	<p>Policy/Procedure No. 200</p> <p>Title: 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</p>
<p>Related OAH Policies:</p>	<p>Policy 105 – Non Discrimination</p>
<p>Tools or Forms:</p>	<p>Tools:</p> <ul style="list-style-type: none"> • 200A - Nondiscrimination and Equal Access Notice <p>Forms:</p>
<p>Effective Date:</p>	<p>October 24, 2016 (supersedes November 1, 1999 policy)</p>
<p>Date for Review:</p>	<p>October 24, 2018</p>
<p>Contact Person:</p> <p>Phone:</p>	<p>Johnette Sullivan, Assistant Chief ALJ, Agency Risk Manager, and ADA Coordinator</p>

Policy:

This policy guides all Office of Administrative Hearings (OAH) employees regarding equal access. OAH and its employees are 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 or the general public, consistent with state and federal laws.

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. A statement about requesting an accommodation will be included with every notice of prehearing conference and hearing. Information about equal access to OAH facilities and services is also available on OAH’s public website.

Education

OAH provides training and guidance regarding equal access to supervisors, administrative law judges (ALJs) and employees who have contact with hearing participants or the general public.

Guidelines:

Accommodation Requests by Hearing Participants and/or the Public

1. An individual with a disability who requires accommodations to access OAH facilities and/or services should contact the OAH office listed on the notice of prehearing conference and hearing. The individual will explain the restriction and/or limitation and describe the accommodation desired.
2. The OAH employee who receives the request for accommodation will inform a supervisor or the assigned ALJ. The supervisor or assigned ALJ may consult with the Division Chief ALJ, OAH ADA Coordinator, or Deputy Chief ALJ for assistance if required.
3. If the individual makes an oral request for accommodation during a prehearing or hearing, the ALJ may consider and grant the request on the record. If the ALJ determines more information is needed, the ALJ will inform all parties that the ALJ, a supervisor or the OAH ADA Coordinator will communicate with the individual off record according to the procedures below.
 - a. When the accommodation request is unrelated to the issue in the pending administrative proceeding, the ALJ may communicate directly or indirectly with the individual to comply with state and federal law for the disposition of the accommodation request.
 - b. When the accommodation request is related to the issue in the pending administrative proceeding, the ALJ will inform a supervisor of the need for staff to communicate with the individual to gather more information. The supervisor, the OAH ADA Coordinator, or the Deputy Chief ALJ will make contact with the individual.
4. OAH staff will review the request and the accommodation sought by the individual.
5. OAH staff will provide the accommodation if readily achievable and take timely action to notify the individual that the accommodation is being implemented.
6. If the accommodation sought by the individual is denied, the OAH ADA Coordinator will notify the individual of the reasons for the denial in writing. The individual will also be informed about the grievance procedure.

7. OAH staff will enter in the case management system (PRISM) that an accommodation request was made, a description of the accommodation requested, and the status. If the request is denied, the denial letter will be uploaded to the case management system.

Grievance Process

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

1. If an individual with a disability believes that OAH is failing to comply and/or accommodate as provided under the provisions of the state or federal law, (s)he may file a complaint with the OAH ADA Coordinator.
 - a. The individual must file the complaint within 60 days of the alleged failure of OAH to comply or accommodate.
 - b. 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 impairment), contain the individual's name and address, and briefly describe the alleged failure and the remedy sought.
2. The OAH ADA Coordinator will review the complaint and the remedy sought.

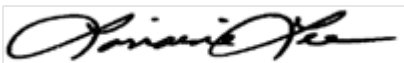
During review of the complaint:

- a. The complaint and the request may be discussed with the individual and/or his or her representative, and further information may be requested.
 - b. OAH may request technical assistance from the Division of Vocational Rehabilitation, the Department of Services for the Blind, the Developmental Disabilities Planning Council, the Human Rights Commission, the Federal Office of Civil Rights, or other organizations and/or individuals as appropriate to find suitable alternative and to provide an acceptable and mutually agreeable accommodation.
 - c. The individual and their representative, if any, will be afforded an opportunity to submit information relevant to the complaint and remedy.
3. The OAH ADA Coordinator will try to resolve the matter, and will issue a written decision determining the validity of the complaint, and any remedy to be provided, within 30 calendar days of the complaint filing.
4. The OAH ADA Coordinator will maintain records of all grievances together with their outcomes.

Definitions:	
Accessible	Means that sites, facilities, services, or programs are easy to approach, enter, operate, participate in, and/or use safely and with dignity by an individual with a disability.
Accommodation	Means the act or process of adapting, adjusting or modifying a facility or service or the way things usually are done to ensure the facility or service is accessible to an individual with a disability.
ADA Coordinator	The agency Risk Manager.
Disability	Means the presence of a sensory, mental, or physical impairment that is (i) medically cognizable or diagnosable; or (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits any activity within the scope of Chapter 49.60 RCW.
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	Means a person who has a sensory, mental, or physical impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment.
Readily achievable	Means 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, legitimate safety requirements.

Procedures:		
	Activity or Event(s)	Responsible Person(s)
1.	Staff notify the supervisor or assigned ALJ of a request for accommodation from an individual.	OAH Employee

2.	Staff will review the request and accommodation being requested. <ul style="list-style-type: none"> The supervisor or assigned ALJ may consult with the Division Chief ALJ, ADA Coordinator, or Deputy Chief ALJ for assistance, if required. 	Supervisor or assigned ALJ
3.	If an accommodation is approved, staff initiate action to implement the accommodation and notify the individual.	OAH Employee
4.	If an accommodation is denied, staff notify the individual of the reasons for denial in writing.	ADA Coordinator
5.	If a complaint is received, staff notify the ADA Coordinator.	OAH Employee
6.	Staff review the complaint and remedy sought, verifying that the complaint was received within 60 days of accommodation denial. <ul style="list-style-type: none"> Staff may discuss the complaint and request with the individual and/or his or her representative. Staff may request technical assistance from other organizations and/or individuals as appropriate. 	ADA Coordinator
7.	Staff will issue a written decision within 30 calendar days of receiving the complaint.	ADA Coordinator
8.	Staff will maintain records of all complaints and supporting documentation and outcomes.	ADA Coordinator



Lorraine Lee
Chief Administrative Law Judge

October 24, 2016

Date

200A - Notice of Nondiscrimination and Equal Access Policy



OFFICE OF ADMINISTRATIVE HEARINGS NONDISCRIMINATION AND EQUAL ACCESS NOTICE

This notice is provided in accordance with 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, and the Age Discrimination Act of 1975.

The Washington State Office of Administrative Hearings does not discriminate against any person in employment or in access to its facilities or services on the basis of disability, race, color, national origin, creed, sex, age, marital status, sexual orientation, use of a trained guide dog or service animal, veteran or military status, status as breastfeeding mother or, the ability of hearing participants to speak English.

If you have a disability and desire accommodation by the Office of Administrative Hearings when using its facilities or services, please contact the Office of Administrative Hearings office listed on the notice of prehearing conference or hearing.

Individuals seeking the name of the agency's current ADA Coordinator, or alleging unequal treatment or denial of equal access, or desiring additional information about accommodation should contact:

Office of Administrative Hearings
Attn: Americans with Disabilities (ADA) Coordinator
P O Box 42488
Olympia, WA 98504-2488
(360) 407-2700
TTY (hearing impaired) users dial 7-1-1 or 1-800-833-6388 for the Washington relay operator.

Rev. October 2016