

ADA Self-Evaluation and Program Access Plan

Southwest Washington Regional Transportation Council

June 2018

Clark County
Skamania County
Klickitat County
City of Vancouver
City of Camas
City of Washougal
City of Battle Ground
City of Ridgefield
City of La Center
Town of Yacolt
City of Stevenson
City of North Bonneville
City of White Salmon
City of Bingen
City of Goldendale
C-TRAN
Washington DOT
Port of Vancouver
Port of Camas-Washougal
Port of Ridgefield
Port of Skamania County
Port of Klickitat
Metro
Oregon DOT
14th Legislative District
17th Legislative District
18th Legislative District
20th Legislative District
49th Legislative District

Southwest Washington Regional Transportation Council

Street Address
**1300 Franklin Street
Vancouver, WA 98660**

Phone: 564-397-6067

Mailing Address
**P.O. Box 1366
Vancouver, WA 98666-1366**

Fax: 564-397-6132

<https://www.rtc.wa.gov>



ADA Coordinator:
Mark Harrington, Transportation Planner
Phone: 564.397.5207
E-mail: mark.harrington@rtc.wa.gov

RTC complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information see <https://www.rtc.wa.gov/info/title6/>, call 564.397.6067, (TTY) 711 or email info@rtc.wa.gov.

Persons with disabilities may request this information be supplied in alternate formats and those who do not read or speak English well may request language assistance, oral interpretation and/or written translation. Contact RTC at 564.397.6067 (TTY) 711 or email info@rtc.wa.gov.

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AMERICANS WITH DISABILITSS ACT (ADA)/SECTION 504 POLICY STATEMENT

The Southwest Washington Regional Transportation Council (RTC) will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by [Section 504 of the Rehabilitation Act of 1973](#) and the [Americans with Disabilities Act of 1990](#) (ADA). RTC further ensures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source.

For the purpose of this policy, an individual with a disability is defined as any person who:

1. Has a physical or mental impairment that substantially limits on or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

RTC is committed to:

- Providing reasonable accommodation for an individual with a disability to participate in employment, activities, programs and services; and has establish procedures to allow person with a disability to request accommodation;
- Providing access to person using its facilities and attending meetings;
- Providing communication access for applicants, employees, beneficiaries, and members of the public with disabilities, including those with hearing and visual impairments that is equally effective as communication with others. Auxiliary aids/services shall be provided upon request to individuals with a disability, i.e., sign language, readers, braille, and large print text. In addition, anyone with hearing or speech impairment may use 711 Relay services to call RTC.

THE RTC ADA coordinator, Mark Harrington, can answer ADA related questions and handle reasonable accommodation requests as well as provide information or established procedures for filing a complaint alleging discrimination on the bases of disability. The ADA coordinator can be contacted at 564.397.5207, through email at mark.harrington@rtc.wa.gov. Any questions or comments concerning this policy should be referred to the ADA Coordinator. Attn. ADA Coordinator, SW Washington Regional Transportation Council, PO Box 1366, Vancouver WA 98666-1366.



Matt Ransom, Executive Director

June 29, 2018
Date

ADA Self-Evaluation and Program Access Plan

Introduction

The primary purpose of this study is to prepare a plan, titled ADA Program Access Plan, for the Southwest Washington Regional Transportation Council (RTC) in accordance with two civil rights legislations:

1. Americans with Disabilities Act of 1990 (ADA), Title II Regulations, Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 CFR Part 351, and
2. Section 504 of the Rehabilitation Act of 1973, as amended, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 49CFR Part 27.

The intent of the ADA Title II regulations is to ensure nondiscrimination and access for individuals with disabilities in State and local government services. The intent of the Section 504 regulations is to prohibit discrimination on the basis of disability in programs or activities receiving Federal financial assistance. These regulations apply to the RTC because Metropolitan Planning Organizations (MPOs) are considered an instrumentality of one or more state or local governments and are recipients of transportation funds from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in developing transportation plans and programs. These federal funding includes Section 104(f) and Section 133(b)(3)(7) funds from the FHWA, and Section 5303, Section 5307 and Section 5309 funds from the FTA. As such, the RTC is obligated to take appropriate steps to comply with Title II and Section 504 provisions. These provisions apply to all programs, services, and activities that the RTC has responsibility of within their MPO region. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

To address these Title II and Section 504 requirements, applicable policies, procedures and planning activities of the RTC were reviewed to assess if there are any barriers that limit the ability of individuals with disabilities to fully participate in the MPO-sponsored programs and the web-based communication activities. The results of this evaluation as well as mitigation strategies recommended for improved accessibility are summarized in this ADA Program Access Plan.

About RTC

RTC is a regional planning organization that develops policies and makes decisions about transportation planning in southwest Washington. It is a forum for cities, towns, the county, transit agencies, port districts, and state agencies to address common regional transportation issues. RTC is designated under federal law as the MPO for Clark County, and under state law as the Regional Transportation Planning Organization (RTPO), for Clark, Skamania and Klickitat counties. Under state and federal mandates and an Interlocal Agreement signed by all its members, RTC conducts and supports numerous state and federal planning, compliance and certification programs which enable members and other jurisdictions and entities in the region to obtain state and federal funding.

As the regional transportation planning agency, RTC does not duplicate the activities of local and state operating agencies, but supports their needs with complementary planning and analyses. The agency performs strategic analyses of trends, consequences, and options related to transportation issues and air quality issues. It is a center for the collection, analysis, and dissemination of transportation-related information vital to citizens, businesses, jurisdictions, and governments in the region.

Members

RTC members are Clark, Skamania and Klickitat counties, 12 cities and towns within the region, five port districts, the Washington and Oregon state departments of transportation, C-TRAN, Portland Metro and the Washington State Legislators from the 14th, 17th, 18th, 20th and 49th legislative districts.

