



POLICY NO. 2017-02
POLICY AND PROCEDURE – AMERICANS WITH DISABILITIES

Date Approved: April 17, 2017 Resolution No. 2017-16

POLICIES FOR AMERICANS WITH DISABILITIES

1. PERSONS AFFECTED:

City of Zillah (“City”) adopts Policies for Americans with Disabilities which shall be applicable to any and all municipal projects, facilities, programs and functions. It is City’s intent policy and practice that facilities, programs, services and activities are accessible to members of the public including qualified individuals with disabilities.

2. PURPOSE:

The purpose of these **Americans with Disabilities Act (ADA)** is to provide comprehensive protections to Policies for persons with disabilities in the areas of employment, state and local government services, telecommunications, transportation, access to public accommodations, and to provide the community with improved and enhanced economic and quality of life.

3. BACKGROUND:

The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation establishes that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA is divided into five parts, covering the following areas:

Title I: EMPLOYMENT

Under this title, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

Title II: PUBLIC SERVICES

This title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination regulations of the ADA. These regulations establish that each public entity must examine activities and services, identify problems or physical barriers that may limit accessibility by the disabled, and describe potential compliance solutions. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA further requires that a transition plan be prepared to describe any structural or physical changes required to make programs accessible. The City of Zillah, WA ADA Transition Plan is a companion to the

documents that comprise the self-evaluation portions of the report and can be reviewed in the report appendixes. City of Zillah has evaluated and will continue to evaluate policies and procedures to identify and meet obligations under the ADA. The goal shall be to effectuate the nondiscrimination policies of Title II. Program accessibility must be available not only to members of the public but also to staff participating in programs of the City.

Title III: PUBLIC ACCOMMODATIONS

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term “public accommodation” is intended to refer to any privately funded and operated facility serving the public.

Title IV: TELECOMMUNICATIONS

Title VI establishes guidelines and regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

Title V: MISCELLANEOUS PROVISIONS

Title V contains several miscellaneous regulations, including construction standards and practices, provisions for attorney’s fees, and technical assistance provisions.

4. POLICY:

The following policies and/or procedures of the City of Zillah shall be and are hereby adopted to establish and recognize comprehensive protections for persons with disabilities in the areas of employment, local government services, telecommunications, transportation, access to public accommodations, and to provide the community with improved and enhanced economic and quality of life:

- A. ADA / 504 Policy
- B. ADA / 504 Grievance Procedures
- C. Reasonable Modification Policy
- D. Eligibility and Safety Requirements Assurance
- E. Surcharges Prohibition Policy
- F. Integrated Services Policy
- G. Significant Assistance Policy
- H. Contracted Service Provider Policy
- I. Access to Parks and Recreation Areas by Disabled Persons
- J. Departments Community Outreach Programs
- K. City of Zillah, WA
 - i. Multiple Hazard Mitigation Plan
- L. Policy for Requesting Auxiliary Aids and Services
- M. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way
- N. Zillah Municipal Court- ADA Accommodation Policy
- O. Service Animals for People with Disabilities Policy

A. ADA / SECTION 504 POLICY

It is the policy of the City of Zillah to comply with all applicable Federal and State laws, including the ADA and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against otherwise qualified individuals in any program or activity receiving Federal financial assistance. This procedure is established to provide a prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. The Law and Regulations may be examined in the City Administrator office at City Hall. City Administrator is designated as city official responsible for coordination and compliance with Section 504 requirements.

B. CITY GRIEVANCE PROCEDURE

City has established internal grievance procedure providing for the prompt resolution of complaints alleging any violation of the Washington State Law Against Discrimination (RCW 49.60 or as it may be amended), Section 504 of the Rehabilitation Act of 1973 (Section 504), and/or Title II of the Americans with Disabilities Act of 1990 (ADA). Washington State Law Against Discrimination, Section 504, and Title II prohibit discrimination on the basis of disability.

Purpose:

This Grievance Procedure is established pursuant to the Americans with Disabilities Act of 1990 (ADA). The procedure is available to anyone that wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and/or benefits by the City.

Scope:

This procedure is intended to address complaints to the extent reasonable and practicable in an efficient, discreet and direct manner.

How to File a Complaint:

Complaints should be submitted and filed with the City Administrator (ADA Coordinator) or his/her designee. Assistance may be requested from the ADA Coordinator regarding submission, filing and/or processing of any complaint.

