

The Washoe County Guide to the

AMERICANS WITH DISABILITIES ACT



Washoe County Department of Human Resources
Dedicated to Excellence in Public Service

▷ The Purpose of this Guide

Washoe County is committed to equal employment opportunity and accessibility for individuals with disabilities and has created this guide to provide an overview of the Americans with Disabilities Act (ADA), to answer frequently asked questions, to explain the processes in place at Washoe County for handling requests for program, facility, and employment accessibility, and to provide the user with a list of additional ADA resources.

▷ What is the ADA?

The ADA is federal legislation that provides civil rights protections 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.

▷ Who Must Adhere to the ADA?

- State and local government agencies, other public entities, transportation providers, and schools.
- Private businesses with 15 or more employees.
- Any business owner that operates for the benefit of the public.
- Anyone building, designing, or remodeling construction projects.
- Employment Agencies.
- Labor organizations and labor-management committees.

▷ Who is Covered Under the ADA?

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

- (1) Who has a physical or mental impairment that substantially limits the person in the ability to perform a major life activity. Major life activities include self-care, performance of manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and other similar activities; or
- (2) Who has a record of physical or mental impairment as certified by a medical expert; or
- (3) Who is regarded as having an impairment, whether they have an impairment or not.

29 Code of Federal Regulations 1630.2

ADA Basics





Equal Access

▶ **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 desires. Generally, covered employers must provide a reasonable accommodation to a qualified individual with a disability unless the provision of the accommodation would create an undue hardship on the employer.

A reasonable accommodation is any change or adjustment to a job 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.

Persons who think they have been discriminated against with regard to the employment process or with regard to any term, condition or privilege of employment because they are disabled may file a complaint with the Washoe County Department of Human Resources, the Nevada Equal Rights Commission, or the Equal Employment Opportunity Commission.

▶ **Public Services (Title II of the ADA) –**

Also known as Program Accessibility, Title II of the ADA became effective January 26, 1992, and 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.

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, 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)–

Also known as Facility Accessibility, Title III requires that all newly constructed or altered facilities be readily accessible and usable by individuals with disabilities. Public accommodations include a wide range of non-governmental facilities including restaurants, hotels, theaters, doctors' and lawyers' offices, pharmacies, retail stores, parks, libraries, schools, and day care centers. 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 by the public accommodation, or where installation of the modification is not readily achievable.

▷ Washoe County ADA Compliance Steps

What has Washoe County done to ensure compliance with the ADA?

Upon the implementation of the ADA, Washoe County took immediate steps to comply with the ADA, and regularly reviews, maintains, and updates facilities, programs and processes to ensure its continued compliance. Washoe County's ADA Oversight and Compliance Committee meets to discuss accessibility issues, to develop and update lists of auxiliary aids which can help disabled individuals access County programs and facilities. All County departments have designated an employee who serves on the Committee and who is responsible for coordinating ADA issues within their department. The Washoe County Public Works Department also performs reviews of all new and remodeled facilities for accessibility compliance. Finally, Washoe County Department of Human Resources contracts with an ADA consultant to provide technical assistance and expertise, and to conduct systematic reviews of all programs, services, and existing facilities.

GLOSSARY*



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 desires.

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

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

Undue Hardship - An action requiring significant difficulty or expense, or a change in the operation of the program(s).

▶ **Washoe County ADA Compliance Steps (Continued)**
What has Washoe County done to ensure compliance with the ADA?

Washoe County has adopted a grievance process, performs self-evaluations, has created an outline of a transition plan for structural and non-structural changes, a public notice that the County does not discriminate on the basis of disability, and an appropriate non-discrimination statement on all recruitment materials or publications for program participants, beneficiaries, applicants and employees.

▶ **Requesting an Accommodation and Filing a Complaint**

While the ADA does not provide special treatment, entitlements, money, or benefits to individuals with disabilities, the ADA does provide equal access to employment, government programs, services, activities, and facilities. If you are a member of the public, a current employee, or a prospective employee who is disabled and would like to request an accommodation to access employment, programs, or services, you may complete a "Request for Reasonable Accommodations to Perform Essential Job Functions" form which is available on the Department of Human Resources website. All accommodation requests are analyzed on a case-by-case basis. The flowcharts printed herein provide a visual depiction of the relevant accommodation processes.

