



# BENTON COUNTY

## AMERICANS WITH DISABILITIES ACT (ADA) POLICY and ACCOMMODATION REQUEST/GRIEVANCE PROCEDURE

April 2024

### I. Policy

In accordance with the requirements of the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA) and applicable 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, activities, or be subjected to discrimination.

### II. Responsibilities

#### ADA COORDINATOR

The Benton County Human Resources (HR) Manager has been designated as Benton County's ADA Coordinator. The HR Manager is located in the Benton County Human Resources Department in the Benton County Administration Building on the Justice Center campus, 7122 W Okanogan Place, Building E, Suite E301, Kennewick, WA, 99336, and can be reached by calling (509)737-2777 or by email at [hr@co.benton.wa.us](mailto:hr@co.benton.wa.us).

#### 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, ADAAA, and state law. Disability discrimination is also prohibited under Benton County's Policy Against Discrimination and Harassment and Reporting Procedures.

#### MODIFICATIONS TO PROGRAMS, POLICES, 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.

#### SERVICE ANIMALS

It is Benton County's policy that service animals that are individually trained to assist a person with a disability are permitted in county facilities and programs in accordance with the ADA, the ADAAA, and applicable state laws.

#### EQUALLY EFFECTIVE COMMUNICATION

Benton County provides appropriate aids and services at no charge 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.

#### AUXILIARY AIDS AND SERVICES AND OTHER ACCOMMODATIONS

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

### III. Accommodation Request Procedure

#### 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 seeking accommodation is to contact their Elected Official/Department Head or request assistance from the HR Department.

#### COURTROOM ACCOMMODATIONS: FOR PARTIES, WITNESSES, AND/OR JURIES (INCLUDING REQUESTS FOR INTERPRETERS)

For District Court courtroom accommodations, the judge for the particular court proceeding will make the accommodation decisions. Parties and witnesses are to make these requests in open court, for decision by the judge.

For Superior Court courtroom accommodations, 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 courtroom accommodations are also available at the Court Administrator's office and the District Court and Superior Court websites at [Courts and Judicial Services - Benton County WA](#)

#### NON-COURTROOM RELATED REQUESTS FOR 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 using the following procedure:

1. Requests for accommodation can be made verbally or in writing to the ADA Coordinator, or by completing the Request for Reasonable Accommodation Form. The form is available on the Benton County website ([www.bentoncountywa.gov](http://www.bentoncountywa.gov)), through the ADA Coordinator, and/or the County Department/Office in which the person is requesting an accommodation.
  - a. The request shall be submitted to the ADA Coordinator as soon as possible but no later than 48 hours before a scheduled event. Reasonable efforts will be made to review and consider requests received less than 48 hours before a scheduled event, but time may not be sufficient for an accommodation to be granted.
  - b. Verification of the disability by the requestor's healthcare provider may be required.
  - c. 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 providing technical assistance.
2. For verbal or written requests for accommodation, please include the following information:
  - a. Name, address, email address, and telephone number of the person requesting accommodation.
  - b. The specific limitations and the type of accommodation requested, with an explanation of how the accommodation will assist in the application/hiring process or the participation in a service, program, or activity.

3. The ADA Coordinator will review the completed Request for Reasonable Accommodation Form and notify the requestor of the decision to approve or deny the request in writing by email or mail or in any other form requested in writing by the requestor.
  - a. The Notice of Decision on Accommodation will indicate the type of accommodation, if any, that was approved and who to contact to receive the accommodation.
  - b. If the request for accommodation was not approved, the Notice of Decision will explain why and the appeal process.
    - i. The requestor or someone on their behalf must submit an appeal to the ADA Coordinator in writing. Appeals must be received by the ADA Coordinator within 10 business days of the emailing or mailing of the denial.
    - ii. If a timely appeal is received, the ADA Coordinator will contact the requestor within five business days of receipt of the appeal to discuss the decision and any possible alternative accommodations. The ADA Coordinator will notify the requestor in writing by email or mail to the requestor, within 10 business days of the receipt of the appeal, indicating the ADA Coordinator's final decision.