Table 1: RTC Membership

RTC Membership: Jurisdiction/Agency	
Clark County	Washington State Department of Transportation
Skamania County	Port of Vancouver
Klickitat County	Port of Camas/Washougal
City of Vancouver	Port of Ridgefield
City of Camas	Port of Skamania County
City of Washougal	Port of Klickitat
City of Battle Ground	Metro (Portland, OR)
City of Ridgefield	Oregon Department of Transportation
City of La Center	Legislators from the Washington State Districts:
Town of Yacolt	14 th District
City of Stevenson	17 th District
City of North Bonneville	18 th District
City of White Salmon	20 th District
City of Bingen	49 th District
City of Goldendale	

Governance, Board, and Advisory Committees

The Board of Directors is RTC’s policy and decision-making body. The Board meets monthly and is comprised of fourteen voting members. The fifteen state legislative members of the 14th, 17th, 18th, 20th and 49th districts are ex-officio non-voting members of the Board. Nine RTC Board members are required to meet quorum. Valid votes require at least eight voting members plus one member who can be either a voting or non-voting member.

Table 2: RTC Voting Members

RTC Voting Members: Jurisdiction/Agency
Three Clark County Councilors (elected officials)
Two representatives from the City of Vancouver (elected officials)
One elected official from the City of Camas or the City of Washougal, representing Camas and Washougal (elected officials)
One elected official from the City of Battle Ground, the City of Ridgefield, the City of La Center or the Town of Yacolt, representing these four cities (elected officials)
One elected official from Skamania County, the City of Stevenson, the City of North Bonneville, or the Port of Skamania County (elected officials)
One elected official from Klickitat County, the City of White Salmon, the City of Bingen, the City of Goldendale, or the Port of Klickitat (elected officials)
The Executive Director/CEO of C-TRAN (non-elected)
The Southwest Regional Administrator of the Washington State Department of Transportation (WSDOT) (non-elected)
One Port Commissioner from the Port of Vancouver, Port of Ridgefield, or the Port of Camas/Washougal, representing these three ports (elected officials)
The Portland Region One Manager of the Oregon Department of Transportation (ODOT) (non-elected)
One Councilor from Portland Metro (elected official)

The current make - up of the RTC Board of Directors and their contact information can be found on RTC’s website – <https://www.rtc.wa.gov/agency/board/#roster>.

RTC’s main advisory committee – the Regional Transportation Advisory Committee (RTAC) – coordinates and guides the regional transportation planning program within Clark County. This committee makes recommendations on key transportation issues to the RTC Board and is comprised of staff from the member jurisdictions and agencies list below.

Table 3: RTAC Membership

RTAC Membership: Jurisdiction/Agency
Clark County Public Works
Clark County Planning
City of Vancouver, Transportation
City of Vancouver, Planning
C-TRAN
WSDOT
City of Camas
City of Washougal/Port of Camas-Washougal
City of Battle Ground/City of Yacolt
City of Ridgefield/City of La Center/Port of Ridgefield
Port of Vancouver
Human Services Transportation
ODOT
Portland Metro

The current membership of the Regional Transportation Advisory Committee and their contact information can be found on RTC's website - <https://www.rtc.wa.gov/rtac/#members>.

RTC utilizes two policy committees to oversee and coordinate transportation planning activities for the RTPO regions of Skamania and Klickitat counties. The committees are comprised of representatives from the jurisdictions from within each county and WSDOT. The current membership the RTPO policy committees and their contact information can be found on RTC's website - <https://www.rtc.wa.gov/agency/committees/>.

People with Disabilities

The American Community Survey (ACS) administered by the US Census Bureau adopted several disability related questions since 2000. These questions cover the six following disability types:

1. **Hearing difficulty:** deaf or having serious difficulty hearing.
2. **Vision difficulty:** blind or having serious difficulty seeing, even when wearing glasses.
3. **Cognitive difficulty:** Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions.
4. **Ambulatory difficulty:** Having serious difficulty walking or climbing stairs.
5. **Self-care difficulty:** Having difficulty bathing or dressing.
6. **Independent living difficulty:** Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping.

The disability characteristics of civilian populations living in Clark, Skamania, and Klickitat counties are summarized in Table 4. The table shows that approximately 12.6 percent of the non-institutionalized civilian population in Clark County, 14.8 percent in Skamania County, and 19 percent in Klickitat County has at least one or more disability. These add up to a total disability population of 61,997 in the 3-county area. In this disability demographic group, 18,819 people have a hearing difficulty, 9,435 people have a vision difficulty, and 26,224 people have an ambulatory difficulty. The ADA requirements are intended to serve these population groups so that they can fully participate in the MPO-sponsored programs, services and activities.

Table 4: Disability Characteristics of Population, 2012-2016 ACS

	Clark County		Skamania		Klickitat		3-County Totals	
Total Non-institutionalized Civilian Population	448,292	100%	11,279	100%	20,888	100%	480,459	100%
with a disability	56,355	12.6%	1,668	14.8%	3,974	19.0%	61,997	12.9%
with a hearing difficulty	17,002	3.8%	521	4.6%	1296	6.2%	18,819	3.9%
with a vision difficulty	8,512	1.9%	243	2.2%	680	3.3%	9,435	2.0%
with a cognitive difficulty	24,037	5.4%	585	5.2%	1602	7.7%	26,224	5.5%
with an ambulatory difficulty	26,554	5.9%	871	7.7%	2277	10.9%	29,702	6.2%
with a self-care difficulty	10,864	2.4%	248	2.2%	780	3.7%	11,892	2.5%
with an independent living difficulty	18,728	4.2%	610	5.4%	1175	5.6%	20,513	4.3%

Federal Requirements

This document is being developed in accordance with federal requirements outlined in Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1992.

Section 504 of the Rehabilitation Act of 1973

Often referred to as the civil rights act for people with disabilities, the Rehabilitation Act requires that all organizations receiving federal funding make their programs available to people of all abilities. It states:

No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Public agencies that receive federal funding must identify a Section 504 coordinator on its staff who will ensure that the program, service or activity receiving the funding meets the requirements of the law, and respond to any complaints from citizens or requests for information from a funding agency.

