

## ADA Policy

OIC of Washington shall not discriminate in its recruitment and recruitment advertising, employment, selection for training and career advancement, demotion, reassignment or transfer, disciplinary actions, layoff or termination, rates of pay or other forms of compensation and other personnel practices and procedures against any applicant for employment. OIC of Washington shall not discriminate against any employee because of race, creed, color, national origin, sex, age, marital status, religion, or physical, mental, or sensory disability in accordance with state and federal regulations. It is not OIC of Washington's intent to lower employment standards, or hire individuals incapable of performing the essential functions of a job.

Hiring will be in accordance with the availability of budgeted positions, and is done only for authorized, posted vacancies.

### I. ADMINISTRATION

#### A. ADA Coordinator:

**Isabel Olivas, Human Resource Director**  
815 Fruitvale Blvd.  
Yakima, WA 98902  
(509) 248-6751 (VOICE)  
1-800-833-6388 (TTY)  
(509) 575-0482 (FAX)  
[I.B@yvoic.org](mailto:I.B@yvoic.org) (EMAIL)

#### B. Public Notice of ADA Compliance:

##### B.1. Distribution of Public Notice:

A Public Notice describing OIC of Washington's compliance with the requirements of the Americans with Disabilities Act will be posted in prominent locations at all program sites and in short form on all brochures, flyers and manuals.

##### B.2 ADA Public Notice Text:

### **OIC of Washington Americans With Disabilities Act**

OIC of Washington does not discriminate on the basis of disability and is committed to the full participation of persons with disabilities in our programs, services and activities and on our work force. OIC does not discriminate in its recruitment and recruitment

advertising, employment, selection for training and career advancement, demotion, reassignment or transfer, disciplinary actions, layoff or termination, rates of pay or other forms of compensation and other personnel and program services practices and procedures against any applicant for employment. OIC of Washington shall not discriminate against any employee because of race, creed, color, national origin, sex, age, marital status, religion, or physical, mental, or sensory disability in accordance with state and federal regulations. It is not OIC of Washington's intent to lower employment standards, or hire individuals incapable of performing the essential functions of a job.

The following person is responsible for coordinating OIC's compliance with the Americans with Disabilities Act. Inquiries, complaints and requests for communication aids and other accommodations and assistance should be directed to:

**Isabel Olivas, Human Resource Director**  
**815 Fruitvale Blvd.**  
**Yakima, WA 98902**  
**(509) 248-6751 (VOICE)**  
**1-800-833-6388 (TTY)**  
**(509) 575-0482 (FAX)**  
**[I.B@yvoic.org](mailto:I.B@yvoic.org) (EMAIL)**

Copies of this notice are available in large print, audiotape, Braille and on computer disk. OIC's ADA grievance procedure, self-evaluation, policies and procedures are also available upon request.

### **C. ADA GRIEVANCE PROCEDURE:**

This Grievance Procedure is established to meet the requirements of the *Americans with Disabilities Act*. Disabled individuals or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment or the provision of services, activities, programs or benefits are encouraged to use it to bring their complaints to the attention of OIC.

The complaint should be submitted in writing or on audiotape to the ADA Coordinator named below. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of OIC involved. The complaint should also include the name, address and phone number of the person bringing the complaint or their authorized representative. If assistance is needed to file or pursue the complaint, the ADA

Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged discriminatory incident to:

**Isabel Olivas, Human Resource Director**  
**815 Fruitvale Blvd.**  
**Yakima, WA 98902**  
**(509) 248-6751 (VOICE)**  
**1-800-833-6388 (TTY)**  
**(509) 575-0482 (FAX)**  
**[I.B@yvoic.org](mailto:I.B@yvoic.org) (EMAIL)**

Within 15 calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, or if needed for effective communication, in an alternate format preferred by the complainant. The response will explain the position of OIC and present options for substantive resolution of the complaint.