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.

#### IV. Grievance Procedure

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

The Benton County Policy Against Discrimination and Harassment and Reporting Procedures 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 within 10 business days after the complainant becomes aware of the alleged violation.
  - a. Complaints shall be made verbally or in writing to the ADA Coordinator or their designee. Complaints must include the name and address of the person making the complaint and briefly describing the alleged violation.
2. An investigation will follow the filing of the complaint, when appropriate and necessary as determined by the ADA Coordinator, who will conduct the investigation in coordination with the Elected Official/Department Head and/or their designee.
3. The ADA Coordinator will issue a written evaluation as to the validity and resolution of the complaint and forward a copy to the complainant within 30 business days of receipt of the complaint.
  - a. This time period may be extended by the ADA Coordinator as necessary to ensure adequate investigation of the complaint.
4. The complainant may request reconsideration of the matter if dissatisfied with the resolution. The request for reconsideration shall be made to the Board of Benton County Commissioners within 10 business days of the date of mailing of the written evaluation of the complaint by the ADA Coordinator.

- a. The Board of Benton County Commissioners or their designee will respond in writing with a final decision on the complaint within 15 business days from the receipt of the request for reconsideration.
5. Prompt and equitable resolution of a complaint filed hereunder is not impaired by the person's pursuit of other remedies, such as filing of an ADA complaint with the responsible federal or state department or agency.
6. The ADA Coordinator maintains the files and records of Benton County relating to all ADA complaints that are filed in accordance with this Grievance Procedure.

Forms and related documents are available on the Benton County website ([www.bentoncountywa.gov](http://www.bentoncountywa.gov)) in two formats – Adobe (PDF) and Microsoft Word (Doc). Both formats allow the requestor to download the form and type the information or print the forms and complete the hard copy. The ADA Coordinator is available to assist the requestor with the process as needed.

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Approved and accepted by the undersigned Benton County Elected Officials:

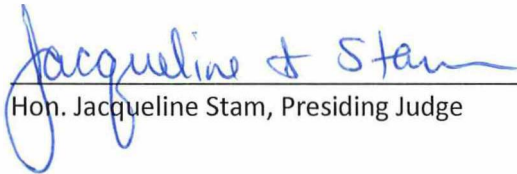
**BENTON COUNTY  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Chair Pro Tem

  
\_\_\_\_\_  
Commissioner

**SUPERIOR COURT**

  
\_\_\_\_\_  
Hon. Jacqueline Stam, Presiding Judge

**DISTRICT COURT**

  
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Hon. Dan Kathren, Presiding Judge

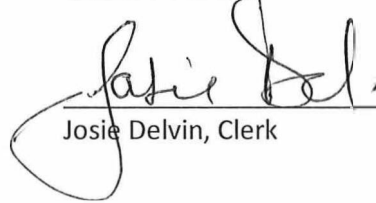
**ASSESSOR'S OFFICE**

  
\_\_\_\_\_  
Bill Spencer, Assessor

**AUDITOR'S OFFICE**

  
\_\_\_\_\_  
Brenda Chilton, Auditor

**CLERK'S OFFICE**

  
\_\_\_\_\_  
Josie Delvin, Clerk

**CORONER'S OFFICE**

  
\_\_\_\_\_  
William Leach, Coroner

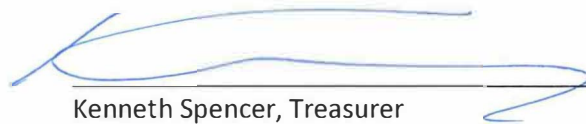
**PROSECUTING ATTORNEY'S OFFICE**

  
\_\_\_\_\_  
Eric Eisinger, Prosecuting Attorney

**SHERIFF'S OFFICE**

  
\_\_\_\_\_  
Tom Croskrey, Sheriff

**TREASURER'S OFFICE**

  
\_\_\_\_\_  
Kenneth Spencer, Treasurer

Approved as to Form:

  
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Ryan Brown, Chief Deputy Prosecuting Attorney