Americans with Disabilities Act (ADA) – Titles I and II

The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, government services and programs, public transportation and telecommunications.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. RTC is an Equal Employment Opportunity (EEO) employer and adheres to the requirements of Title I.

Title II of the ADA adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973, but applies to all state and local governments, regardless of whether or not they receive federal funding. It prohibits the RTC from denying persons with disabilities the equal opportunity to participate in its services, programs or activities, either directly or indirectly through contractual arrangements.

The administrative requirements contained in Title II that apply to the RTC are:

- Designation of an ADA Coordinator responsible for overseeing Title II compliance;
- Development of an ADA complaint procedure;
- Completion of a self-evaluation of facilities, programs and services; and
- Development of a program access plan if the self-evaluation identifies any accessibility deficiencies.

ADA Coordinator

RTC's ADA Coordinator is responsible for ensuring that all programs and activities of RTC are accessible to and usable by individuals with disabilities. They report to the Executive Director. RTC's ADA Coordinator is:

Mark Harrington
RTC ADA Coordinator
PO Box 1366
Vancouver, WA 98666-1366
Email: mark.harrington@rtc.wa.gov
Phone: 564.397.5207 or 711 (WA Relay)

Requesting Accommodations or Alternative Formats

Instructions about how to request accommodations (e.g. translator, barrier removal, etc.), or documents/materials in alternate formats may be included in a letter, email, newsletter or website used to announce, invite or promote an RTC program, service or activity. If this information is not provided, please contact the RTC's ADA Coordinator to

make your request (see contact information above). Please make requests for accommodation at meetings or events at least two days in advance.

Requests for **accommodation** at a RTC meeting or event should include:

- The requestor's name, address, email and telephone number (if any)
- A description of the program, service or activity where the accommodation is required
- The location of the program, service or activity
- A brief description of why the accommodation is needed

Requests for materials in **alternate formats** should include:

- The requestor's name, address, email and telephone number (if any)
- The name or description of the document or materials to be reformatted
- What type of format is desired (e.g. Braille, audio recording, computer disk, etc.)
- A brief description of why the alternate format is needed

The ADA Coordinator will respond to the request within 15 calendar days or in advance of a scheduled meeting or event. If the response does not satisfactorily resolve the issue, the requestor may file a formal grievance with RTC. All requests for accommodations and alternate formats will be kept on file for at least three years.

Filing a Complaint

Any individual may exercise their right to file a complaint with RTC, if that person believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, income, sex, or disability. RTC will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described in Appendix 3. Complaint forms are available on the RTC website - <https://www.rtc.wa.gov/info/title6/>.

ADA Self-Evaluation and Program Access Plan Process

The Self-Evaluation is the RTC's internal assessment of the accessibility of its facilities, programs, services and activities. It included an assessment of accessibility of RTC's communications and publications as well as a site assessment of public facilities utilized for offices and meetings. According to the requirements of the ADA, a Program Access Plan should include a list of necessary improvements to be made based on the results of the Self-Evaluation. RTC should annually review and update Program Access Plan if needed. The Self Evaluation and Program Access Plan is available on RTC's website - <https://www.rtc.wa.gov/info/title6/>.

Self-Evaluation and Program Access Plan

As an MPO, RTC's activities focus primarily on long-range, regional transportation planning and the implementation of those planning efforts through the Regional Transportation Improvement Program (TIP). The RTC engages in public outreach and engagement as plans are developed and the RTC Board engages in policy discussion and decision making. RTC made a two-pronged evaluation of accessibility to programs, services and activities: 1) policies, practices and communications surrounding RTC work activities and 2) physical spaces for meetings and events, including employee office space.

Programs, Services and Activities

Communication and engagement with the public is crucial to the activities and mission of RTC. Findings of the evaluation of the accessibility of RTC's communications with the public, other agency staff, RTC committees and the RTC Board are below:

Customer Service

RTC has done an excellent job of addressing the physical accessibility needs of individuals visiting RTC offices or attending RTC meetings and events. RTC has fully embraced and encourages the use of electronic communication tools to communicate with the public. Recommendations to increase accessibility in the area of individual customer interactions include:

- Include Washington Relay 711 as a contact option in email signatures.

Jane Doe

Planner



PO Box 1366

Vancouver, WA 98666-1366

P. 564.397.5207 or Relay 711

<https://www.rtc.wa.gov>

- With the recent change in the area code for all RTC phone numbers, add Washington Relay 711 along with the new agency phone numbers to the new physical and electronic letterhead.
- Post a Notice of Program and Service Accessibility flyer in the RTC office/lobby. (see Appendix 1).

Public Meetings and Events

RTC works diligently to ensure that RTC meetings and events are open and accessible to all persons, regardless of disability. All meeting announcements include the following:

For special accommodations or translation services, call 564.397.6067, (TTY) 711 or email info@rtc.wa.gov, three business days in advance.

RTC assures nondiscrimination in accordance with Title VI of the Civil Rights Act of 1964, Washington State discrimination laws in RCW 49.60 and the Americans with Disabilities Act.

To further provide notice to the public of RTC's ADA policy and the availability of accommodations, it is recommended that RTC post a Notice of Program and Service Accessibility flyer at entrance to every RTC meeting or event (see Appendix 1).

Print Materials and Documents

RTC produces a variety of printed documents and materials for public use, including plans, studies, reports, maps and forms. While RTC's major documents, such as the Regional Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and Title VI Plan are published with the following notice informing the public of the availability of alternative formats, not all final studies and reports provide the same notice.

Persons with disabilities may request this information be supplied in alternate formats and those who do not read or speak English well may request language assistance, oral interpretation and/or written translation. Contact RTC at 564.397.6067 (TTY) 711 or email info@rtc.wa.gov.

