



# COUNTY OF KINGS

2016

## Americans with Disabilities Act Self-Evaluation

February 2016



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# The Americans with Disabilities Act

## Self-Evaluation of Kings County

### 2016

#### **Introduction**

The Americans with Disabilities Act (ADA) is a comprehensive federal civil rights act encompassing every major element of American life. The ADA is in place to ensure inclusion for an estimated 57 million Americans with disabilities.

Kings County is subject to Title II of the ADA, which addresses all programs and services and activities, and Title I which covers employment activities.

To fulfill its ADA mandates under Title II, Kings County must conduct a Self-Evaluation. The Self-Evaluation is an analysis of all programs, services and activities to determine what if any changes are necessary to ensure appropriate access exists. Thus, the Self-Evaluation is a comprehensive review covering all parts of Kings County operations.

#### **An Overview of Kings County Government**

##### ***Mission Statement:***

The mission of the Kings County Administrator's Office is to provide recommendations and support to the Board of Supervisors ("Board") in the implementation of their defined goals and priorities. The following guidelines are the foundation of the mission:

- Provide leadership and accountability to the Board and the residents of Kings County in the administration of County programs and services.
- Develop and support a County management team which maintains the highest professional and ethical standards.
- Facilitate collaboration among the County staff and other jurisdictions by providing an organizational environment that rewards innovation and excellence, and recognizes, respects, and involves our citizens.
- Locate and use local, regional, state and federal resources to support, engage and advocate for Kings County commodities, businesses, services, citizens and employees.
- Supply the Board of Supervisors with informed recommendations, analyses, and forecasts for their weekly consideration and action.

- Work with County Departments to prepare the Annual County Budget and performs prudent oversight of its implementation once adopted to ensure the fiscal soundness and long-term stability of the County's finances.

**Administration**

A five-member County Board of Supervisors is ultimately responsible for the administration of the County. Operations are managed through five separate administrative entities

ADMINISTRATION	
• County Administration	• Finance Department
• Human Resources Department	• Purchasing
• Information Technology Department	

Kings County has the following departments, each with a unique mission:

DEPARTMENT LIST IN ALPHABETICAL ORDER	
• Agriculture Department	• Human Services Agency
• Animal Services	• Information Technology
• Assessor	• Minor's Advocate
• Behavioral Health	• Probation Department
• Board of Supervisors	• Public Guardian
• Child Support Services	• Public Library
• Community Development Agency	• Public Health
• County Administration	• Public Works
• District Attorney	• Sheriff
• Environment Health Service	• Veterans Services
• Finance Department	• Victim-Witness Assistance Center
• Fire Department	
• Human Resources	

**Background Information Regarding the ADA**

Enacted in 1990, the ADA is one of the most comprehensive civil rights laws in the nation. It provides protection to an estimated 57 million Americans in employment, access to public programs and services, and accommodations in the receipt of goods and services from private businesses and telecommunications. In 2008 the Americans with Disabilities Amendment Act (ADAAA) was enacted. The ADAAA guides the courts regarding standing under the ADA. The result has been an increasing number of persons who are now able to bring their ADA cases to Federal Court.

## **Background Information Regarding California State Law**

Under California Government Code 11135, the ADA has been incorporated into state law. Thus, the matters raised in this report as ADA issues are also state issues. California has, in California Government Code 12926, broadened the definition of disability beyond the ADAAA. California law provides protection to cancer survivors, persons who have a genetic predisposition to illnesses or disabilities, persons who have received services within a special education program, and others having mental or physical conditions, or histories of such conditions, that limit major life activities if not mitigated.

## **Overview of the Self-Evaluation Activities**

As a part of Kings County's commitment to seamless and appropriate access for persons with disabilities, the County contracted with Sally Swanson Architects, Inc. (SSA) to facilitate the Self-Evaluation process and draft a report to be submitted to Kings County for approval and adoption.

SSA developed survey questions designed to measure all programs, services and activities offered by Kings County. Each department had staff that was provided an orientation to the ADA Self-Evaluation project, and the assigned task of completing the survey questions that were pertinent to that department's operations. SSA provided ongoing support throughout the data gathering process.

Upon completion, the surveys were submitted to SSA for analysis. After analysis recommendations and findings pertinent to each department were reported within the text of this document.