1. A complaint must be filed in writing or on audiotape, contain the name and address of the filing person, describe in sufficient detail the alleged discriminatory act or condition, set forth the date and location of the action, and identify both the responsible person and persons with knowledge regarding the complaint. The complaint shall also set forth suggested resolutions.
2. A complaint shall be filed within a reasonable time period, but no later than sixty (60) days, after the complainant becomes aware of the alleged discrimination. The complainant shall informally discuss the complaint, in person, with the ADA Coordinator within fifteen (15) days of filing the complaint.

3. Unless the matter can be promptly resolved informally, an investigation will be conducted with respect to complaint allegations. The investigation shall be conducted by the ADA Coordinator or his/her designee. These rules contemplate informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. A determination as to the conclusion of the investigation and a description of the resolution, if any, shall be issued by ADA Coordinator, in writing, or if needed for effective communications, in a reasonable alternate format, such as large print, Braille or audiotape. ADA Coordinator shall issue a decision and recommendation (if applicable) within forty five (45) days. The response period may be extended upon reasonable basis or with agreement of the complainant.

5. ADA Coordinator shall maintain the files and records of the determination relating to the complaints filed for three (3) years.

6. The complainant may request a reconsideration of the decision and/or recommendation. The request for reconsideration shall identify errors or issues to be reconsidered and shall be filed with ADA Coordinator within fifteen (15) days of the date on which the decision was issued.

7. Upon receiving a request for reconsideration, the City will schedule a hearing date. The City will appoint an impartial hearing officer to hear and decide the reconsideration. Complainant shall have an opportunity to review all relevant records, to participate in the hearing and to be represented by counsel.

8. Any party may appeal the final decision of the impartial hearing officer to a court of competent jurisdiction.

9. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired. If a satisfactory resolution is not reached, the complainant may elect to file a Section 504 or Title II federal complaint or pursue other available legal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

10. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to ensure compliance with Section 504, Title II, and implementing all federal, state, and local regulations.

Complaints related to City employment practices and policies, should be submitted to:

Sharon Bounds, City Administrator
City of Zillah
P.O. Box 475
Zillah, WA 98953

(509) 829-5151 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

All other complaints should be submitted to:

ADA Coordinator- City Hall
City of Zillah
P.O. Box 475
Zillah, WA 98953
(509) 829-5151 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

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P.O. Box 475
Zillah, WA 98953
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1-800-833-6384 TTY:

ADA Coordinator- Public Works

ADA Coordinator- Fire Department
City of Zillah
P.O. Box 475
Zillah, WA 98953
(509) 829-3760 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

ADA Coordinator- Police Department
City of Zillah
P.O. Box 338
Zillah, WA 98953
(509) 829-6100 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

C. Reasonable Modification Policy

The City of Zillah may make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability or as requested by qualified person, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

Requests for reasonable modifications should be made to program staff or the ADA Coordinator and may be presented verbally or in writing. The ADA Coordinator shall respond to the request in a prompt and timely fashion—generally not more than two (2) business days.

Final decisions regarding requests for reasonable modifications, that in the opinion the ADA Coordinator may represent an undue burden or fundamental alteration, shall be made by the Mayor or his/her designee in a timely fashion and no longer than ten (10) business days.

Individuals seeking to contest a denial of a request for reasonable modification may submit a compliant and follow the Grievance Procedure established in Policy 4B.

D. Eligibility and Safety Requirements Assurance Policy

It is the policy of the City of Zillah that prohibitions or limitations on the eligibility of qualified individuals with disabilities to receive services or participate in programs shall not be allowed unless they are essential to the operation of the program or service. Eligibility requirements have been reviewed by the ADA Coordinator and program managers and updated to comply with the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decision to limit the participation of a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that the decision is based on facts, not myths or stereotype, and that all appropriate mitigating measures are taken to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

E. Surcharges Prohibition Policy

Surcharges imposed on people with disabilities for the provision of program modifications, access improvements, or communications aids, are not permissible.

It is the policy of the City of Zillah that surcharges will not be charged or assessed to persons with disabilities, their family members, or representative organizations with respect to the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation by persons with disabilities.

F. Integrated Services Policy

Services shall be provided in the most appropriate and integrated setting. It is permissible to provide separate programs, but City may provide such opportunities for persons with disabilities to participate in regular, integrated programs.

