FORMS USED

ADA Complaint / Assistance Form
Employee Request for Accommodation
Medical Release for Employee Requesting Accommodation due to Disability
Request for Reasonable Accommodation in Employment Examination Process

REFERENCES/RESOURCES

AB 1856

Made non-supervisory co-employees personally liable for committing workplace harassment in violation of the FEHA, regardless of the status of employer liability.

AB 2222 – “Poppink Act”

Amended the definitions of mental and physical disability to merely limit a major life activity; imposes a requirement on employers to engage in a timely, interactive process and prohibits disability related inquiries or examinations by employers, except under certain circumstances.

Americans with Disabilities Act of 1990

Prohibits discrimination based on a disability. The Act defines a disability as a “physical or mental impairment that substantially limits a major life activity.”

American with Disabilities Act Amendments Act (ADAAA) of 2008

Amended the definition of a disability and provided further direction on how and when employers should provide accommodation for those who qualify.

California Civil Rights Initiative – Proposition 209

Amended the California Constitution to prohibit public entities from using race, sex, color, ethnicity or national origin as a basis for either discriminating against, or granting preferential treatment to any individual or group in the operation of the State’s system of public employment, public education, or public contracting.

Disability Under the Fair Employment and Housing Act

A publication from the California Department of Fair Employment and Housing that details the requirements and duties of an agency in complying with the law.

Equal Employment Opportunity Act of 1972

Empowered the EEOC.

Fair Employment and Housing Act

Prohibits employment bias on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, marital status, sex (including sexual orientation), age or pregnancy.

Genetic Information Nondiscrimination Act of 2008

Prohibits the use of genetic information to make decisions about health insurance and employment, and restricts to acquisition and disclosure of genetic information.

Pregnancy Discrimination Act of 1978

Afforded EEO protection to pregnant workers and requires pregnancy to be treated like any other disability.

Rehabilitation Act of 1973, as amended, Section 504

Guarantees certain rights to people with disabilities and is widely recognized as the first civil-rights statute for persons with disabilities.

Title II Technical Assistance Manual, covering State and Local Government Programs and Services

A technical assistance manual that addresses the requirements of the ADA to assist agencies in understanding their duties under the Act.

Title II Technical Assistance Manual 1994 Supplement

A supplement to the Title II Technical Assistance Manual outlining additional requirements on agencies.

REVISION RECORD

Established Date: 11/13/2012

Appendix A – Guidebook to the ADA & FEHA

Appendix B – Complaint/Assistance Procedure



ADA Complaint/Assistance Procedure

Complaints and requests for accommodations should be addressed to the ADA Compliance Officer, who has been designated to coordinate ADA compliance efforts. Please complete the appropriate ADA Form as detailed below and mail to or submit at the address below.

Request for Reasonable Accommodation in Employment Examination Process form – to request an accommodation in the employment application process.

Employee Accommodation Request form – to request an accommodation in your employment with the County of Yuba.

ADA Complaint/Assistance form – to request an accommodation for access to a County program or facility or to file a complaint related to a denial of accommodation in hiring practices, employment, program or facility access.

1. A complaint should be filed in writing, contain at least the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days.
3. Complaints will be resolved in accordance with Yuba County Employer-Employee Relations Policy, Grievance Procedures.
4. A complaint is considered received by the ADA Compliance Officer when physically received in the Human Resources department and appropriately date stamped.
5. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation may be formal or informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
6. The Human Resources department shall maintain the files and records relating to the complaints filed for a period of at least one year.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
8. Other remedies include the filing of an ADA complaint with the appropriate state or federal agency:

U.S. Equal Employment Opportunity Commission

Jurisdictional Office: San Francisco
350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530

The **Department of Fair Employment and Housing** does not accept complaints filed for investigation by mail. To file a complaint please call one of the toll free numbers below.

Employment: 1-800-884-1684

Housing: 1-800-233-3212

TTY: 1-800-700-2320

Yuba County Human Resources

Attn: ADA Compliance Officer

915 8th St. Suite 113

Marysville, CA 95901

(530) 749-7860



Guide to the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA)

Purpose

The County of Yuba is committed to equal employment opportunity and accessibility for individuals with disabilities and has developed this guide in accordance with the Americans with Disabilities Act, Amendments Act and Fair Employment and Housing Act Compliance Policy (Policy No. HROS 1.10), to answer frequently asked questions, to explain the processes in place within the County of Yuba for handling requests for program, facility, and employment accessibility, and to provide additional disability related resources.

Background

The Americans with Disabilities Act

The ADA and the ADA Amendments Act are federal legislation that provides civil rights protection to individuals with disabilities similar to the civil rights protections afforded for race, color, sex, national origin, age, sexual orientation, and religion. The purpose of the ADA is to assure equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. The County of Yuba, as a local government agency, is required by law to comply with these federal regulations, as well as any related state regulations such as The Fair Employment and Housing Act (FEHA).