It is recommended that all publications include the same notice, particular attention should be given to documents produced by consultants. It would be good practice to develop a standard back of title page to include this notice and other notices to be used for published documents.

Website

RTC uses its website as a major means of communicating with the public and making its plans, report, studies and other publications available. RTC's website also serves a significant tool to solicit and gather public input regarding its work program. The following actions regarding RTC's website are recommended:

- Include the option of Washington Relay 711 as an option for where all phone numbers are found on the website.
- More consistently include Alt Text for all images.
- Ensure that all fillable electronic forms are accessible by computer screen reading software for those with sight limitations.

- Continue to ensure that published PDF documents are created in Adobe Acrobat from the original document and not scanned document.

Contracting

RTC currently use criteria that do not discriminate based on disability when selecting contractor, consultants or vendors for RTC projects or services. However, federal regulations also require that any outside contractors receiving RTC funding, or receiving federal funding through the RTC, comply with the requirements and regulations of Title II of the ADA and Section 504 of the Rehabilitation Act.

It is recommended that RTC include a statement in all Requests for Proposals, Requests for Qualifications, contracts and other bid solicitation documents explaining that businesses, organizations or individuals contracting with RTC must comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. Additionally, require all RTC contractors, consultants and vendors sign assurances attesting to their intent to comply with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. This statement can be added to existing contract documents.

Public Facilities

RTC physical spaces include RTC offices and locations for public meetings and events. RTC staff works diligently to ensure that the location of RTC meetings and events are open and accessible to all persons, regardless of disability.

Offices

RTC employs ten people and its office space is located in the Clark County Public Service Center located at 1300 Franklin St., First Floor, Vancouver, WA 98660. This building serves as the main public building for Clark County and was built to ADA standards in 2003. In June of 2018, RTC moved into a new office space on the first floor of the Clark County Public Service Center. The parking lot, building entry, hallways, restrooms and new office cube layout are all in compliance with ADA standards. The county's accessibility survey report for the building can be found on the county website - <https://www.clark.wa.gov/general-services/accessibility-survey-reports>.

Public Meeting Locations

RTC utilizes a number of meeting locations to provide the public with various locations to access RTC programs and services. The following locations see regular use by RTC for meetings and other public events.

Vancouver City Hall
415 W. 6th Street
Vancouver, WA 98660

Vancouver City Hall is located in an ADA compliant building that was completed in 2008.

Vancouver Community Library
901 C Street
Vancouver, WA 98600

The Vancouver Community Library is the newest of the Fort Vancouver Regional Libraries and is housed in an ADA compliant building that was completed in 2011.

C-Tran Fisher's Landing Transit Center
3501 SE 164th Ave.
Vancouver, WA 98683

The Rose F. Besserman Community Room at C-Tran's Fisher's Landing Transit Center is located in an ADA compliant building that was completed in 2000.

Each of these locations are also serviced by C-Tran transit lines.

Questions

For questions on the RTC's ADA Self-Evaluation and Program Access Plan or procedures, please contact Mark Harrington, at 564.397. 5207 or mark.harrington@rct.wa.gov. For information on RTC's work program or publications, including reports, data forecasting, maps, other information available for use, current public comment periods and meetings open to the public, visit RTC's website at www.rtc.wa.gov.

Appendix 1

ADA Notice to the Public



Notice of Program and Service Accessibility

All programs, services and activities offered by the Southwest Washington Regional Transportation Council (RTC), when viewed in their entirety, shall be readily accessible to individuals with disabilities, in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

Employment: RTC does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Upon request, RTC will provide appropriate aids and services for qualified people with disabilities so they can participate equally in the RTC's programs, services, and activities. This includes providing qualified sign language interpreters, documents in Braille, TTY/Relay telephone systems, and other ways of making information accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: RTC will make all reasonable modifications to ensure that people with disabilities have an equal opportunity to participate in RTC programs, services, and activities. RTC will not charge individuals with a disability or any group of individuals with disabilities to cover the cost of providing materials in alternate formats or for providing reasonable accommodations. The ADA does not require RTC to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Make a Request: Anyone who wishes to request materials in alternate formats or other accommodations in order to participate in a RTC program, service, or activity, should contact RTC as soon as possible, but no later than 48 hours before a scheduled event.

Complaints that a RTC program, service, or activity is not accessible to persons with disabilities should be directed to Mark Harrington, Phone: 564.397.5207 (Relay: 711), or Email: mark.harrington@rtc.wa.gov.



Southwest Washington Regional Transportation Council

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Civil Rights Notice



RTC respects civil rights

RTC operates its programs without regard to race, color, national origin, religion, sex, sexual orientation, marital status, age or disability in accordance with applicable laws, including Title VI of the Civil Rights Act of 1964 and RCW 49.60. To request additional information on RTC's Title VI nondiscrimination requirements, or if any person believes they have been aggrieved by an unlawful discriminatory practice under Title VI or other applicable law and would like to file a complaint, contact us at 360.397.6067 (TTY 711) or email info@rtc.wa.gov.

Persons who do not speak or read English well may request language assistance, oral interpretation and/or written translation, at no cost. Contact RTC at 360.397.6067 (TTY 711) or email info@rtc.wa.gov.

RTC respeta los derechos civiles

RTC opera sus programas independientemente de la raza, color, origen nacional, religión, sexo, orientación sexual, estado civil, edad o discapacidad de conformidad con las leyes aplicables, incluyendo el Título VI de la Ley de Derechos Civiles de 1964 y RCW 49.60. Para solicitar información adicional sobre los requisitos de no discriminación del Título VI de RTC, o si alguna persona cree que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI u otra ley aplicable y le gustaría presentar una queja, comuníquese con nosotros en el 360.397.6067 (TTY 711) o por correo electrónico info@rtc.wa.gov.