The Integrated Services Policy recognizes that services to people with disabilities are provided in the most integrated setting appropriate and that people with disabilities are not required to participate in separate programs.

It is the policy of the City of Zillah that all services, programs, and activities are provided in the most integrated setting appropriate to the needs of participants with disabilities. Persons with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet their needs are offered.

G. Significant Assistance Policy

Programs receiving significant assistance through public funds, the use of public facilities, or in-kind contributions shall not discriminate against persons with disabilities.

It is the policy of the City of Zillah that programs that receive significant assistance, either financial or in-kind from the City, shall not discriminate against persons with disabilities. ADA Coordinator shall inform organizations receiving assistance of this policy and to respond to any questions regarding its interpretation or application. ADA Coordinator shall also be responsible to investigate any complaint of discrimination, and to take appropriate action either to correct the discriminatory situation or to recommend to the Mayor or his/her designee to terminate the public assistance.

H. Contracted Service Provider Policy

If the City provides any services under contracts, shall ensure that the services are provided in compliance with the requirements of Title II of the ADA.

It is the policy of the City that services provided under contracts shall comply with the requirements of Title II of the ADA. The City/Department shall advise contracting party of compliance responsibilities and will monitor the performance of the contractor for compliance with such obligations.

I. ACCESS TO PARKS AND RECREATION AREAS BY DISABLED PERSONS

It is the desire of the City of Zillah to provide access for disabled persons to all City-sponsored activities, programs and services at Parks and Recreation sites and facilities including but not limited to: athletic fields (football, baseball, soccer, hockey, open space and recreation areas, and sporting events).

If you are attending a City-sponsored activity and require use of the HP Vehicle (Human Powered) to access the program or event, please contact the appropriate ADA Coordinator at:

ADA Coordinator- City Hall
City of Zillah
P.O. Box 475
Zillah, WA 98953
(509) 829-5151 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

ADA Coordinator- Fire Department
City of Zillah
P.O. Box 475
Zillah, WA 98953
(509) 829-3760 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

ADA Coordinator- Public Works
City of Zillah
P.O. Box 475
Zillah, WA 98953
(509) 829-5151 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

ADA Coordinator- Police Department
City of Zillah
P.O. Box 338
Zillah, WA 98953
(509) 829-6100 T:
(509) 829-5475 F:
1-800-833-6384 TTY:

Requests should be made at least five (5) business days prior to the event you wish to attend.

Requests for transportation to special programs, if provided, must go through the sponsoring department should be made directly to those listed above.

J. Departments Policy for Community Outreach Programs

It is the policy of the City of Zillah to provide program accessibility to any Community Outreach Programs provided by the City in accordance with the requirements of ADA Title II. Community Outreach Programs and Open Houses are typically scheduled at the public facilities and such facilities provide access for persons with disabilities.

On such occasions as Temporary events, the City will provide accessible toilet facilities. If permanent accessible facilities are not available at the scheduled location of the temporary event, accommodations will be made to provide for temporary accessible toilet facilities on-site. Additional accommodations will be provided as necessary or as requested, for example, portable ramps.

The City of Zillah intends to comply with the Americans with Disabilities Act of 1990 (ADA). All requests for reasonable modification of ADA policies or practices, or auxiliary aids and services should be submitted to the office of the ADA Coordinator:

ADA Coordinator- City Hall
City of Zillah
P.O. Box 475
Zillah, WA 98953
T: (509) 829-5151
F: (509) 829-5475
TTY: 1-800-833-6384

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City of Zillah
P.O. Box 338
Zillah, WA 98953
T: (509) 829-6100
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TTY: 1-800-833-6384

Note: It is recommended that this policy and Request Forms be available in alternative print formats (Braille / Large Print, available on-line, and translated into Spanish)

EMERGENCY PREPAREDNESS / EMERGENCY MITIGATION

K. CITY OF ZILLAH- Multi-Jurisdictional Hazards Mitigation Plan (MHMP)

City has adopted the 2010 Multi-Jurisdictional Hazards Mitigation Plan (MHMP). MHMP is intended to meet the requirements of the Federal Disaster Mitigation Act of 2000, which calls for communities to have an all hazards mitigation plan in place by November 1, 2004 in order to qualify for the future pre-disaster and post-disaster funding under the Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation Program and Hazard Mitigation Grant Program (HMGP). In addition, MHMP will assist the City in applying for other hazard mitigation project funding, such as FEMA's pre-disaster mitigation program, the Flood Mitigation Assistance (FMA) program, as well as other federal, state and private funding sources.

