

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
**REASONABLE MODIFICATIONS, AUXILIARY AIDS AND SERVICES FOR PERSONS
WITH DISABILITIES UNDER TITLE II OF THE AMERICAN WITH DISABILITIES ACT OF
1990 AND SECTION 504 OF THE REHABILITATION ACT OF 1973**

Policy

Salt Lake County is committed to providing equal access and opportunity to qualified individuals with disabilities in all County programs, services and activities. The County recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and procedures. The County will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. The County does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any program or activity. The County will take appropriate steps to ensure that persons with disabilities, including persons who have hearing, vision or speech impairments, have an equal opportunity to participate.

Purpose

The purpose of the Reasonable Modification and Auxiliary Aids Policy is to offer equal and effective opportunities and access to County programs, services and activities for persons with disabilities and full compliance with the provisions of the American with Disabilities Act of 1990, Title II and Section 504 of the Rehabilitation Act of 1973.

1.0 Definitions

- 1.1 ADA: Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101, et seq.): The ADA is a federal law that makes it unlawful to discriminate against a qualified individual with a disability. It provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be subjected to discrimination by a public entity.
- 1.2 ADA/504 PROGRAM COORDINATOR: The individual designated to administer, promote, and oversee Salt Lake County's compliance with the Americans with Disabilities Act of 1990, as amended and Section 504 of the Rehabilitation Act of 1973.
- 1.3 ADA/504 LIAISON: A person who has been designated by a division, department or elected office to manage and facilitate requests for reasonable modifications to rules, policies, or practices and the provision of auxiliary aids and services.
- 1.4 AUXILIARY AIDS and SERVICES: "Auxiliary aids and services" includes:
 - 1.4.1 qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments,

- 1.4.2 qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments,
 - 1.4.3 acquisition or modification of equipment or devices, and
 - 1.4.4 other similar services and actions.
- 1.5 **DISABILITY:** A physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such impairment. Major life activities may include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working or major bodily functions such as normal cell growth, bowel and bladder function, etc.
- 1.6 **EEO MANAGER:** The individual designated by Salt Lake County to monitor compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, monitor employment practices in respect to equal employment opportunity and affirmative action and coordinate the enforcement of County policy prohibiting discrimination and reprisal.
- 1.7 **INDIVIDUAL WITH A DISABILITY:** Any person who has a disability as defined in this policy.
- 1.8 **INFORMAL INTERACTIVE PROCESS:** An interactive process between the agency and the customer that is designed to identify the precise limitations resulting from the disability and potential reasonable modifications that could overcome those limitations.
- 1.9 **QUALIFIED INDIVIDUAL WITH A DISABILITY:** A person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.
- 1.10 **SECTION 504:** Rehabilitation Act of 1975, as amended (29 U.S.C. § 793, 794): Section 504 of the Rehabilitation Act makes it unlawful to discriminate against a qualified individual with a disability. It provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be subjected to discrimination by any such entity.

2.0 Reasonable Modifications and Auxiliary Aids and Services

- 2.1 The County shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the County can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

- 2.2 The County shall take appropriate steps to ensure that communication with customers, participants and members of the public with disabilities are as effective as communications with others. To this end, the County shall furnish upon request appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the County. In determining what type of auxiliary aid or service is necessary, the County shall give primary consideration to the requests of the individual with a disability.
- 2.3 Salt Lake County facilities are either fully structurally accessible to individuals with disabilities or will be made fully accessible as described in the County's ADA Transition Plan. Should any facility not be fully accessible, all services normally provided to the public at that location will be provided at a fully accessible location upon request.

3.0 Accommodation Request

- 3.1 Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County, should first contact the agency in charge of the program, service, or activity as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location and date of the service or program, and your contact information.
- 3.1.1 Any such accommodation request need only be made at the onset of the program, service or activity. Agencies have an ongoing obligation to provide the accommodation request throughout the program, service or activity.
- 3.2 The request may be made to any County employee in the agency. The employee will initiate a response to that request through proper decision making procedures.
- 3.2.1 If the request for accommodation falls within the range of adjustments that staff would normally make in providing good customer service, the employee may provide or arrange the accommodation on their own authority and initiative in the most expedient and customer friendly way possible.
- 3.2.2 All other requests will be routed through the appropriate agency ADA/504 liaison.
- 3.2.3 Requests may also be made directly to the County's ADA/504 Program Coordinator or to the County's EEO Manager.
- 3.3 Unless declined by the requestor, , the appropriate agency ADA/504 liaison shall meet with the requestor and engage in an informal interactive process to assess all basis for the request and discuss potential modifications or auxiliary aids or services. The ADA/504 liaison may seek the assistance of the ADA/504 Program Coordinator.
- 3.3.1 Documentation of a disability underlying a request may be appropriate when:
- 3.3.1.1 The disability is not apparent.

