



AMERICANS WITH DISABILITIES – PUBLIC ACCOMMODATIONS

Policy #1-50

Effective Date: 06/06/19

ADMINISTRATIVE POLICY

Chapter 1 – General Administration

Orig/Rev Date: 06/06/19

Statement of Policy

This policy is intended to ensure that the County’s public accommodations practices comply with the requirements of the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendment Act of 2008, and related Oregon law (collectively referred to as “the ADA”).

Applicability

This policy applies to all departments in Jackson County, all County employees, Elected Officials, County volunteers, and the general public. All services, programs, and activities of Jackson County are covered by the ADA. The County’s policy with respect to hiring and employment-related ADA accommodations are covered in Policy #5-47h. This policy is not intended to be comprehensive; if you have any questions regarding how to respond to a person’s disability or apparent disability, contact the ADA Coordinator in the Human Resources Office.

Definition

Accommodation: Any change, adjustment, modification, auxiliary aid, or service that permits a qualified individual with a disability to participate in a program, service, or activity offered by Jackson County.

In General

Jackson County will provide accommodations to qualified individuals with disabilities to allow accessibility and participation in all County services, programs, and activities on an equal basis. An accommodation will be provided if: (1) it does not impose an undue financial or administrative burden; and (2) it does not fundamentally alter the nature of the program, service, or activity.

Public Accommodation Requests

A person requesting an accommodation or auxiliary aid or service in order to participate in a County program, service, or activity should make such requests at least 48 hours in advance of the scheduled event to the Human Resources Office, or to the Supervisor or Program Manager of the department where the accommodation will be used. Requested accommodations will be provided in a manner that is as timely and cost-effective as possible. Whenever possible, requests for accommodation to provide accessibility and participation in County services, programs, and activities will be arranged informally.

Requests should be made in writing. However, if the person making the request is not able to submit the request in writing, other forms are acceptable upon notification in person to the Human

Resources Office, or by telephone at (541) 774-6036, or by TTY/TDD at 711 or (800) 735-2900. In all cases, the person receiving the request must obtain the requestor's name, date of the request, and a brief description of the desired accommodation. The ADA Coordinator will be notified of all requests for accommodation and the resolution for documentation purposes.

Once a request has been received, the employee or volunteer who receives the request should grant it as soon as practicable if doing so would not impose an undue financial or administrative burden or would not alter the nature of the program, service, or activity. If the requested accommodation cannot be provided by the employee or volunteer that receives the request, the employee or volunteer should discuss the request as soon as possible with a supervisor or program manager.

Requests that cannot be granted by a Supervisor or Program Manager will be forwarded to the Department Director or designee for resolution. The Department Director will review the matter with the ADA Coordinator before making a final decision. In considering a requested accommodation, priority should be given to the particular request and alternative accommodations should only be considered if the particular request would result in an undue burden or would fundamentally alter the program, service, or activity. When alternative accommodations are considered, such accommodations should provide the individual with an equal opportunity to participate in County programs to the extent possible. Jackson County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Jackson County's programs, services, and activities. The Department Director has the authority to make reasonable accommodations within their department and/or work site. When the Department Director is denying a requested accommodation, the determination should be accompanied by a written statement detailing the reasons for denying the request. If a person wishes to challenge the decision of the Department Director, they may use the grievance procedure set forth below.

The ADA Coordinator will maintain the files and records of Jackson County relating to all requests for accommodation and complaints filed as a result of the ADA.

Service Animals

A "service animal" is defined as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this policy. When it is not obvious that a dog is a service animal, County employees may ask only two questions: (1) is the dog a service animal required because of a disability?; and (2) what work or task has the dog been trained to perform?. If the dog is not required because of a disability or if the dog has not been trained to perform any work or tasks, the dog is not considered a service animal under this policy.

If a service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, the animal may be excluded from County buildings. A service animal may also be excluded if it behaves in a way that poses a direct threat to the health or safety of others, or has a history of such behavior. The service animal's handler is also responsible for all costs to repair any damage caused by the service animal.

Animals are prohibited from all County buildings with the exception of service animals (in accordance with applicable laws and subject to the limitations of this policy), police dogs, search and rescue animals, passenger animals at the Airport, animals for authorized events at the Expo, and animals located at the County's Animal Shelter.

If a person wishes to challenge the exclusion of an animal from County buildings, they may use the grievance procedure set forth below.

Grievance Procedure

1. To receive consideration, appeals and/or complaints must be filed in writing within 30 days of the alleged violation and sent to the ADA Coordinator, Jackson County Human Resources Office, 10 South Oakdale, Room 200, Medford OR 97501. The appeal or complaint should be filed in writing; however, if the complainant cannot submit the appeal and/or complaint in writing, other forms would be acceptable. The information must contain the name and address of the complainant, a brief description of the problem or alleged violation, and a description of the desired accommodation or recommendation for resolution of the complaint.
2. An investigation, if appropriate, will be conducted by the ADA Coordinator or their designee. The investigation will be informal but thorough and will afford all interested persons and their representatives an opportunity to submit evidence relevant to the complaint.
3. No later than 30 calendar days after a complaint is received, a written determination as to the validity of the complaint and description of the resolution, if any, will be issued by the ADA Coordinator and forwarded to the complainant and affected Department Director.
4. The complainant can request a reconsideration of the ADA Coordinator's decision if the complaint is not resolved to their satisfaction. The request for reconsideration should be made in writing, within 15 calendar days of issuance of the determination, to the County Administrator, Jackson County, 10 South Oakdale, Room 214, Medford, OR 97501. If the complainant cannot submit the request for reconsideration in writing, other forms would be acceptable.
5. The County Administrator will review the complaint and description of the resolution by the ADA Coordinator. Further investigations may be conducted which may allow an opportunity for the complainant to submit additional evidence. The County Administrator's decision will be the final determination on the resolution of the complaint. The final determination will be issued in writing by the County Administrator and forwarded to the complainant and affected Department Director within 15 calendar days of the receipt of the request for reconsideration.

The right to a prompt and equitable resolution of problems will not be impaired by a person's pursuit of other remedies such as a filing of an ADA complaint with the responsible federal department or agency. Use of the County's request for accommodation and grievance process is not a prerequisite to the pursuit of other remedies.

This policy and process will be construed to protect the substantive rights of interested persons to meet appropriate due process standards for accessing public services.

Effect of Changes to Laws Applicable to this Policy

This policy, and the procedures adopted to implement this policy, is intended to be in compliance with any and all applicable laws at the time of the adoption of this policy. If applicable laws change, and this policy has not been amended to reflect the impact of such changes, the County shall amend its procedures and the application of this policy to reflect the current state of the law, even

if an amendment to this policy to reflect those changes has not been formally adopted by the County.

Compliance

Failure to comply with any provisions of this policy may lead to discipline up to and including termination.

/s/ Danny Jordan
Danny Jordan
County Administrator

Board Approved: June 6, 2019