Applicants to, or employees of, Washoe County may file a complaint in writing with the County against any action, procedure or practice which they believe to be discriminatory in recruitment, examination, appointment, training, promotion, retention or any other term condition, or privilege of employment by requesting and completing a Washoe County Discrimination and Harassment Complaint Form. They may also file a complaint with the Nevada Equal Rights Commission or the Equal Employment Opportunity Commission.



This statement may be used by any County department and can be tailored to fit any activity. Simply insert the department's name and the department's ADA representative's phone number:

Washoe County does not discriminate on the basis of disability and provides equal access to the disabled with regard to employment, programs, services, activities, and facilities and provides auxiliary aids to assure such access. Persons with disabilities who require special accommodations or assistance should notify the relevant County Department ADA representative, the Department of Human Resources at 328-2081, or the Public Works Department at 328-2040.



ADA Reasonable Accommodations to Perform

(To be completed by the employee who is requesting an accommodation.
Contact your supervisor or Human Resources if you have questions or need assistance)

Name (Please print)

Department or Division

Job Title

Date of Request

I hereby request a reasonable accommodation that will enable me to perform the duties of the job title listed above.

Signature

Describe below how your disability limits you in performing certain essential functions of your job.

Describe what accommodation you are requesting that will enable you to perform the essential functions of your job. If you are aware of a particular piece of equipment, device or a change in your work environment that will allow you to perform the essential functions of your job, please describe as specifically as possible below.

THIS SECTION TO BE COMPLETED BY DEPARTMENT

(Contact Human Resources if you have questions or need assistance)

I have investigated the employee's request for a reasonable accommodation and estimate the approximate cost to be: \$ _____
If you have discovered that there are other reasonable accommodations that can be made that are preferable to the one suggested by the employee, describe below.

\$ Approximate cost

I have discussed the request with the employee and we have agreed that the following reasonable accommodation will be made:

I have discussed the request with the employee and no reasonable accommodation can be made which will not pose an undue hardship to Washoe County for the following reason(s):