- 3.3.1.2 The connection between the disability and the requested accommodation is unclear.
- 3.3.2 Documentation should not be requested when:
 - 3.3.2.1 The disability is apparent.
 - 3.3.2.2 The request falls within the range of adjustments that would normally be made in providing good customer service to any County customer.
 - 3.3.3.3 Disclosure of disability information is voluntary and must be kept confidential. Specific information, including medical information gathered for the purpose of determining the need and arranging for reasonable modification/effective communication for a qualified individual with a disability shall be kept confidential and maintained in a separate, secure file that is only available to authorized individuals.
- 3.4 Salt Lake County will not charge a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

4.0 Auxiliary Aids and Services for Effective Communication

- 4.1 Salt Lake County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, 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. Requests for aids or services for effective communication should be directed to the agency in the recommended timeframes as outlined below; however, the County will try to accommodate any requests received, if possible.
 - 4.1.1 **Audio Recording:** Audio recordings of printed materials will be provided upon request by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator, with one week advance notice.
 - 4.1.2 **Braille:** Pamphlets, brochures, and printed information will be provided in Braille upon request by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator, with two weeks advance notice.
 - 4.1.3 **Reader:** A reader will be provided, when necessary by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator, upon request with one week advance notice.
 - 4.1.4 **Aide:** An aide will be provided upon request to qualified individuals with disabilities, by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator, to help ensure that printed materials are readily

accessible to individuals with disabilities with a two-day advance notice. Example: Such aide may provide assistance to an individual in filling out an application.

- 4.1.5 Home Mailings: All printed information provided by the County, which is typically available to the general public who visit County facilities, will also be mailed to individuals, where the individual's disability prevents or circumvents the individual's ability obtain the materials on-site at County facilities. Printed information will be mailed upon request by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator with a one week advance notice.
- 4.1.6 Large Print Format: Printed information that is available to the general public will be provided in large print, upon request, by the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator, with two weeks advance notice.
- 4.1.7 Sign Language Interpreter: It is the policy of the County to provide a certified sign language interpreter in situations where the communication taking place is lengthy or complex; and/or other situations where a sign language interpreter may be necessary to effectively communicate with individuals who are deaf or hard of hearing. A sign language interpreter will be provided upon request with one week notice to the particular agency ADA/504 liaison, in conjunction with the County's ADA/504 Coordinator.
- 4.1.8 Other Assistance: Salt Lake County will help ensure that all services, programs and activities are fully accessible to individuals with communication disabilities by providing auxiliary aides or services, where necessary, due to an eligible individual's disability as defined by the ADA and Section 504.

Note: Salt Lake County will attempt to provide the specific type of alternate format requested, however a different type of alternative format may be provided, if and when, such different type of alternative format provides equally effective communication.

5.0 Undue Burden

- 5.1 Agencies wishing to declare a requested accommodation to be an undue administrative or financial burden or that a modification would fundamentally alter the nature of the service, program, or activity must submit to their Department Director or Elected Official a detailed written request for exemption, fully explaining the situation and stating the justification for exemption.
 - 5.1.1 The Elected Official or Department Director with the approval of the Mayor shall review the request and may request additional information. The Elected Official or Department Director with the approval of the Mayor may approve an agency's request for exemption and make a determination that compliance would result in such alteration or burdens, only after considering all resources available for use in

the funding and operation of the service, program, or activity. Such a determination must be accompanied by a written statement of the reasons for reaching that conclusion.

5.1.2 If the Elected Official or Department Director with the approval of the Mayor deems a requested accommodation to be an undue burden or fundamental alteration, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the County.

5.1.3 Documentation of all requests will remain on file in the ADA/504 Program Coordinator’s office.

6.0 Grievances

6.1 The County ADA/504 Program Coordinator shall coordinate the County's efforts to comply with and carry out its responsibilities under Title II of the ADA and Section 504, including investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that are prohibited under the ADA or Section 504.

6.2 Complaints that a program, service, or activity of Salt Lake County is not accessible to persons with disabilities should be directed to the Salt Lake County ADA/504 Program Coordinator, and may be filed using Salt Lake County’s ADA/504 Grievance Procedure, Policy 1315.

APPROVED and PASSED this 9 day of December, 2014.

SALT LAKE COUNTY COUNCIL

Michael Jensen, Chair

ATTEST:

APPROVED AS TO FORM

Sherrie Swensen, County Clerk

District Attorney’s Office Date