Las personas que no hablan o leen Inglés bien pueden solicitar asistencia con el idioma, la interpretación oral y/o la traducción escrita, sin costo alguno. Comuníquese con RTC en el 360.397.6067 (TTY 711) o por correo electrónico info@rtc.wa.gov.

RTC уважает гражданские права

Региональный совет Юго-Западного Вашингтона по транспортному обслуживанию (RTC) в рамках своих программ не проявляет дискриминации по признаку расы, цвета кожи, национального происхождения, религии, пола, сексуальной ориентации, семейного положения, возраста или инвалидности в соответствии с применимым законодательством, включая раздел VI Закона «О гражданских правах» 1964 года и раздел 49.60 Свода пересмотренных законов штата Вашингтон. Чтобы получить дополнительную информацию о запрете дискриминации Региональным советом Юго-Западного Вашингтона по транспортному обслуживанию согласно разделу VI или если кто-то считает, что пострадал от дискриминации, оговоренной разделом VI или прочими законами, и желает подать жалобу, свяжитесь с нами по номеру 360.397.6067 (телетайп для слабослышащих 711) или по электронной почте info@rtc.wa.gov.

Лица, не говорящие или не читающие на английском, могут запросить бесплатную услугу устного и/или письменного перевода. Свяжитесь с RTC по номеру 360.397.6067 (TTY 711) или по электронной почте info@rtc.wa.gov.

Southwest Washington Regional Transportation Council

1300 Franklin Street, Floor 4 P.O. Box 1366 Vancouver, Washington 98666-1366 360-397-6067 fax: 360-397-6132 <http://www.rtc.wa.gov>

Appendix 2

Nondiscrimination Complaint Form and Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by RTC or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI/ADA Coordinator may be utilized for resolution, at any stage of the process. The Title VI/ADA Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI or ADA nondiscrimination provisions may file a written complaint with RTC's Title VI/ADA Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for RTC to be able to process it.

- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to RTC for processing.
2. Upon receipt of the complaint, the Title VI/ADA Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of RTC's subrecipients of federal funds, RTC will assume jurisdiction and will investigate and adjudicate the case. Complaints against RTC will be referred to the Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity (OEO), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. The complainant(s) must accept reasonable resolution based on RTC's administrative authority (reasonability to be determined by RTC).
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once RTC or WSDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then

- be logged in RTC's or WSDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where RTC assumes the investigation of the complaint, RTC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of RTC's written notification of acceptance of the complaint to furnish his/her response to the allegations.
 7. In cases where RTC assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, RTC's Investigator* will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. *This can be RTC's Title VI/ADA Coordinator.
 8. The investigative report and its findings will be sent to RTC's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
 9. Any comments or recommendations from RTC's Legal Counsel will be reviewed by RTC's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
 10. RTC's final investigative report and a copy of the complaint will be forwarded to WSDOT's OEO within 60 calendar days of the acceptance of the complaint. WSDOT's OEO will share the report with FHWA and FTA, Washington Division Offices, as part of its Annual Title VI Update and Accomplishment Report.
 11. RTC will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to RTC based on RTC's investigative report.
 12. Once WSDOT's OEO issues its final decision, RTC will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.
 13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by RTC. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.
 14. A Title VI or ADA complaint may also be filed with Federal agencies, including; the Department of Justice, US Department of Transportation, the Federal Transit Administration, and/or the Federal Highway Administration.

These instructions and following form is posted on the RTC website in English, Spanish and Russian.



Title VI and ADA Complaint Form and Procedures

Complaint Form

Instructions: If you would like to submit a Title VI or ADA complaint to the Southwest Washington Regional Transportation Council, please fill out the form below and send it to: Southwest Washington Regional Transportation Council, Attn: Mark Harrington, PO Box 1366, Vancouver, WA 98666-1366. For questions, please contact Mark Harrington at 564.397.5207 or mark.harrington@rtc.wa.gov. For a copy of the RTC’s full Title VI Plan, ADA Program Access Plan or Nondiscrimination Notice to the Public, see our Web site at <http://www.rtc.wa.gov/info/title6> or contact info@rtc.wa.gov.

1. Name (Complainant):	2. Phone:	3. Home address (street #, city, state, zip):												
4. If applicable, name of person(s) who allegedly discriminated against you:														
5. Location and position of person(s) if known:		6. Date of alleged incident:												
7. Discrimination because of: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Race/Color</td> <td style="width: 33%;"><input type="checkbox"/> Sex (includes harassment)</td> <td style="width: 33%;"><input type="checkbox"/> Vietnam era veteran</td> </tr> <tr> <td><input type="checkbox"/> National origin</td> <td><input type="checkbox"/> Sexual orientation</td> <td><input type="checkbox"/> Disabled veteran</td> </tr> <tr> <td><input type="checkbox"/> Creed/Religion</td> <td><input type="checkbox"/> Marital status</td> <td><input type="checkbox"/> Retaliation</td> </tr> <tr> <td><input type="checkbox"/> Disability</td> <td><input type="checkbox"/> Age</td> <td></td> </tr> </table>			<input type="checkbox"/> Race/Color	<input type="checkbox"/> Sex (includes harassment)	<input type="checkbox"/> Vietnam era veteran	<input type="checkbox"/> National origin	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Disabled veteran	<input type="checkbox"/> Creed/Religion	<input type="checkbox"/> Marital status	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	
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<input type="checkbox"/> Creed/Religion	<input type="checkbox"/> Marital status	<input type="checkbox"/> Retaliation												
<input type="checkbox"/> Disability	<input type="checkbox"/> Age													
8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.														

9. Why do you believe these events occurred?	
10. What other information do you think is relevant to the investigation?	
11. How can this/these issue(s) be resolved to your satisfaction?	
12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, fellow employees, supervisors, others):	
Name:	Job Title: Address: Phone number:
Signature:	Date:

Appendix 3

RTC Employment Policies

RTC contracts with Clark County to provide human resources services and abides by Clark County HR policies. Attached are Clark County ADA related employment policies.