Hazard mitigation is defined as "any sustained action taken to reduce or eliminate long-term risk to life and property from natural hazards (flooding, storms, high winds, hurricanes, wildfires, earthquakes, etc.). Mitigation assists in helping to minimize damages that occur as the result of a natural disaster to structures, infrastructure, and other resources."

Based on the review of the Emergency Mitigation Plan, we submit the following recommendations for modifications to policies and procedures:

1) Though a comprehensive document, the MHMP does not adequately address the specific needs of persons with disabilities in the event of an emergency situation or evacuation condition. We recommend the City refer to the Yakima County Emergency Management (http://www.yakimacounty.us/oem/cemp03/cem_html/TOC.HTM) as a resource in developing a City guide that serves all residents as well as the disability community in the preparation of an Emergency Preparedness Plan for the City of Zillah. The guide should incorporate a visual pictogram language and also translated into Spanish.

2) It is recommend that City representatives from City Administration, Police, Fire, and Public Works Department work with representatives of the disability community and visit the FEMA website (<http://www.fema.gov/rrr/assistf.shtm>) and Washington Military Department website (http://www.emd.wa.gov/plans/washington_state_hazard_mitigation_plan.shtml) Washington State Enhanced Hazard Mitigation Plan to work towards an Emergency Preparedness Plan for providing assistance to persons with disabilities. The following is an excerpt from the FEMA website:

Assisting People with Disabilities in a Disaster

People with disabilities who are self-sufficient under normal circumstances may have to rely on the help of others in a disaster. City of Zillah will take the following steps to identify and develop reasonable assistance and plans.

- _ Do You Know Someone with a Disability?
 - People with disabilities often need more time than others to make necessary preparations in an emergency.
 - The needs of older people often are similar to those of persons with disabilities.
 - Because disaster warnings are often given by audible means such as sirens and radio announcements, people who are deaf or hard of hearing may not receive early disaster warnings and emergency instructions. Be their source of emergency information as it comes over the radio or television.
 - Some people who are blind or visually-impaired, especially older people, may be extremely reluctant to leave familiar surroundings when the request for evacuation comes from a stranger.
 - A guide dog could become confused or disoriented in a disaster. People who are blind or partially sighted may have to depend on others to lead them, as well as their dog, to safety during a disaster.
 - In most states, guide dogs will be allowed to stay in emergency shelters with owners. Check with your local emergency management officials for more information.
 - People with impaired mobility are often concerned about being dropped when being lifted or carried. Find out the proper way to transfer or move someone in a wheelchair and what exit routes from buildings are best.
 - Some people with mental retardation may be unable to understand the emergency and could become disoriented or confused about the proper way to react.
 - Many respiratory illnesses can be aggravated by stress. In an emergency, oxygen and respiratory equipment may not be readily available.
 - People with epilepsy, Parkinson's disease and other conditions often have very individualized medication regime's that cannot be interrupted without serious consequences. Some may be unable to communicate this information in an emergency.
- _ Be ready to offer assistance if disaster strikes:
 - If a disaster warning is issued, check with neighbors or coworkers who are disabled.
 - Offer assistance whenever possible.
- _ Prepare an emergency plan.
 - Work with neighbors who are disabled to prepare an emergency response plan. Identify how you will contact each other and what action will be taken.

- _ Evacuation
- _ Be able to assist if an evacuation order is issued.
 - Provide physical assistance in leaving the home/office and transferring to a vehicle.
- _ Provide transportation to a shelter. This may require a specialized vehicle designed to carry a wheelchair or other mobility equipment.
- _ Self-Help Networks
 - Self-help networks are arrangements of people who agree to assist an individual with a disability in an emergency. Discuss with the relative, friend or co-worker who has a disability what assistance he or she may need. Urge the person to keep a disaster supplies kit and suggest that you keep an extra copy of the list of special items such as medicines or special equipment that the person has prepared. Talk with the person about how to inform him or her of an oncoming disaster and see about getting a key to the person's house so you can provide assistance without delay.