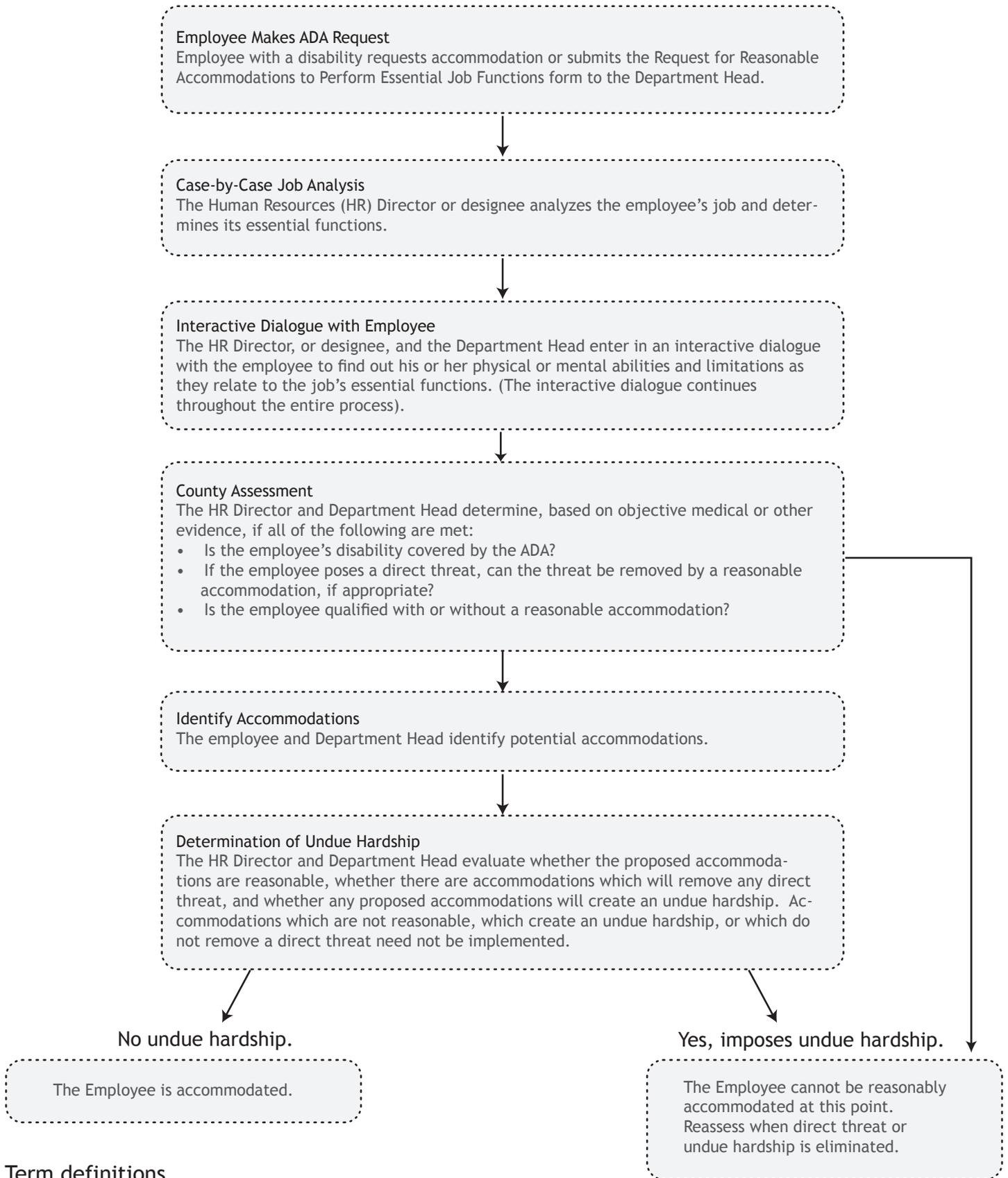
Supervisor's Name

Date

Supervisor's Job Title

Revised July 2006

▶ Employment Accessibility Flowchart

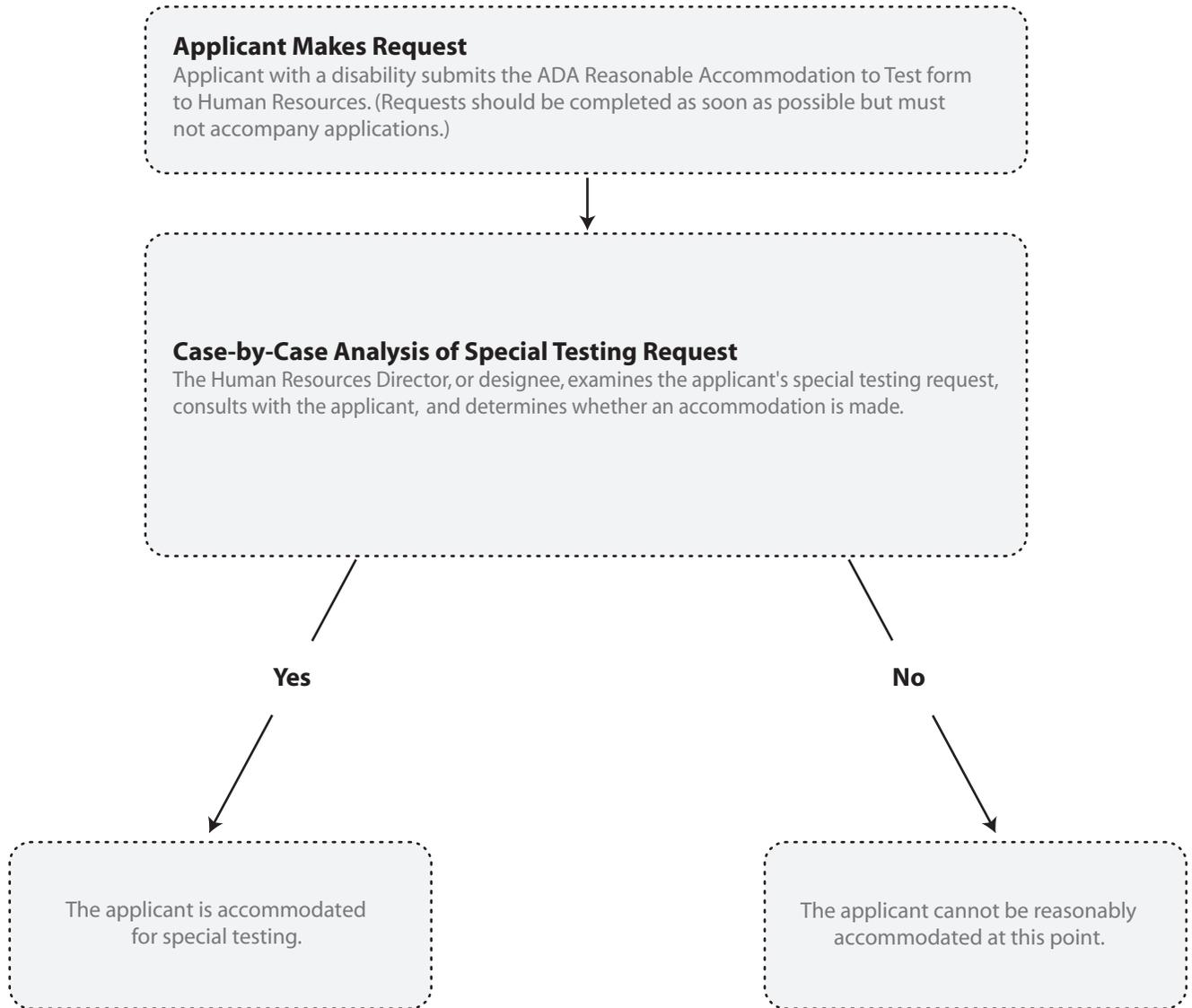


Term definitions

Undue Hardship - Require significant difficulty or expense, or change in the operation of its programs.