POLICY NO. 3.0 EQUAL OPPORTUNITY EMPLOYMENT AND HARASSMENT

PURPOSE

Clark County is an equal opportunity employer and prohibits discrimination and harassment based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability, HIV or Hepatitis C status, the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender identity, veteran status or any other status protected by law. This prohibition underscores the County's commitment to provide a work environment free from unlawful discrimination and harassment for its employees, the public it serves and those with whom the County conducts business.

SCOPE

This policy applies to all employees and individuals engaged in work/activities on behalf of the County including regular and project employees, temporaries, contractors, volunteers and members of the public.

All County employees are responsible to help maintain a work environment that is free from unlawful discrimination and harassment.

This policy provides an internal complaint procedure to receive and respond to complaints from County employees regarding unlawful discrimination or harassment.

Job applicants with complaints regarding discrimination in employment matters should file their complaint with the Human Resources Department.

Members of the public with complaints of unlawful discrimination or harassment regarding employee conduct should file their complaint with the County Human Resources department. Members of the public with complaints regarding the accessibility of provision of County services should file their complaint with the department responsible for providing the service or with the Title VI Coordinator or ADA Coordinator as appropriate.

3.1 EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The County's policy of equal opportunity and non-discrimination extends to all employment-related matters, including hiring, layoffs, promotion, transfer, work assignments, pay, benefits, discipline and training. Any form of discrimination based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender identity, veteran's status or any other status protected by law is strictly prohibited. In addition, the County supports and promotes the goals and benefits of a diverse workforce in all departments and levels of the organization. The County will strive to encourage and support workforce diversity through a range of activities, to include outreach recruitment to increase the

diversity of candidate pools for job openings, monitoring workforce data to address issues of under-representation of protected classes, and appropriate training.

3.2 WORKPLACE HARASSMENT

1. Definitions

1. **Harassment Generally:** Verbal or physical conduct that is derogatory or shows hostility towards an individual because of the individual's race, religion, gender, national origin, age, marital status, disability, sexual orientation, veteran status or status protected by law and:

- creates an intimidating, hostile, abusive, or offensive work environment; or
- unreasonably interferes with an individual's work performance.

b) **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual influences employment decisions affecting such individual; or
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Prohibited acts of sexual harassment can take a variety of forms ranging from offensive humor and innuendoes to demands for sexual favors and physical assault. Sexual harassment can include, but is not limited to, the following types of conduct:

- Sexual innuendoes, teasing and other sexual talk or communications such as jokes or intimate inquiries
- Suggestive facial expressions or noises, leering or obscene gestures
- Display or transmission of sexually explicit or offensive materials, messages, calendars, posters, pictures, drawings, or cartoons
- Unwelcome touching, impeding or blocking movement, or any physical interference with work or movement
- Pursuit of romantic or personal relationships over the objections of the other party
- Verbal harassment such as derogatory comments or slurs of a sexual nature

- Retaliation against employees for complaining about the behaviors described above.

2. General

- a) Prohibited workplace harassment is unacceptable in any work-related setting, to include when using County resources such as computers, e-mail, faxes, copiers and telephones.
- b) Employees who believe they have been subjected to harassment should immediately report the circumstances to their supervisor, or if more appropriate, to another member of management or to Human Resources, so that the matter can be promptly addressed and resolved.
- c) Employees who observe conduct or behavior that violates this policy are encouraged to immediately report the matter to their supervisor, or if more appropriate, another member of management or Human Resources.
- d) Employers and supervisors may be held legally responsible for acts of unlawful harassment in the workplace if a supervisor knew, or should have known, of the misconduct and failed to report it so appropriate, prompt action could be taken. Accordingly, it is critical that supervisors/managers immediately report to their manager and to the Human Resources Department any conduct or related information that could reasonably be perceived as a possible violation of this policy.
- e) Employees may be subject to disciplinary actions, up to and including termination, for knowingly furnishing false information as determined by the employee's appointing authority, or for filing a complaint that is not in good faith.

3.3 COMPLAINT PROCESS

Employees covered by a collective bargaining agreement (CBA) have the option of either using this policy's complaint procedure or the grievance procedure provided by the CBA. The two processes may not be used concurrently. If the CBA grievance procedure is used, the County reserves the right to defer to and adopt the results of the grievance procedure in lieu of processing a complaint under this policy.

Employees with concerns or complaints not involving unlawful discrimination or harassment are referred to HR Policy 15.0 ("Complaint Resolution").

The Human Resources Director is responsible for ensuring compliance with this policy and related federal and state requirements and is designated as the Board of County Commissioner's representative for employment-based discrimination and harassment complaints. If the Human Resources Director determines that the complaint has no basis under this policy, a formal

investigation will not proceed. An HR representative will discuss any further options with the complainant.

1. Non-retaliation

Individuals bringing forward complaints or participating in investigations under this policy are assured that any retaliation for doing so is strictly prohibited. Any employee found to have engaged in retaliatory action or behavior in violation of this policy will be subject to discipline, up to and including termination. Retaliation is any adverse change in terms and conditions of employment, including activities which result in a hostile work environment, which occurs as a result of the employee's complaint.

2. Confidentiality

Complaints and related investigations will be treated with as much confidentiality as possible. However, employees should understand that confidentiality cannot be guaranteed for the following reasons: 1) the County may be required by law to conduct investigations of concerns brought to its attention, 2) many records which the County maintains are considered public documents, 3) those involved may have the right under a collective bargaining agreement to union representation, and 4) a fair and objective review process includes the opportunity for the offending party to respond to concerns being investigated.

3. Informal Resolution

In some situations, an employee may want to make an effort to resolve the matter personally by telling the offending party directly that the conduct is inappropriate or offensive. If so, the employee should follow these steps:

- a) Make it clear to the other party that the conduct or statements are not welcome or appreciated and that the employee wants it to stop. An employee's union/guild may be helpful when informally resolving interpersonal matters.
- b) If the situation persists or the employee chooses not to confront the person, the employee should file a formal complaint.