If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within 15 calendar days of its receipt to the CEO. Within 15 calendar days of receipt of the appeal, the CEO or his/her designee will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within 15 calendar days of the meeting with the CEO or his/her designee, the CEO or his/her designee will respond in writing or alternate format with a final resolution of the complaint.

All complaints received by the ADA Coordinator, appeals to the CEO, and responses from the ADA Coordinator or CEO will be kept by OIC for at least three (3) years.

## **II. EMPLOYMENT**

### **A. Reasonable Accommodation Policy**

It is the policy of OIC that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from employment or employment related benefits. Employment, hiring and advancement will be based solely on the employee or applicant's ability to perform what OIC determines to be the essential functions of a position.

Further, it is the policy of OIC that reasonable accommodation will be made for an otherwise qualified applicant or employee with a disability, unless OIC can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs.

Notice of the availability of reasonable accommodations for job applicants will be

included in postings and advertisements and will be made available upon request to applicants with disabilities during the pre-employment process as necessary to ensure equal opportunity for the applicant to secure employment with OIC.

All applicants will be informed at the initial interview that OIC does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential job functions or for the enjoyment of other benefits of employment should be made following receipt of a conditional offer of employment, preferably at the post employment offer meeting.

Persons with disabilities employed by OIC are encouraged to request reasonable accommodation at any time when such accommodation becomes necessary to the employee's performance of essential functions of their position or to the enjoyment of any other benefits of employment.

Requests for reasonable accommodations should be presented verbally or in writing to the employee's immediate supervisor or to the ADA Coordinator. The request should include a description of the nature and purpose of the accommodation. Assistance will be made available to any employee requiring assistance in identifying an appropriate accommodation or in documenting the reasons why such accommodation is needed.

A decision will be made within ten (10) business days of the submission of a reasonable accommodation request accompanied by any supporting documentation needed by OIC to fairly evaluate the request. The effectiveness of the accommodation and the need for changes or additions to the accommodation will be assessed during the first month of the employee's use of the accommodation.

All reasonable accommodation request and documentations, discussions, decisions and other matters relative to an employee's status as a person with a disability will be kept confidential.

The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the CEO. Applicants and employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure. In the case of a denial based on undue hardship by the CEO, the employee or applicant may appeal in writing to the OIC Board of Directors Personnel Committee.

## **B. Employment Training Assurance**

It is the policy of OIC that staff training and development activities provided for agency personnel include information about ADA employment requirements. Yearly in-service trainings and the policy with general information on reasonable accommodation, grievance procedures, essential vs. nonessential job functions, permissible vs. impermissible inquiries and confidentiality standards. All new employees receive

training in ADA policies and procedures by the end of the orientation period. Supervisors and human resources personnel receive additional training appropriate to their respective positions and responsibilities.

### **III. NON DISCRIMINATORY OPERATIONS**

#### **A. Equal Opportunity Policy**

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of OIC's programs or activities.

In providing its services, programs and activities, OIC will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, service or activity.
2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit or service that is not equal to that afforded to others.
3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage or opportunity enjoyed by other qualified individuals receiving the aid, benefit or service.

#### **B. Reasonable Modification Policy**

OIC will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alternation to the program.

Requests for reasonable modifications can be made to program staff or the ADA Coordinator and can be presented verbally or in writing. It is the responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion – generally not more than two (2) working days.

Final decisions regarding requests for reasonable modifications that in the opinion of the ADA Coordinator may represent an undue burden or fundamental alteration will be made by the CEO in a timely fashion and no longer than 10 working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

#### **C. Eligibility and Safety Requirements Assurance**

It is the policy of OIC that prohibitions or limitations to the eligibility of qualified

individuals with disabilities to receive services or participate in programs are not allowed. Eligibility requirements have been reviewed by the ADA Coordinator and updated to comply with the requirements of 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.