The ADA prohibits discrimination against any qualified individual with a disability. A qualified individual with a disability is anyone who:

- Has a temporary or permanent physical or mental impairment that substantially limits one or more major life activities, e.g., seeing , hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working;
- Has a record of such an impairment as certified by a medical expert; or
- Is regarded as having such impairment, whether they have an impairment or not.

Employment (Title I of the ADA)

Title I applies to covered employers and prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring or discharge, compensation, advancement, job training, and other terms and conditions of employment.

A qualified individual with a disability is an individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the job that the individual holds or is applying for. Generally, covered employers must provide a reasonable accommodation unless the provision of the accommodation would create an undue hardship on the employer or pose a direct threat to the safety of other, and there is no reasonable means of removing the threat.

A reasonable accommodation is any change or adjustment to a job, application process, or work environment that permits a qualified applicant or employee with a disability to participate in the employment process. Accommodations may include special testing for applicants, auxiliary aids, verbal testing, providing readers or sign language interpreters, providing or modifying equipment or devices, job restructuring, modified work schedules, reassignment to a vacant position, modified examinations, modified training materials or policies, or any other accommodation which makes the workplace readily accessible and usable for someone with a disability.

Public Services (Title II of the ADA)

Title II requires public entities to make their services, programs, and activities readily accessible and usable by the disabled. Covered entities include state and local government, contractors who operate services and programs offered by these governments, and public transportation.

Program accessibility can be achieved through the use of auxiliary aids such as telecommunications devices for the deaf (TDD), sign language interpreters, listening devices for the hearing impaired, acquiring or modifying equipment or devices, adjusting or modifying service conditions and policies, and other activity modifications. The provision of auxiliary aids is required unless to do so would result in an undue hardship or a fundamental alteration in the nature of the services provided. The need for, and provision of, auxiliary aids is determined on a case-by-case basis, viewing the service, program or activity in its entirety.

Public Accommodations (Title III of the ADA)

Title II requires that all newly constructed or altered facilities be readily accessible and usable by individuals with disabilities. Covered entities must comply with the Uniform Federal Accessibility Standards or the standards detailed in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. Facilities can be made more accessible by constructing ramps, installing grab bars, lowering telephones and light switches, and other similar modest adjustments. However, the ADA does not require a modification where the modification would fundamentally alter the nature of the services provided or where installation of the modification is not readily accessible.

Compliance Steps

The County of Yuba has established a policy on ADA/FEHA Compliance (Policy No. HROS 1.10), which outlines the commitment of the County to the spirit, intent and letter of the law. This guide represents one action by the County to educate County employees, applicants and members of the public as to the nature of the ADA/FEHA and the County of Yuba's efforts to maintain compliance. In addition, the County of Yuba has designated the Human Resources Director as the ADA Compliance Officer for Titles I and II and the Administrative Services Director as the ADA Compliance Officer (facilities)* for Title III and structural access, with exceptions. The ADA Compliance Officer is responsible for ensuring that all levels of county government maintain compliance with the ADA. Accordingly the County of Yuba has designated the Human Resources Deputy Director as the ADA Coordinator for Titles I and II and the Assistant Director of Administrative Services as the ADA Coordinator (facilities)* for Title III and

structural access, with exceptions. The ADA Coordinator, with the help of designees as appropriate, implements the ADA/FEHA policy and engages in the related interactive processes. All County Department Heads are responsible for maintaining, reporting and overseeing compliance as established by the ADA Coordinator within their individual department. The County of Yuba has a designated employee within Building Inspection who periodically performs reviews of and monitors compliance of all new and remodeled facilities. Finally, the County has an adopted grievance process, performs self-evaluations, develops transition plan for structural and non-structural changes as necessary and provides public notice that the County does not discriminate on the basis of disability.

The Fair Employment and Housing Act

The California Fair Employment and Housing Act (FEHA) is a state statute prohibiting employment discrimination covering employers, labor organizations, employment agencies, apprenticeship programs and any person or entity, who aids, abets, incites, compels, or coerces the doing of a discriminatory act. It prohibits employment discrimination based on race or color; religion; national origin or ancestry, physical disability; mental disability or medical condition; marital status; sex or sexual orientation; age, with respect to persons over the age of 40; and pregnancy, childbirth, or related medical conditions. The FEHA also prohibits retaliation for opposing any practice forbidden by the Act or for filing a complaint, testifying, or assisting in proceedings under the FEHA.

This California law offers greater protection to disabled employees than the federal ADA. For example, while the ADA defines a disability as “a physical or mental impairment that substantially limits one or more major life activities,” the FEHA only requires the impairment to make performance of a major life activity “difficult.” Thus, under the FEHA an individual who may not be considered disabled and thus offered protection under the ADA is offered protection under the FEHA.

Some of the other important items to note include:

- The definitions of mental and physical disability prevent discrimination based on a person’s record or history of certain impairment.
- Physical and mental disabilities include, but are not limited to, chronic or episodic conditions such as HIV/AIDS, hepatitis, epilepsy, seizure disorder, multiple sclerosis and heart disease
- “Working” is a major life activity regardless of whether the actual or perceived working limitations implicate a specific position or broad class of employment, whereas under the ADA, the mental or physical disability must affect a person’s ability to obtain a broad class of employment.
- An employer cannot ask about an applicant’s medical or psychological condition or disability except under specific circumstances.
- Employers cannot ask a current employee about their medical or psychological condition or disability unless the condition is related to the employee’s job.

- Employers must engage in a timely, good faith interactive process with applicants and employees in need of reasonable accommodation.
- Before an applicant or employee must be accommodated, he or she must establish that they have a disability as defined under the Act.

The FEHA defines two categories of disability: mental disability and physical disability. Each category contains its own specific definition. Additionally, under the FEHA, an employee with a “medical condition” is also entitled to accommodation.

* Administrative Services’ role is in ADA/FEHA compliance of facilities and structural access only

Glossary

Auxiliary Aids – Supportive aids such as interpreters, special listening devices, and acquisition or modification of equipment or services.

Direct Threat – The individual's condition or accommodation will or does pose a significant risk of substantial harm to the health or safety of the individual or others, and there are no reasonable means of removing the threat.

Disability - physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

Good faith - An employer and employee communicate directly with each other to determine essential information where neither party delays or interferes with the process.

Interactive process - A process between the employer and the applicant or employee with a known disability, which typically include consulting with the individual to ascertain the precise job-related limitations and how they could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness.

Qualified Individual with a Disability – An individual with a disability who, with or without reasonable accommodation, can perform the essential job functions that the individual holds or is applying for.

Fundamental Alteration – An action requiring significant change to the original intent of the program or service.

Major Life Activities - Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others and working. They also include major bodily functions such as the immune system, lymphatic, cardiovascular and reproductive functions.

Medical Condition – Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer, or a genetic characteristic (as defined in HROS Policy 1.10).

Mental Disability – Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity, or having any other mental or psychological disorder or condition that requires special education or related services. An employee who has a record or history of a mental or psychological disorder or condition which is known to the employer; or is who regarded or treated by the employer as having one, is also protected.

Physical Disability – Having any physiological disease, disability, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of several body systems and limits a major life activity. This also includes any other health impairment that requires special

education or related services; having a record of any of the above which is known to the employer; and being perceived or treated by the employer as having any of the aforementioned conditions.

Physical or Mental Impairments - Include, but are not limited to: vision, speech, and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B, HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer illegally uses drugs. The following conditions are not physical or mental impairments: transvestitism; illegal use of drugs; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; height; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

Readily Achievable – Easily accomplished and carried out without much difficulty or expense to the program/employer.

Reasonable accommodation - Any change in a program or activity, or in the way things are customarily done, equipment that can be provided, or modifications to existing equipment/buildings that enables an individual with a disability to enjoy equal program opportunities.

Undue Hardship – A significant difficulty or expense incurred in the provision of accommodation. Undue hardship includes, but is not limited to, financial difficulty. Undue hardship refers to any modification that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operation of the business of the County, or the position an employee holds. Factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources, the impact of the expense of the accommodation will have on the affected County operation, the permanence of the alterations affecting the site and the nature and structure of its operation.

Requesting an Accommodation

While the ADA and the FEHA do not provide special treatment, entitlements, money, or benefits to individuals with disabilities, they do provide equal access to employment, government programs, services, activities, and facilities. If you are a member of the public, a current employee, or an applicant, who is disabled and would like to request an accommodation to access please complete the appropriate form.

Request for Reasonable Accommodation in Employment Examination Process form – to request an accommodation in the employment application process.

Employee Request for Accommodation form – to request an accommodation in your employment with the County of Yuba.