4. Formal Complaints

- a) Complaints may be submitted verbally or in writing. Verbal complaints will be reduced to writing by the employee to facilitate the investigation. The written account of the situation should include a description of the discrimination or harassment involved, name(s) of the offender or responsible individual(s), witnesses, dates, and any other information relevant to the complaint. The complaint should also specify the remedy sought or proposed.

- b) Upon request, an HR representative will assist an employee in writing their formal complaint.
- c) Complaints may be submitted to either the complainant's supervisor or manager, a manager in another department or directly to Human Resources (Public Service Center 5th Floor; 1300 Franklin Street, PO Box 5000, Vancouver, WA 98666). To assist the County to promptly address complaints of discrimination or harassment, such complaints should be filed immediately as soon as possible after the objectionable event occurred, and in no event should they be filed later than 180 days from the alleged action. <http://www.clark.wa.gov/hr/careers/equal.html>. An employee may avail themselves to their union/guild when filing a formal complaint.
- d) All supervisors and managers are required to report any incidents or complaints (verbal or written) regarding unlawful discrimination or harassment immediately to their manager (if appropriate) and the Human Resources Department. Managers uncertain whether a particular incident or action violates this policy should consult with Human Resources for guidance.

5. Investigations

- a) All complaints brought by or against County employees will be promptly reviewed by the HR director, and if found to have a basis under this policy, will be investigated in a thorough and impartial manner.
- b) The Human Resources Department will lead or coordinate investigations of complaints involving unlawful discrimination or harassment. In some cases the matter may be referred to outside investigatory resources.
- c) All employees are expected as a part of their employment with the County to cooperate fully with investigations of complaints brought under this policy.
- d) While the County encourages internal complaints as a first step, employees may also file complaints with the following agencies:

Washington State Human Rights Commission

U.S. Equal Employment Opportunity Commission

Use of the County's complaint procedure will not suspend any time limitations for filing complaints with any of the above listed agencies or others that are set by law, rule or regulation.

- e) Following conclusion of the investigation, the affected parties will be informed of the findings.

- f) Should the complainant wish to appeal the findings of the investigation, they may file an appeal with the County Administrator who will consult with the Prosecuting Attorney's office to determine a course of action. Corrective actions are not subject to appeal under this policy.
- g) If any issue submitted for review under this policy becomes subject to administrative agency proceedings or litigation, the review may be suspended and the County will determine the appropriateness of continuing its review.

6. Corrective Action

Violations of this policy will be addressed with appropriate corrective action. The action taken will depend on a review of all the factors generally considered in disciplinary matters. Violations of this policy warrant serious disciplinary action, to include termination, without the benefit of prior warnings or disciplinary steps.

HR Business Process: Reasonable Accommodation

1. Purpose

To ensure compliance with state and federal disability laws. To have a consistent, documented step by step process for providing reasonable accommodation to employees or job applicants with a qualified disability that helps them apply for a job, perform essential functions of the job or enjoy the benefits and privileges of employment unless doing so would cause an undue hardship.

2. Step by Step Overview

This general overview is followed by additional, more detailed sections. Refer to the Reasonable Accommodation Toolkit for forms, checklist, templates, definitions, and interactive process talking points – H:\Benefits\Ee Medical Accommodations\Accommodation Toolkit

- HR Staff becomes aware of an employee's or applicant's request for accommodation either from the individual or the individual's manager, or through observation of a demonstrated need.
 - HR/Hiring Manager must provide an equal opportunity for an individual with a disability to participate in the job application process and provide reasonable accommodation as needed. NOTE: No medical questions can be asked of an applicant until after a conditional job offer is made.
- Benefits Analyst or HR Rep reminds manager to keep the matter confidential to the extent possible, including:
 - All medical documentation must be sent to Benefits Analyst for secured employee medical file
 - Manager should not ask for medical information from the employee or the health care provider
 - Manager should not speculate about effects of a proposed accommodation
 - Managers may be provided information necessary to implement restrictions on the employee's work duties or to provide a reasonable accommodation
 - Manager should not discuss employee's health condition with other employees
- Benefits Analyst provides the Reasonable Accommodation Request Form (add link) to employee to complete. This provides the initial means of reviewing an accommodation request.
- Benefits Analyst or HR Rep work with employee's manager to review and document essential functions of the job (as opposed to marginal functions that may be able to be reassigned or not performed).
 - Guidance on determining whether the function (duty) is essential:
 - a) The position exists to perform to the function
 - b) There are limited number of employees who can perform the function
 - c) The function may be highly specialized such that the incumbent was hired for his/her expertise or ability to perform the function
 - Evidence a particular function is essential includes:
 - a) Manager's judgment

- b) Written job description
- c) Amount of time performing the function
- d) Consequence of not having the employee perform the function
- e) Terms of collective bargaining agreement
- f) Work experience of past incumbents
- g) Current work experience of incumbents in other similar jobs
- h) Actual duties being performed by the employee
- Benefits Analyst starts the interactive process after receiving Request Form by scheduling one or more meetings with the employee and manager for the purpose of discussion or clarification of accommodation needs to enable employee to perform essential functions, and review of accommodation options. The HR Manager/HR Rep and labor rep. may also be involved in the interactive process meeting(s). See Interactive Process section for details.
- Benefits Analyst continues interactive process until accommodation is selected and found to be effective, or finding there is no accommodation which will allow employee to perform essential functions of the job, or there is undue hardship
- Resolution of Request form to grant or deny request is completed by Benefits Analyst and retained in the employee's medical file (add link)
- Written resolution is given to the employee (documenting the accommodation, or denial of accommodation) – *add template*
- Checklist is completed by Benefits Analyst and placed in employee's medical file

3. **Interactive Process Meeting steps for Benefits Analyst** –This is the conversation with the employee about what they may need to be able to perform the essential job functions. Communication is a priority with follow-up in writing to the employee and documentation for the medical file. The goal is to identify barriers to job performance by learning the employee's limitations, and exploring the types of accommodations that would be most effective. The interactive process is intended to be flexible and suited to each situation.