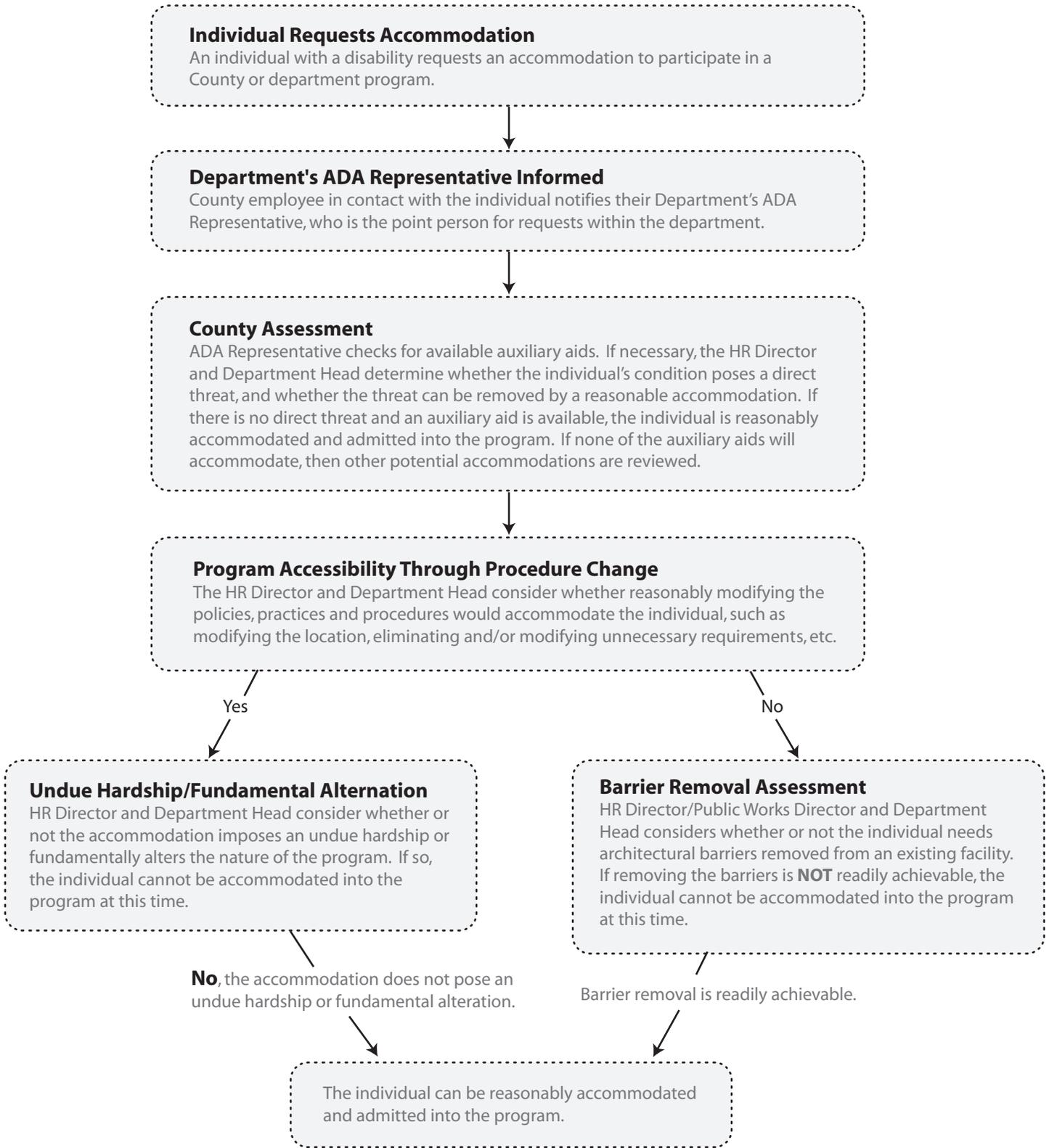
Direct Threat - The individual's condition will pose or does pose a significant risk of substantial harm to the health or safety of the individual or others, and there are no reasonable means of removing the threat.