#### **D. Assurance Regarding Surcharges**

It is the policy of OIC that surcharges will not be charged to persons with disabilities, their family members or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

#### **E. Integrated Services Assurance**

It is the policy of OIC that all of our services, programs and activities are provided in the most integrated setting possible. People with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet the need of persons with disabilities are offered.

#### **F. Significant Assistance Assurance**

It is the policy of OIC that programs that receive significant assistance, either financial or in-kind, from OIC may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator to inform organizations receiving assistance of this policy and to respond to any questions regarding its meaning and application. It is also the Coordinator's responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the CEO termination of assistance.

#### **G. Training Assurance Regarding Non-Discriminatory Program Operation**

OIC provides training on the ADA to new employees during orientation and to all employees through in-service at least yearly. Training covers the general information about the ADA and the principles of non-discriminatory operation including but not limited to, how to respond to requests for reasonable modifications to policies and

procedures, and how to identify and respond to safety issues.

#### **IV. AFFIRMATIVE ACTION**

**A. Non-discrimination.** Federal, state and local equal employment opportunity laws combine to protect job applicants and employees from discrimination on the basis of a protected status/characteristic in recruiting, hiring, appointment, transfer, promotion, classification, referral, discharge, layoff, compensation, benefits, job training, tuition assistance, participation in agency social, and recreational programs and other aspects of employment. The affirmative action policy is consistent with applicable law and OIC Anti-Harassment Policy and Complaint Procedures for Employees, this Policy prohibits such discrimination against job applicants and employees based on the following protected statuses/characteristics- age, alienage, caregiver status, childbirth, citizenship status, color, creed, disability, domestic violence victim status, national origin, parental status, partnership status, predisposing genetic characteristics, pregnancy, race, religion, sex, sexual orientation, unemployment status, veteran status, and any other legally protected basis.

The following person is responsible for coordinating OIC's compliance with the Affirmative Action. Inquiries, complaints and requests for communication aids and other accommodations and assistance should be directed to:

**Isabel Olivas, Human Resource Director**  
815 Fruitvale Blvd.  
Yakima, WA 98902  
(509) 248-6751 (VOICE)  
1-800-833-6388 (TTY)  
(509) 575-0482 (FAX)  
[I.B@yvoic.org](mailto:I.B@yvoic.org) (EMAIL)

#### **V. EFFECTIVE COMMUNICATION**

##### **A. Effective Communications Policy**

It is the policy of OIC that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities effect communication. 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 verbally or in writing to program directors or to the ADA Coordinator. Unless otherwise specified, the agency urges requests to be made at least 10 days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice. The person requesting the service will be notified as soon as possible if the agency is unable to meet their request and an effective alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The CEO will be responsible for making any decision related to undue burden or fundamental alternation.

## **B. TTY/TDD Assurance**

TTY's are available at the OIC main office and in the office of the ADA Coordinator and in each satellite site. TTY training is provided to all new employees during their orientation period and updated for all employees on an annual basis. The TTY number is 1-800-833-6388 and is listed on the agency's website and on all printed documents and mailings.

## **C. Alternative Format Policy and Procedures**

It is the policy of OIC that all documents, publications and materials used in agency programs be made available to persons with disabilities who need them in alternate formats. Procedures have been established to respond to requests for alternative formats including large print, audiotape and computer diskettes in a timely fashion.

Large print, short audio tapes and computer diskettes will be prepared by staff persons who have been identified by the ADA Coordinator and trained in the necessary skills and procedures.

The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his/her preferred alternate format to the program director or the ADA Coordinator either verbally or in writing 10 working days in advance of the event or activity for which the material is needed. Reasonable effort will be made to meet requests made less than 10 days before an event or activity.
2. The materials will be provided in the requested format at no charge.
3. Primary consideration will be given to the format preferred by the person making the request, and OIC will decide whether to provide the preferred format or an effective alternative format.
4. If a request cannot be met, the person making the request will be informed as soon as possible but at least 2 days in advance of the event or activity.
5. The CEO will make the final decision regarding any request that may represent an undue financial or administrative burden.