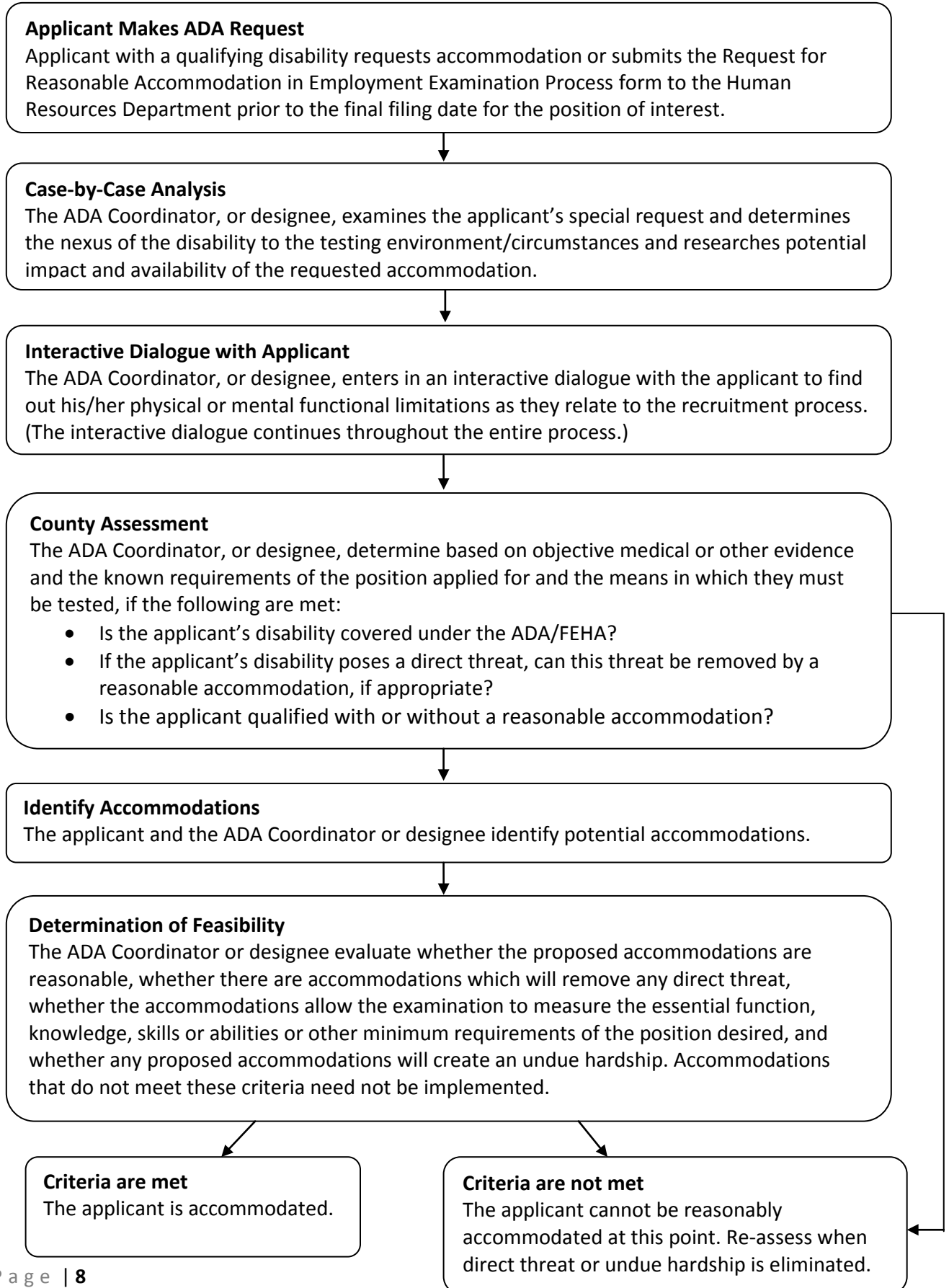
ADA Complaint/Assistance form – to request an accommodation for access to a County program or facility or to file a complaint related to a denial of accommodation in hiring practices, employment, and program or facility access.

All accommodation requests are analyzed on a case-by-case basis. The flowcharts provided in this guide provide an approximate visual depiction of the relevant process.

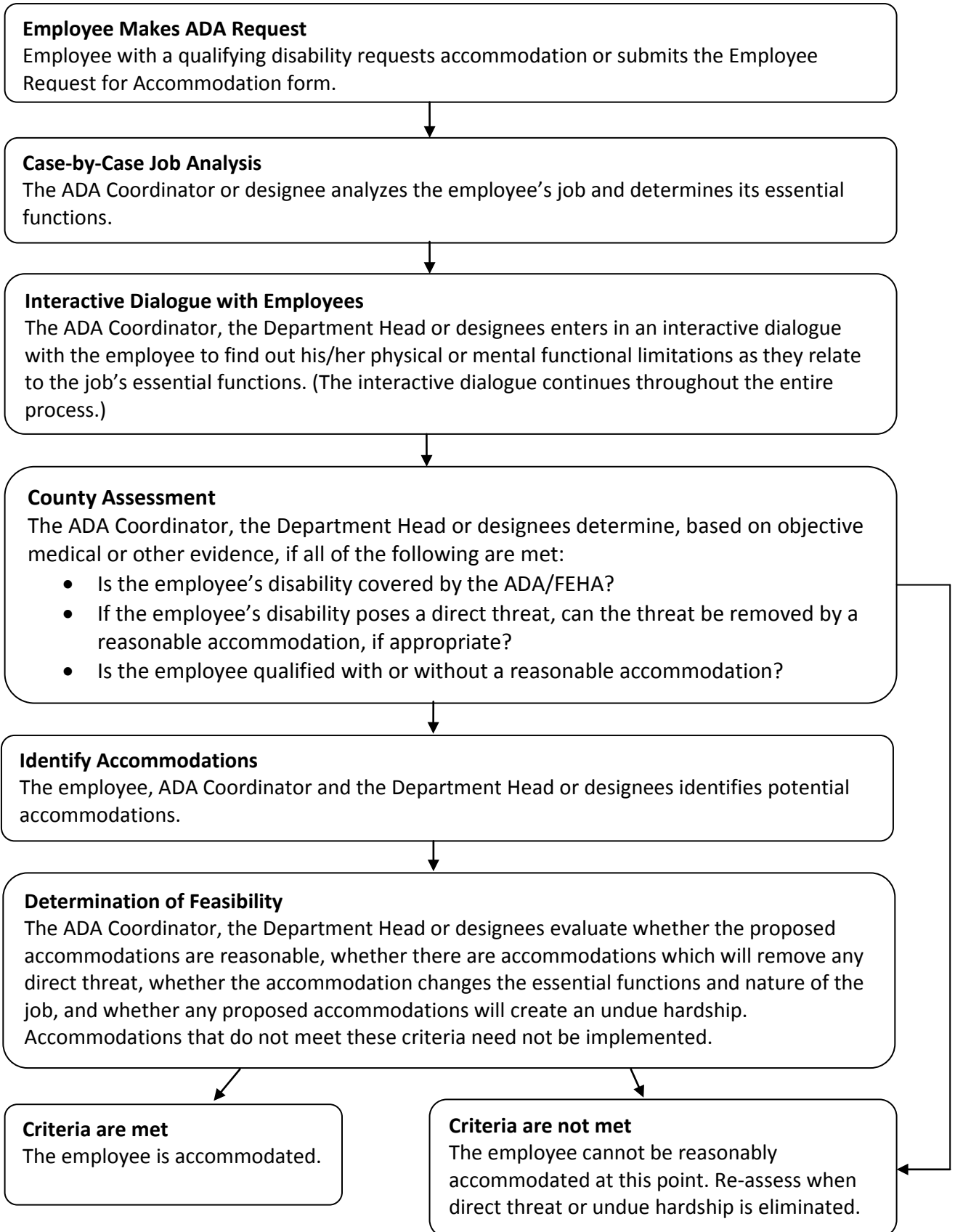
Filing a Complaint

Members of the public, applicants to, or employees of Yuba County may file a complaint in writing with the County against any action which they believe to be discriminatory in; denial of access to services, programs or facilities; procedure or practice in recruitment, examination, appointment, training, promotion, retention or any other term condition, or privilege of employment by requesting and completing the “ADA Complaint/Assistance form” and submitting it to Human Resources, Attn: ADA Compliance Officer. They may also file a complaint with the appropriate state or federal agency.