▶ Special testing Flowchart



Once the applicant passes the testing process and is asked to interview, he or she may request further accommodation from the Department prior to the interview.

▶ Program Accessibility Flowchart



Term definitions

Direct Threat - The individual's condition will pose 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.

Fundamental Alteration - Requires significant change to the original intent of the program or services.

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

Undue Hardship- Require significant difficulty or expense, or change in the operation of its programs.

*ADA Booklet from the Equal Employment Opportunity Commission and the Department of Justice.



Grievance Procedure Flowchart for Program Accessibility

Washoe County 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 Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in services, programs or activities sponsored by a public entity. Complaints regarding public accessibility to programs, excluding employment, should adhere to the following process:

Individual Files A Complaint

A complaint may be filed verbally or in writing, should state the name and address of the complainant, and describe the service, program or activity from which the complainant was excluded by reason of their disability. Complaints should be submitted within 180 calendar days from the date of the occurrence.

For Programs and Services Accessibility - HR Director, 328-2089

For Facility Accessibility - Director of Public Works, 328-2040

Physical address: 1001 E. Ninth Street. Mailing address: P.O. Box 11130 Reno, NV 89520



HR Director Conducts Investigation

The HR Director or their 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.



HR Director Issues Resolution

The HR Director or their designee issues a written determination as to the validity of the complaint and a description of the resolution, if any, within 30 calendar days from the date the complaint was filed, subject to any agreed upon extensions.

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 Resources List

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 the following three sections:

- 1) Reasonable Accommodation Resources, 2) Finding Qualified Individuals with Disabilities, and 3) Statewide Resources

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

The Washoe County ADA Coordinators are always available for assistance.

For Programs and Services Access - HR Director, 328-2089, email-humanresources@washoecounty.us

For Facilities Access - Public Works Director, 328-2040, email - publicworks@washoecounty.us

The mailing address is P.O. Box 11130 and the physical address is 1001 E. Ninth Street Reno, NV 89520.

▶ Reasonable Accommodation Resources

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1801 L Street, N.W.
Washington, D.C. 20507
Phone: 1-800-669-4000 or (202) 663-4900
TTY: 1-800-669-6820 or (202) 663-4494
<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
Voice 607.255.7727
TTY 607.255.2891
email- ilr_ped@cornell.edu

U.S. DEPARTMENT OF JUSTICE

950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYAV
Washington, D.C. 20530
Phone: 800-514-0301 or (202) 514-2226
TTY: 800-514-0383
<http://www.usdoj.gov/crt/ada/adahom1.htm>

NATIONAL BUSINESS & DISABILITY COUNCIL

provides full range of services to assist businesses successfully integrate people with disabilities into the workplace:
201 I.U. Willets Road
Albertson, NY 11507
(516) 873-9607
(516) 465-1501
www.business-disability.com
www.abletowork.org
www.ncds.org

ADA DISABILITY AND BUSINESS TECHNICAL ASSISTANCE CENTERS

(DBTACs) - 10 federally funded regional centers to provide assistance on all aspects of the ADA
(800) 949-4232

U.S. DEPARTMENT OF LABOR - OFFICE OF DISABILITY EMPLOYMENT POLICY

Website provides one-stop access to resources, services, and information available throughout the federal government and resources for employers.
www.disabilitydirect.gov
(800) 959-3652 (for written materials - voice)
(800) 326-2577 (for written materials - TT)
(202) 219-8412 (to ask questions)

▶ Finding Qualified Individuals With Disabilities

EMPLOYER ASSISTANCE REFERRAL NETWORK - (EARN)

a national toll-free telephone and electronic information referral service, to assist employers in locating and recruiting qualified workers with disabilities. It is a service of the Office of Disability Employment:
1-866-EARN NOW (327-6669)
www.earnworks.com

JOB ACCOMMODATION NETWORK (JAN)

provides lists based on specific disabilities as well as links to various other accommodation providers.
PO Box 6080
Morgantown, WV 26506-6080
(800) 526-7234
(304) 293-7184
www.jan.wvu.edu

RESNA

TECHNICAL ASSISTANCE PROJECT

can refer individuals to projects offering technical assistance on technology-related services for individuals with disabilities
(703) 524-6686 (voice)
(703) 524-6649 (TT)
www.resna.org

RISKON

executive recruitment firm committed to helping people with disabilities find jobs:
15 Central Avenue
Tenafly, NJ 07670
(201) 568-7750
(201) 568-5830 (fax)
www.riskon.com



Statewide Resources

NEVADA EQUAL RIGHTS COMMISSION(NERC)

1325 Corporate Boulevard
Reno, NV 89502
Phone (775) 688-1288
Fax (775) 688-1292
TDD (775) 688-1288
http://detr.state.nv.us/nerc/NERC_index.htm

NEVADA DEPARTMENT OF EMPLOYMENT, TRAINING & REHABILITATION (state agency)

website has extensive information for employers
500 East Third Street
Carson City, NV 89713
(775) 684-3849
detr.state.nv.us

NEVADA DISABILITY ADVOCACY LEGAL COUNSEL

a private, non-profit organization serving as Nevada's federally mandated protection and advocacy system for individuals with disabilities. (Offices in Sparks and Las Vegas)
1311 N McCarran Blvd Ste 106
Sparks, NV 89431
775-4333-7878
www.ndalc.org
email- reno@ndalc.org

NEVADA JOB CONNECT (state agency)

connects employers with job seekers
Reno Town Mall
4001 South Virginia, Suite H
Reno, NV 89502
(775) 834-1970
www.nevadajobconnect.com

NORTHERN NEVADA CENTER FOR INDEPENDENT LIVING

non-profit disability advocacy group that, among other things, provides education and technical assistance to businesses
999 Pyramid Way
Sparks, NV 89431
(775) 353-3599

PACIFIC DBTAC (Region 9)

California Public Health Institute
2168 Shattuck Avenue, Suite 301
Berkeley, CA 94704-1307
(510) 848-2980 (V)
(510) 848-1840 (TT)
(510) 848-1981 (fax)
www.pacdbtac.org



This guide is intended to provide a broad description of the rights and duties of employees, employers, the public, and Washoe County under the ADA and Nevada State law.
Nothing herein conveys, or should be construed to convey, contract, civil or any other rights or duties beyond those required by the ADA and Nevada State law.

Washoe County Department of Human Resources
Dedicated to Excellence in Public Service

P.O. Box 11130
1001 E. Ninth St.
Reno, NV 89520-0027
www.washoecounty.us

Washoe County is an equal opportunity employer. The Americans with Disabilities Act (ADA) provides that state and local government provide to people with disabilities equal opportunity to benefit from State and local government programs, services, or activities. If you need assistance in accessing Washoe County programs, services or activities, please contact the ADA representative, or Human Resources Director (328-2081).