- Start meeting by providing an introduction to the interactive process (purpose, county's commitment, timeframe, information to be discussed, confidentiality, no retaliation, etc) – See talking points in Toolkit (add link)
- Discuss the job with the employee, and have them describe what they can and cannot do
- If the employee cannot perform an essential function in the usual way, have them describe or demonstrate how they may be able to. Be open to new ways of accomplishing an essential task.
- Determine whether additional medical information is necessary to determine employee's limitations (only when disability and/or need for accommodation are not obvious or already known). Provide Authorization to Release Information form (add link) to employee to complete and sign prior to initiating a request from the health care provider. Prepare letter (add link to template) and provide the employee with documents to take their health care provider:
 - Letter
 - Specific job description and classification description
 - Medical Cert. Form for health care provider to complete and return
 - GINA notice
 - Medical Release of Information

- Consider and discuss whether a temporary accommodation is reasonable while waiting for medical documentation
- Hold follow-up meeting when medical documentation is received and continue interactive process to identify reasonable accommodation. Consult the employee for ideas on an accommodation they believe would allow them to perform essential functions. The interactive process continues until determining a reasonable accommodation can or cannot be identified.

4. Selection of reasonable accommodation

- Job Accommodation Network (JAN) is a helpful resource when considering possible accommodations. <https://askjan.org/>
- Consider the employee's preferences, the effectiveness of accommodation options, and cost
- After working with the employee on options, select the accommodation most appropriate (feasible and effective) for both the employee and the county; must not eliminate or alter essential functions, impose undue hardship, violate terms of CBA
 - HR, with the manager, makes the decision on accommodation selected
- The accommodation selected is not always the one proposed by the employee or the most expensive, however it does need to be reasonable and enable the employee to perform the essential job functions. If the employee's option is not selected, have rationale for why it was not chosen, and document on checklist.
- Accommodations purchased by the county are property of the county
- Reassignment is generally only considered and discussed with the employee if no other accommodations are available to allow the individual to perform the essential functions of the job, or if the only other effective accommodation would cause undue hardship; the employee must meet minimum qualifications.
- If reassignment is the only viable option, the Benefits Analyst will work with the HR Rep to identify vacant positions for which the employee may be qualified, with or without reasonable accommodation
- See (link) for examples of reasonable accommodations, and accommodations found NOT reasonable
- Special Considerations:
 - Leave as an accommodation
 - a) Document expected return date
 - b) Determine if periodic status reports are required from employee
 - c) Will accommodation be needed upon return to work
 - Interim/Temporary accommodation
 - a) Consider modified schedule, or temporary change in equipment, furniture, or workspace
 - Direct threat of harm
 - a) Does the employee present a specific risk to him/herself or others
 - b) What is the risk and how probable is it
 - c) What is the expected duration of the risk
 - d) What specific harm could result

5. Denial of reasonable accommodation

- Must be documented on Resolution of Request form and in writing to the individual (including reasons for denial)
- Written notice to individual must include notification of their **right to file an EEO complaint** or grievance (if Represented) and procedures available for informal dispute resolution. The current denial template does not have this information.
- Consult legal if no accommodation can be found (accommodation denied), undue hardship is considered, or personnel action such as demotion or medical termination is being considered
- Permissible denials include:
 - Undue hardship
 - Numerous attempts to accommodate have been made, but employee still unable to perform essential duties
 - Reasonable accommodation has been provided but employee refuses it
 - Violation of collective bargaining agreement
- If employee is unable to perform essential functions with or without reasonable accommodation, including reassignment to vacant position for which they are qualified, medical separation may occur. Pre-separation process includes:
 - Interactive dialogue regarding reasonable accommodation has been completed and documented
 - Medical documentation indicates the employee can no longer perform the essential duties with or without reasonable accommodation
 - Meeting has been held with employee about any other open positions for which the employee is qualified and would be able to perform with/without accommodation
 - Pre-separation meeting is held (employee, labor rep., department manager, HR) to describe medical separation, benefits such as COBRA, disability, PERS, acknowledgement of employee's service, and opportunity for employee to ask questions.
 - Post-separation, the former employee can be added to the weekly Job Opportunities distribution list for 6 months following separation

6. Confidentiality

- Disclosure of medical information is prohibited except in certain limited situations
- Medical information will only be shared with those who have a need to know or disclosed based on the employee's written authorization
- Medical information is kept secured in a locked cabinet with limited access, separate from personnel files
- Electronic medical documents are saved in the H/Benefits/EE Medical Accommodations/Accommodation.Fit for Duty by Employee: HR Confidential file in a reasonable accommodation folder
- Medical information is to be shared with the employee's manager only as necessary to process and implement the request for accommodation

7. Documentation is essential

- Document all discussions, information gathered, efforts and decisions
- All completed forms, letters, documentation of the interactive process dates and outcomes, medical information, completed Reasonable Accommodation

Checklist, or other notes are maintained in the employee's confidential medical file

- Supervisors must be instructed to send any medical documentation to HR for the confidential file

8. Follow-up

- HR/Manager need to periodically monitor the effectiveness of the accommodation after implementation.
- The county's obligation is on-going. If an accommodation is no longer effective, either the manager or employee should inform HR to initiate the interactive process again to determine whether a change in accommodation is warranted.

NOTE: Some accommodations may be simple requests handled by the department manager with HR Rep, for example a request for air freshener or an ergonomic adjustment. These requests must still be documented by the manager and sent to the Benefits Analyst to retain in the employee medical file.

Date Initiated: 02-12-18

Date Updated/Approved: