
	<p>POLICY NO. 200</p> <p>TITLE: Equal Access to OAH Facilities and Services</p>
<p>Related Procedures:</p>	<p>Procedure 200 Equal Access to OAH Facilities and Services</p>
<p>Other Regulations and Resources:</p>	<p>Title II of The Americans with Disabilities Act of 1990 Title VI of the Civil Rights Act of 1964 Section 504 of the Rehabilitation Act of 1973 Age Discrimination Act of 1975 Chapter 49.60 RCW Washington Law Against Discrimination, RCW 34.05.455 (Ex parte communications) Governor’s Executive Order 96-04 Chapter 10-24 WAC</p>
<p>Related OAH Policies:</p>	<p>Policy 105 – Anti-Discrimination, Harassment and Sexual Harassment Policy 208 – Reasonable Accommodation</p>
<p>Tools or Forms:</p>	<p>Tools:</p> <ul style="list-style-type: none"> • Equal Access and Nondiscrimination Notice • Training Checklist • PRISM Request Instructions <p>Forms:</p> <ul style="list-style-type: none"> • Representational Accommodation Referral by ALJ • ADA Authorization for Non-Secure E-mail • Online Accommodation Request
<p>Effective Date:</p>	<p>July 1, 2021 (supersedes September 14, 2018 policy)</p>
<p>Policy Owner:</p>	<p>Johnette Sullivan, ADA Coordinator</p>
<p>Phone:</p>	<p>509-867-7962</p>
<p>Approved:</p>	
<p>Date:</p>	<p>June 17, 2021</p>

Purpose:

The Office of Administrative Hearings (OAH) is committed to providing equal access to our facilities and services. The purpose of this policy is to provide guidance on making facilities and services accessible to hearing participants and the general public, consistent with state and federal laws.

Policy:

OAH provides reasonable accommodations to those who, due to a disability, need accommodations to access OAH facilities or services, in compliance with Title II of the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Washington Law Against Discrimination (WLAD).

Distribution

To ensure that everyone is informed of their rights and protections provided under the law, the Nondiscrimination and Equal Access Notice will be posted in the waiting area of all OAH offices and on OAH's public website. A statement about requesting an accommodation will be included with every notice of prehearing conference and hearing. Additional information about equal access to OAH facilities and services is available on OAH's public website.

Education

OAH provides all staff with initial and annual training appropriate for the scope of their duties regarding the requirements of the ADA and WLAD as they relate to reasonable accommodation throughout an adjudicative proceeding, with particular regard to the process for assessing and determining accommodations necessary to ensure meaningful participation in an adjudicative proceeding. OAH provides specialized training to the agency ADA Coordinator to assure an adequate knowledge and federal and state law.

Accommodation Requests by Hearing Participants and/or the Public

ALJs and supervisors are authorized to approve or deny accommodation requests, except that only the ADA Coordinator or the Chief ALJ may approve or deny a representational accommodation.

Disability Unrelated to Issues in Case

When the accommodation request is unrelated to the issue in the pending administrative proceeding, the ALJ may communicate directly or indirectly with the requester to gather necessary information and decide the request, if the ALJ complies with the laws and rules related to ex parte communication.

Disability Related to Issues in Case

When the accommodation request is related to the issue in the pending administrative proceeding, the assigned ALJ should not communicate directly off the record with the requester and should not decide the request, to avoid improper ex parte communication.

Grievance Process

If an individual believes that OAH is failing to comply and/or accommodate as required under the provisions of the state or federal law, they may file a complaint with the OAH ADA Coordinator.

- The individual must file the complaint within 60 days of the alleged failure of OAH to comply or accommodate.

- The complaint does not need to be in any particular form, but must be in writing (or in any other form consistent with the individual's disability). It must contain the individual's name and address, and briefly describe the alleged failure and the remedy sought.
- Within 15 days after receiving the complaint, the ADA Coordinator will attempt to confer with the individual and/or their representative to discuss the complaint and possible resolutions, and provide them an opportunity to submit additional information relevant to the complaint and remedy.
- Within 15 days after conferring with the requester and receiving new information from the requester, the ADA Coordinator will issue a written decision determining the validity of the complaint, and any remedy to be provided.
- If the individual or their representative does not respond to the ADA Coordinator's attempt to confer, the ADA Coordinator will issue a decision within 30 days after receipt of the complaint.
- If the complaint regards a denial issued by the ADA Coordinator, and the review does not resolve the matter, the complaint is referred to the Chief ALJ.
- If a complaint is referred to the Chief ALJ, the Chief ALJ will issue a written decision determining the validity of the complaint, and any remedy to be provided, within 30 days after receiving the referral.

The grievance process is not a prerequisite to the pursuit of other remedies.

Definitions:	
Accessible	Sites, facilities, services, or programs that are easy to approach, enter, operate, participate in, and/or use safely and with dignity by an individual with a disability.
Accommodation	Act or process of adapting, adjusting or modifying a facility or service to ensure the facility or service is accessible to an individual with a disability.
ADA Coordinator	The agency Risk Manager or an individual designated by the Chief ALJ. For purposes of the tasks listed in the procedures, reference to the ADA Coordinator also includes staff assigned to assist the ADA Coordinator, if the ADA Coordinator has delegated the task.
Disability	Disability as defined in federal law in 42 U.S.C. Sec. 12102. Disability does not include factors such as lack of education, lack of English proficiency, or other non-disability factors.
Impairment	Includes but is not limited to (i) any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or (ii) any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain

	syndrome, emotional or mental illness, and specific learning disabilities.
Individual with a disability	A person who has a disability as defined in 42 U.S.C. Sec. 12102. A disability is not determined by factors such as lack of education, lack of English proficiency, or other non-disability factors.
Readily achievable	Easily accomplishable and able to be carried out without much difficulty or expense. The factors to be considered in determining whether an action is readily achievable may include: the nature and cost of the action; the overall financial resources and the effect on expenses and resources of OAH; the number of persons expected to benefit from the action; and whether the action poses a significant risk to health or safety of individuals with disabilities or others.