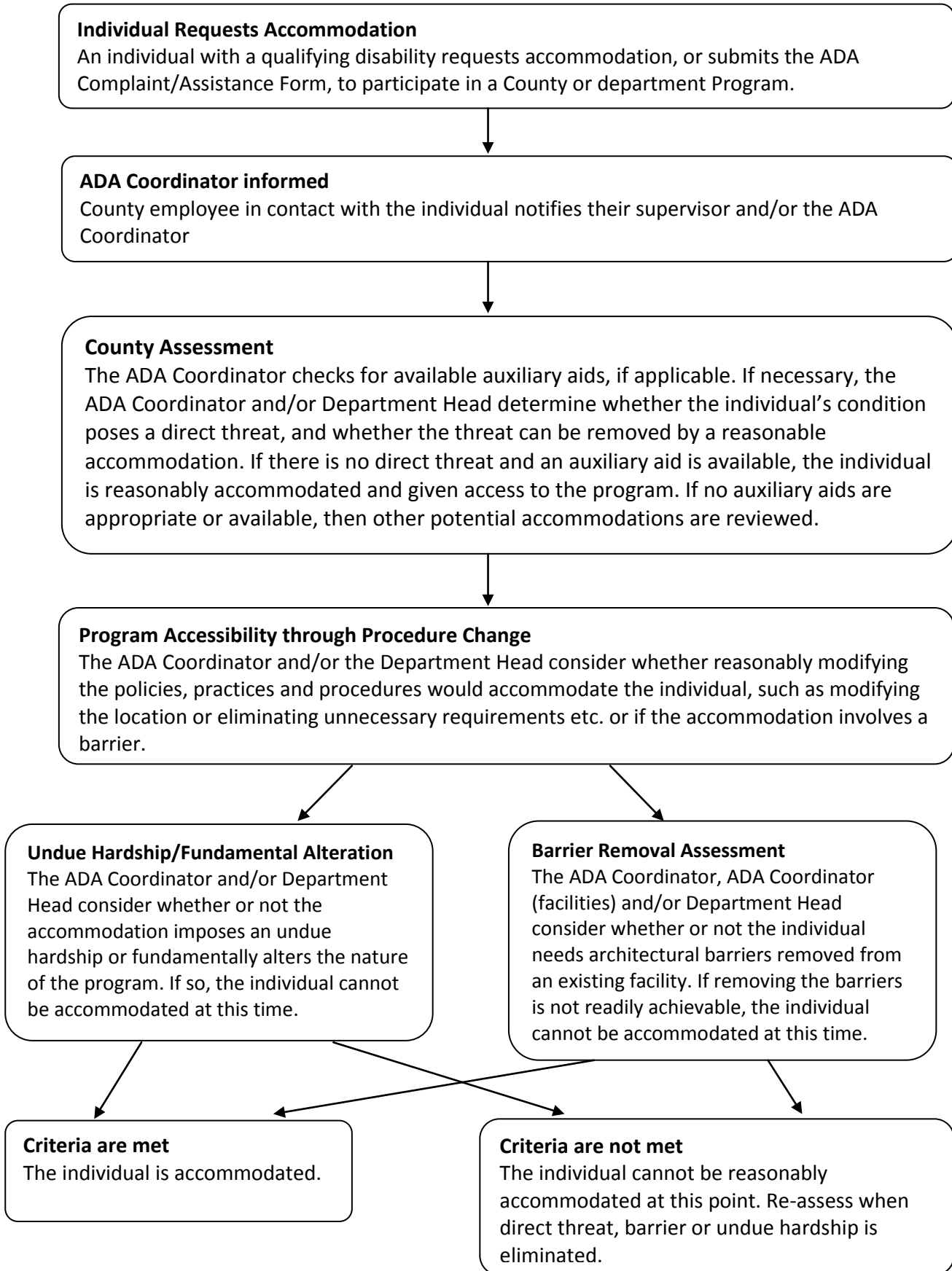
Recruitment – Request for Applicant Accommodation Flowchart



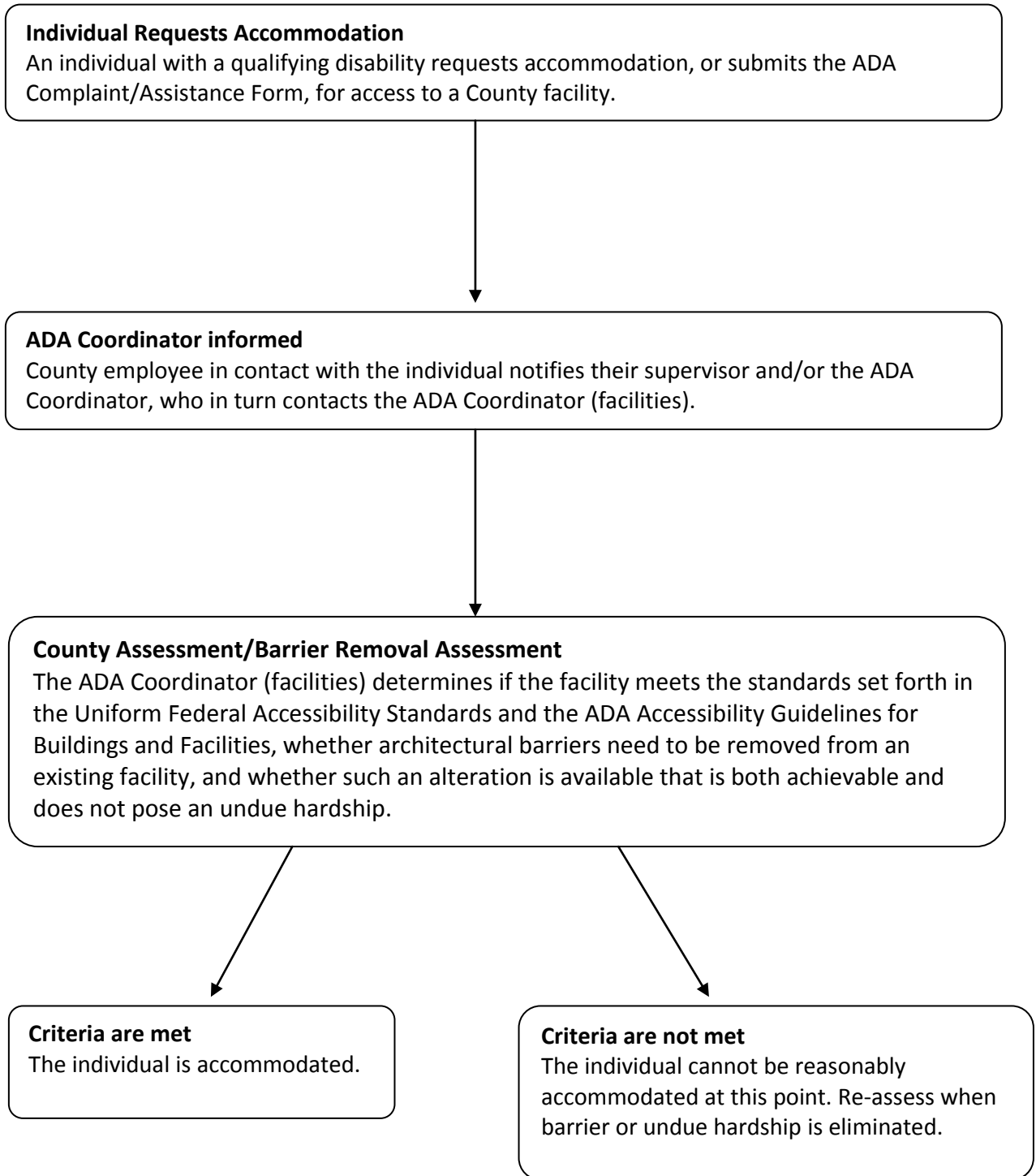
Employment – Request for Accommodation Flowchart