L. Policy for Requesting Auxiliary Aids and Services

It is the policy of the City of Zillah to provide auxiliary aids and services in accordance with the requirements of ADA Title II, 28 CFR § 35.160 which “requires the public entity to take such steps as may be necessary to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” In accordance with the applicable regulation (as amended), the City will furnish reasonable and appropriate auxiliary aids and services upon request, when necessary to allow an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, the public entity's service, program, or activity. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will be given primary consideration.

The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication is available. Requests for auxiliary aids or services should be made in writing to the office of the appropriate ADA Coordinator using the Auxiliary Aids and Services Request Form. Unless otherwise specified, the City urges that requests be made at least fifteen (15) business days in advance of the occasion on which the communications support will be needed.

Reasonable effort will be made to respond on shorter notice. Please note that all requests for interpreter services made to the City of Zillah are then requested through the Office of the Deaf and Hard of Hearing (ODHH).

While the City will make every effort to fulfill requests for interpretive services, long lead times and frequent unavailability of certified interpreters cannot guarantee that interpretive services can be provided. Please make your request for interpretive services as far in advance as possible and please select your 2nd and 3rd preferences for auxiliary aids and services or “other” to assist the City in fulfilling your request. The person requesting the service will be notified as soon as possible if the City is unable to meet their request. In some circumstances,

an appropriate alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The Mayor will be responsible for making final decisions related to undue burden or fundamental alteration.

All requests for auxiliary aids and services should be submitted to the office of the ADA Coordinator at:

ADA Coordinator- City Hall
City of Zillah
P.O. Box 475
Zillah, WA 98953
T: (509) 829-5151
F: (509) 829-5475
TTY: 1-800-833-6384

ADA Coordinator- Fire Department
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City of Zillah
P.O. Box 338
Zillah, WA 98953
T: (509) 829-6100
F: (509) 829-5475
TTY: 1-800-833-6384

Note: It is recommended that this policy and Request Forms be available in alternative print formats (Braille / Large Print, available on-line, and translated into Spanish)

M. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

The City of Zillah adopts by reference the most recently submitted “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.” The guidelines and any future revisions can be found at <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>.

N. Zillah Municipal Court- ADA Accommodation Policy

Access to justice for all persons is a fundamental right. It is the policy of City and Zillah Municipal Court (Court) to assure that persons with disabilities have equal and meaningful access to the judicial system. These policies are made applicable to the Court by Washington Court Rules of General Application – Rule 33 (GR 33). It is the intent of the City and Court to implement this policy in a manner consistent with GR 33.

Application:

This policy shall apply to access and all proceedings of Zillah Municipal Court.

Purpose:

Consistent with GR 33, the purpose of this policy is to create a uniform process by which persons with disabilities can obtain reasonable accommodations and access to the justice system in the City of Zillah.

This policy defines who is eligible to apply for an accommodation and sets forth a process for applicants to present accommodation requests. It is the responsibility of Zillah Municipal Court to assess whether or not to grant the requested accommodation under the definitions and rules contained in GR 33 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), RCW 49.60, Washington State Law Against Discrimination, and other applicable local, state and federal laws that govern Zillah Municipal Court.

Zillah Municipal Court will consider and decide requests for accommodation based on the factors set forth in GR 33(c). A requested accommodation may be denied only if; (a) the applicant fails to satisfy the substantive requirements of the rule; (b) the Court is unable to provide the requested accommodation on the date of the proceeding and the proceeding cannot be continued without significant prejudice to a party; (c) the requested accommodation would create an undue burden for the court or fundamentally alter the nature of the court service, program or activity; or (d) the accommodation would create a direct threat to the safety or well-being of the applicant or others.

Definitions:

Accommodation means measures to make each court service, program or activity, when viewed in its entirety, readily accessible to and usable by an applicant who is a qualified person with a disability, and may include, but is not limited to:

- 1) making reasonable modifications in policies, practices and procedures.
- 2) furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, certified or qualified interpreters or readers.
- 3) as to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program or activity, when viewed in its entirety, readily accessible to and usable by a qualified person with a disability.

Applicant means any lawyer, party, witness, juror or any other individual who has a specific interest in or is participating in any proceeding before any court.

Informal accommodation request as used in this policy means those requests that are routine and common, and for which resources are readily available. An example would be a hearing assisted device.