Program Accessibility – Request for Accommodation Flowchart



Structure Accessibility – Request for Accommodation Flowchart



Grievance Procedure Flowchart

The County of Yuba has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing the Americans with Disabilities Act and the California Fair Employment and Housing Act. Complaints regarding compliance should adhere to the following process, in compliance with the County of Yuba Employer-Employee Relations Policy:

Individual Files a Complaint

A complaint may be filed in writing, should contain at least the name and address of the person filing it and briefly describe the alleged violation of the regulations. Complainants are strongly encouraged to use the County of Yuba ADA Complaint/Assistance Form. Complaints should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation; federal law allows one hundred eighty (180) days

Yuba County Human Resources
Attn: ADA Compliance Officer
915 8th St. Suite 113
Marysville, CA 95901
(530) 749-7860

ADA Compliance Officer Conducts Investigation

The ADA Compliance Officer, or his/her designee, affording all interested persons and any representative an opportunity to submit evidence relevant to the complaint, conducts an investigation appropriate to the circumstances alleged.

ADA Compliance Officer Issues Resolution

The ADA Compliance Officer, or his/her designee, issues a written determination as to the validity of the complaint and a description of the resolution, if applicable.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

ADA Frequently Asked Questions

Q. If I have several qualified applicants for a job, does the ADA require that I hire the applicant with a disability?

A. No. You may hire the most qualified applicant. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of disability.

Q. Am I obligated to provide a reasonable accommodation for an individual if I am unaware of her physical or mental impairment?

A. No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, if a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.

Q. If I contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, am I liable under the ADA?

A. Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly. You would be required to provide a location that is readily accessible to and usable by your employee with a disability unless to do so would create an undue hardship.

Q. What are my responsibilities as an employer for making my facilities accessible?

A. As an employer, you are responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if your business is a place of public accommodation (such as a restaurant, retail store or bank) you have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures.

Q. Does the ADA cover people with AIDS?

A. Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

Q. Does the ADA require that I post a notice explaining its requirements?

A. The ADA requires that you post a notice in an accessible format to applicants, employees and members of labor organizations, describing the provisions of the Act. The EEOC will provide employers with a poster summarizing these and other Federal legal requirements for nondiscrimination. The EEOC will also provide guidance on making this information available in accessible formats for people with disabilities.

Q. How must an individual request an accommodation?

A. When an individual decides to request accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation." While an individual with a disability may request a change due to a medical condition, this request does not necessarily mean that the employer is required to provide the change. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer. In some instances, before addressing the merits of the accommodation request, the employer needs to determine if the individual's medical condition meets the ADA definition of "disability; a prerequisite for the individual to be entitled to a reasonable accommodation.

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

Q: May someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?

A. Yes, a family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. Of course, the individual with a disability may refuse to accept an accommodation that is not needed.

Q: Do requests for reasonable accommodation need to be in writing?

A. No. Requests for reasonable accommodation do not need to be in writing. Individuals may request accommodations in conversation or may use any other mode of communication. An employer may choose to write a memorandum or letter confirming the individual's request. Alternatively, an employer may ask the individual to fill out a form or submit the request in written form, but the employer cannot ignore the initial request. An employer also may request reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation.

ADA Resources

The following resources are intended to provide information about the most frequently consulted and best known sources of information regarding the ADA, persons with disabilities, and reasonable accommodations and are divided into three sections.