Formal accommodation request as used in this policy means those requests that are not routine, common or readily available and as such will require the allocation of resources to acquire. An example might be a Braille or large print document reader.

Person with a disability means a person covered by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), RCW 49.60, Washington State Law Against Discrimination, or other similar applicable local, state and federal law. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such impairment or is regarded as having such impairment.

Procedural Requirements:

A. Notification

Except for informal accommodation requests, all applications for a reasonable accommodation shall be on the GR 33 approved “Request for Reasonable Accommodation” form. The form is available on the Zillah Municipal Court website or by contacting Zillah Municipal Court.

- 1) The form may be presented in writing or presented orally and reduced to writing.
- 2) If a request for reasonable accommodation is made, directly by an applicant, to an employee of Zillah Municipal Court, the employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the applicant, or a person on their behalf, complete the form or by taking the information orally, completing the form themselves and forwarding the request to the Court Clerk.
- 3) If a request for reasonable accommodation is made to an employee of another agency or body subject to the rulemaking authority of the Washington State Supreme Court, that agency employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the requesting party or a person on their behalf complete the form or by taking the information orally, completing the form themselves and forwarding the request to Zillah Municipal Court.
- 4) If an outside agency or body (e.g. prosecuting attorney, attorney general, private or assigned counsel, county clerk, other courts, court facilitators, probation officers, etc.) makes a request for reasonable accommodation to Zillah Municipal Court, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to Zillah Municipal Court.
- 5) The Request for Reasonable Accommodation form shall include a description of the accommodation sought, along with a statement of the impairment necessitating the accommodation.

6) Zillah Municipal Court may require the applicant to provide additional information about the qualifying impairment to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet designated "Sealed Medical and Health Information", and such information shall be sealed automatically. Such information is confidential and shall only be used by the person(s) responsible for evaluating and arranging for the accommodation.

7) An application for accommodation should be made as far in advance as practical for the proceeding for which the accommodation is sought, but not less than 5 days prior to the proceeding, except for emergency set proceedings.

B. Assessment:

1) In determining whether to grant an accommodation, Zillah Municipal Court will consider the following:

- i) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), RCW 49.60, Washington State Law Against Discrimination, and other applicable local, state and federal laws that govern Zillah Municipal Court.
- ii) Give primary consideration to the accommodation requested by the applicant; and
- iii) Make the decision on an individual and case specific basis with due regard to the nature of the applicants disability and feasibility of the requested accommodation.

2) If an application for accommodation is presented to Zillah Municipal Court five (5) or more court days prior to the scheduled date of the proceeding for which the accommodation is sought, and if the applicant otherwise is entitled under GR 33 to the requested accommodation, an accommodation shall be provided unless:

- i) It is impossible for the court to provide a reasonable accommodation on the date of the proceeding, AND the proceeding cannot be continued without prejudice to a party to the proceeding.

3) If an application for accommodation is presented to Zillah Municipal Court fewer than five (5) court days prior to the scheduled date of the proceeding for which the accommodation is requested, and if the applicant is otherwise entitled under GR33 to the accommodation requested, an accommodation shall be provided unless:

- i) It is impractical for the court to provide a reasonable accommodation on the date of the proceeding, AND the proceeding cannot be continued without prejudice to a party to the proceeding.

4) Except as otherwise set forth above, an application for accommodation may be denied only if Zillah Municipal Court finds one or more of the following:

- i) The applicant has failed to satisfy the substantive requirements of GR 33; or
- ii) The requested accommodation would create an undue financial or administrative burden; or
- iii) The requested accommodation would fundamentally alter the nature of the court service, program or activity; or
- iv) Permitting the applicant to participate in the proceeding with an accommodation would create a direct threat to the safety or well-being of the applicant or others.

C. Granting or Denying an Accommodation Request

1) Zillah Municipal Court will render a decision about the requested accommodation. If the request for accommodation made pursuant to this policy was made to a Judge in the context of a court proceeding, the Judge will enter a “Review and Decision by the Court” that will be filed in the court proceeding file. If the request for accommodation was made requesting reasonable accommodation pursuant to this policy for assistance in conducting other court business, the Court Administrator will render a decision on the request on the form entitled “Review and Action by Court Administration.” This form shall be maintained in the administrative files held by the Zillah Municipal Court Administrator.

2) If Zillah Municipal Court denies an accommodation pursuant to GR 33, the Review and Action by the Court Form shall specify the reasons for denial.