- Reasonable Accommodation Resources
- Finding Qualified Individuals with Disabilities
- Statewide/Federal Resources

The entities listed should be able to refer you to the other resources that offer further information on specific disabilities and/or types of reasonable accommodations as well as state and/or local affiliates.

The County of Yuba ADA Coordinator, ADA Compliance Officer and Human Resources staff are always available for assistance.

Reasonable Accommodation Resources

U.S. Equal Employment Opportunity Commission

Jurisdictional Office: San Francisco
350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260
Phone: 800-669-4000
TTY: 800-669-6820
Fax: 415-625-5609
<http://www.eeoc.gov/>

Access for All

Program on Employment and Disability
School of Industrial and Labor Relations
106 ILR Extension
Ithaca, NY 14853-3901
Phone: 607-255-7727
TTY: 607-255-2891
e-mail: ilr_ped@cornell.edu

U.S. Department of Labor Office of Disability Employment Policy

www.disabilitydirect.gov
Phone: 800-959-3652
TTY: 800-326-2577
Inquiries: 202-219-8412

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530
Phone: 800-514-0301
TTY: 800-514-0383
<http://www.usdoj.gov/crt/ada/adahom1.htm>

National Business & Disability Council

201 I.U. Willets Road
Albertson, NY 11507
Phone: 516-873-9607
516-465-1501
www.business-disability.com
www.abletowork.org
www.ncds.org

ADA Disability and Business Technical Assistance Centers

800-949-4232

Job Accommodation Network

P.O. Box 6080
Morgantown, WV 26506-6080
Phone: 800-526-7234
Phone: 304-293-7184
<http://askjan.org> or www.jan.wvu.edu

AT Network

1234 H Street, Suite 100
Sacramento, CA 95814
Phone: (916) 325-1690
TTY: (916) 325-1695
Fax: (916) 325-1699
<http://www.atnet.org>

AbleData

Assistive Technology Products
<http://www.abledata.com/>

Cornell University – ADA Tips

Phone: 607-255-2906
TTY: 607- 255-2891
Fax: 607- 255-2763
E-mail: ILR_ped@cornell.edu
<http://www.ilr.cornell.edu/edi/>

Trace Research/Development Center

Electronic Access Assistance
<http://trace.wisc.edu/about>

Finding Qualified Individuals with Disabilities**Employer Assistance Referral
Network – EARN**

Phone: 866-EARN-NOW (327-6669)
www.earnworks.com

RESNA**Technical Assistance Project**

Phone: 703-524-6686
TTY: 703-524-6649
www.resna.org

RISKON

15 Central Avenue
Tenafly, NJ 07670
Phone: 201-568-7750
Fax: 201-568-5830
www.riskon.com

Statewide/Federal Resources

The **Department of Fair Employment and Housing** does not accept complaints filed for investigation by mail. To file a complaint please call one of the toll free numbers below.

Phone - Employment: 1-800-884-1684

Phone - Housing: 1-800-233-3212

TTY: 1-800-700-2320

Fax - Employment: 916-478-7320

Fax - Housing: 1-510-622-2956

<http://www.dfeh.ca.gov/DFEH>

California Department of Rehabilitation

Mailing Address:

P.O. Box 944222

Sacramento, CA 94244-2220

Physical Address:

721 Capitol Mall

Sacramento, CA 95814

Phone: 916-324-1313

TTY: 916-558-5807

externalaffairs@dor.ca.gov

<http://www.dor.ca.gov/ada/>

Pacific Disability and Business

Technical Assistance Center (DBTAC)

555 12th Street, Suite 1030

Oakland, CA 94607-4046

Phone/TTY: 800-949-4232

Fax: 510.285.5614

<http://www.adapacific.org>

Disability 101 – California

<http://www.disabilitybenefits101.org/>

**Disability Rights Education
and Defense Fund (DREDF)**

2212 Sixth Street

Berkeley, CA 94710

Phone/TTY: 800-348-4232

Fax: 510-841-8645

info@dredf.org

www.dredf.org

**Disability Rights - California
Sacramento Regional Office**

100 Howe Ave., Suite 235-N

Sacramento, CA 95825

Phone: 916-488-9950

Fax: 916-488-9960

info@disabilityrightsca.org

<http://www.disabilityrightsca.org>

Yuba County Human Resources

Attn: ADA Compliance Officer

915 8th St. Suite 113

Marysville, CA 95901

(530) 749-7860



ADA Complaint/Assistance Procedure

Complaints and requests for accommodations should be addressed to the ADA Compliance Officer, who has been designated to coordinate ADA compliance efforts. Please complete the appropriate ADA Form as detailed below and mail to or submit at the address below.

Request for Reasonable Accommodation in Employment Examination Process form – to request an accommodation in the employment application process.

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Jurisdictional Office: San Francisco
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Suite 500
San Francisco, CA 94105-1260

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530

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(530) 749-7860