3) If the request is granted the Court Administrator, or his/her designee, will inform the applicant and any other court employees responsible for implementing accommodations as to the nature of the accommodation to be provided.

D. Record Keeping

All employees of Zillah Municipal Court are responsible for forwarding copies of the Request for Reasonable Accommodation forms to the Court Administrator within one business day of receipt.

O. Service Animals for People with Disabilities Policy

Zillah Municipal Court is committed to making reasonable modifications to its policies, practices, and procedures to permit the use of service animals by people with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome into the courts any animal that is individually trained to assist a person with a disability.

What is a Service Animal?

Service animals are individually trained to work or perform tasks for individuals with disabilities. Service animals are not always dogs; other animals may assist people with disabilities. Service animals come in all breeds and sizes, may be trained either by an organization or by an individual with a disability, and need not be certified or licensed. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding people who are blind or have low vision and retrieving dropped objects for them.
- Alerting people who are deaf or hard of hearing to sounds and the presence of others.
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop.
- Pulling wheelchairs.
- Alerting people with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall and reviving them.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or waking him up, helping people with traumatic brain injury to locate misplaced items, or follow daily routines.
- Providing physical support and assisting people with physical disabilities with stability and balance.

Court Employee Responsibilities:

Court employees welcome court users with service animals. Sometimes employees may be responsible for determining if an animal is a service animal. Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If you can tell by looking, you should not make the court user feel unwelcome by asking questions.

If you are unsure whether an animal meets the definition of a service animal, one **employee** and, where necessary, a member of **Management** may ask the user only one question:

- Is this a service animal required because of a disability?

If the court user says yes or otherwise explains that the animal is required because of a disability, you should welcome the person and service animal into the court. Do not ask any further questions about the customer or his or her service animal. You may **not** ask a customer questions about his or her disability. You may **not** ask a customer to show a license, certification, or a special ID card as proof of their animal's training. You must **permit** service animals to accompany customers with disabilities to all areas of the court normally used by other customers.

All Employees' Responsibilities Regarding Service Animals:

If you have a concern about an animal in a court, contact the Court Services Director. Only a Judicial Officer, Court Director can make the decision to exclude a service animal, except in the unusual circumstance where a service animal's behavior requires immediate action to prevent imminent injury to others and there is not enough time to contact the Judicial Officer or Court Director.

Judicial Officer, Court Administrator and ADA Coordinator Responsibilities:

In the event that a particular service animal's vicious behavior poses a direct threat to the health or safety of others, the service animal is acting out of control and the owner does not take action to correct its behavior, or in the unlikely event that the court can demonstrate that a particular service animal's conduct fundamentally alters the nature of the court's business, a Judicial Officer or Court Director has the right to exclude the animal from court at that time. Barking alone is not a direct threat. In addition, a direct threat does not exist if the service animal's owner takes prompt, effective action to control the animal. Moreover, Zillah Municipal Court will not exclude a particular service animal based on past experience with other animals or based on fear that is not related to a service animal's actual behavior. Each situation will be considered individually. In the event Zillah Municipal Court excludes a service animal, it will not refuse service to the individual with a disability when he or she is not accompanied by that particular service animal.

Questions/Inquiries/Complaints:

Customers can make complaints per the "Zillah Municipal Court Grievance Procedure under the Americans with Disabilities Act" which is located on the Court website or by requesting a copy from Zillah Municipal Court, PO Box 388 (111 7th Street), Zillah, WA 98953; (509)829-3543.

5. POLICY DISTRIBUTION:

This Policy shall be distributed in accordance with any applicable law. At a minimum, this Policy will be available on the city website.

6. CONTACT INFORMATION:

This policy shall be administered by the City Clerk/ Treasurer and any correspondence shall be submitted in writing to the City Clerk/ Treasurer at City Hall located at 503 First Ave., Zillah, WA 98953. The City will respond within ten business days.



Request for Modification of Program Form

Please fax request form to (509) 829-5475

(Incomplete forms cannot be processed)

1. **Today's Date:** _____
2. **Requester's Name:** _____
3. **Requester's Address:** _____
4. **Requester's Voice#:** _____
5. **Requester's TTY#:** _____
6. **Requester's FAX#:** _____
7. **Date requiring Modification of Program:** _____
8. **Program Start Time:** _____
9. **Program End Time:** _____
(For interpreter services)
10. **Program Location/Address of Event, Program or Services:** _____

11. **Type of Request:**
 - a) **Request to relocate City program or activity from inaccessible location, for example, building, room, athletic field, stadium, et al, to accessible location.**
 - b) **Requested accessible location for program : (please list name and address)**
 - c) **Modification of Program (please explain):**
 - d) **OTHER: (please explain):**



The City Of Zillah

THE HEART OF WINE COUNTRY

City of Zillah, Washington
Auxiliary Aids and Services Request Form
Please fax request form to (509) 829-5457
(Incomplete forms cannot be processed)

Today's Date:	
Requester's Name:	
Requester's Address:	
Requester's Voice#:	
Requester's TTY#:	
Requester's FAX#:	
Date requiring Auxiliary Aid or Interpreter Services:	
Start Time: (For interpreter services)	End Time: (For interpreter services)
Location/Address of Event, Program or Services: (For interpreter services)	
Type of Request: (For interpreter services)	
<p>(Please select 2 suitable interpreter services, indicating your first preference with a "1" and your second preference with a "2". If you prefer a service not listed, please indicate in the space labeled "other" and describe service requested)</p> <ul style="list-style-type: none"><input type="checkbox"/> Interpreter Services CART Reporting<input type="checkbox"/> ALD (FM Receiver)<input type="checkbox"/> Interpreter Services (ASL)<input type="checkbox"/> Interpreter Services (Signed English)<input type="checkbox"/> Interpreter Services (Signed Spanish)<input type="checkbox"/> OTHER: (please explain)	



The City Of Zillah

THE HEART OF WINE COUNTRY

City of Zillah, Washington
Auxiliary Aids and Services Request Form (Alternative Formats)
Please fax request form to (509) 829-5475
(Incomplete forms cannot be processed)

Today's Date:
Requester's Name:
Requester's Address:
Requester's Voice#:
Requester's TTY#:
Requester's FAX#:
Date Requiring Alternative Auxiliary Aids and Services :
Format Documents:
Document(s) being Requested in Alternative Format:
Type of Request: (For interpreter services)



The City Of Zillah

THE HEART OF WINE COUNTRY

(Please select the alternative format requested)

- Braille**
- Large Print**
- Audio Tape/CD**
- Electronic Document in MS Word**
(For use with screen readers)
- OTHER: (please explain)**

Municipal Court of Washington City of Zillah

Requestor: _____

Date of Request: _____

Requested Accommodation:

Dates of Requested Accommodation: _____

**Sealed Medical and Health
Information Cover Sheet
under GR 33(b)(5)**

**Clerk's Action Required:
Information Shall be Sealed
Automatically under GR
33(b)(5)**

(File in the administrative file.)

Sealed Medical and Health Information

Attached are documents that contain information about the physical or mental health condition of a person requesting an accommodation under GR 33.

Submitted by:

Signature

Print Name



The City Of Zillah

THE HEART OF WINE COUNTRY

Zillah Municipal Court

Request for Reasonable Accommodation

Request Received: _____
(For Court Use, date received)

1. Information about the court case or activity.

What is the Case Number? _____.

What is the Case Name? _____.

If there is no specific case, what is the court activity?

_____.

2. Information about the person requesting accommodation.

Are you the person in need of an accommodation? Yes or No

What is your name and if applicable, the name of the person for whom you are requesting accommodation? _____.

3. Describe the court proceeding or activity you need accommodation for. Include the date, time, and location:

_____.

4. How are you participating in a court proceeding/activity (check all that apply):

Party Attorney Witness
 Juror Observer Other _____

5. Describe the disability for which you are requesting an accommodation.

_____.

6. Describe what accommodation you are requesting and explain why this specific accommodation is necessary.

7. Provide any information that you think would help the court respond to your request.

8. Contact information:

Email: _____.

Mailing address: _____.

Telephone where the court can contact you: _____.

Other (specify): _____.

What is the best way to notify you about the decision on your request?

email mail phone call other (see above).

Date: _____

➤ _____
(Signature of Person Requesting Accommodation)

(Print Name of Person Requesting Accommodation)

Return this form to:

**Zillah Municipal Court
PO Box 388
111 7th Street
Zillah, WA 98953
Fax: 509-829-5605**

ATTACHMENTS