Kings County also submitted County policies and other control documents for review by SSA. Each policy document was reviewed by SSA, and the lists of policies were checked against an ADA policy list to determine if additional disability civil rights policies should be created by the County.

## **Setting the Scope of this Self-Evaluation**

The United States Department of Justice (US DOJ) is responsible for ADA enforcement. US DOJ also provides technical support for entities in addressing their ADA mandates. Within this effort, US DOJ published a Title II Technical Assistance Manual. Sections 8100 and 8200 of the manual were used to set the scope of this review. Together those sections outline basic mandates such as:

- Appointing an employee to be responsible for ADA;
- Creating an ADA grievance procedure;
- Creating an ADA Notice of Compliance;
- Creating an ADA Transition Plan;
- Conducting an ADA Self-Evaluation addressing policies that drive all programs, services and activities operated by the County

**There are also thirteen areas that are noted within the scope of review outlined by US DOJ.**

1. The Transition Plan
  - a. A list of barriers for county sites in operation in 1992;
  - b. The method to be used to address the barriers;
  - c. A schedule for barrier mitigation; and
  - d. An official responsible for the ADA Transition Plan.
2. County policies that may limit or exclude the participation of persons with disabilities in County programs, services or activities.
3. Access to County communications, such as 911 systems, web sites, publications, etc.
4. The provision of auxiliary aides and services for persons with disabilities to ensure seamless access to County programs, services and activities.
5. Access to emergency management services for persons with disabilities.
6. An examination of how persons with disabilities are portrayed in County publications. The consultants have expanded this to include what County employees know regarding disability awareness and etiquette.
7. An examination of the access to programs, services and activities when the County is operating from a registered historic site.
8. An examination of County policy modification requested and the determination of fundamental alteration of County programs, services or activities.
9. Review of policies regarding access to public meetings for persons with mobility related disabilities.
10. An examination of the policies that control all facets of the employment program. Within this area ADA Title I, the Americans with Disabilities Amendments Act (ADAAA), and the California Fair Employment and Housing Act (FEHA) are used as the basis of the evaluation.
11. An examination of policies that control new construction to ensure that construction projects result in appropriate access.
12. Methods in place to address County staff development regarding their role in disability civil rights.
13. An examination of policies to ensure protections are in place to ensure that unlawful discrimination does not occur against persons who formerly used drugs in an illegal manner.

Questions were drafted to address each of the areas above. County management input and organizational charts were used as a basis upon which to assign survey questions to the appropriate County staff person.

## Results of Kings County Policy Review

Below is a review of Kings County policies, submitted to SSA by the County. These policies were reviewed to determine if they need to be modified to ensure access for persons with disabilities and compliance with disability civil rights laws. It should be noted that ADA, Title II provides a legal basis for a qualified person with a disability to request a policy modification if needed to create access to County programs, services and activities.

### COUNTY OF KINGS POLICY MANUAL

#### GENERAL COMMUNICATION DOCUMENTS

*Recommendation:*

*The County should have a simply worded statement on all outgoing documents to the public offering other formats of communication should the person receiving a notification be unable, due to a disability to use the standard format.*

#### **WORK BEYOND AN EMPLOYEE'S NORMAL WORK WEEK**

No ADA impact found.

#### EMPLOYEE RELATIONS POLICY

##### **ARTICLE I: GENERAL PROVISIONS**

No ADA impact found.

##### **ARTICLE II: REPRESENTATION PROCEEDINGS**

###### **ARTICLE II, Section 3h**

This section holds that employee organizations must be open to providing membership to persons of all races, creeds, sexes, and national origins.

**Finding:**

Disability is not on the list of protected statuses.

*Recommendation:*

*Disability should be added to the list of protected statuses within County Civil Rights Policy.*

**ARTICLE II, Sections 6, relating to County Collective Bargaining Unit Elections****Finding:**

It is not explicitly stated that all election activities for bargaining units must be accessible to persons with disabilities.

*Recommendation:*

*Negotiate with bargaining units to insert a statement that all election activities must be accessible.*

**ARTICLE III: ADMINISTRATION****Article III, Section 13****Employee Organization Activities – Use of County Resources****Finding:**

Civil Rights compliance is not noted as a condition under which County resources may be used.

*Recommendation:*

*To the extent allowable under state and federal labor law and MOUs with bargaining units, as with other entities using County resources, bargaining units should be held to comply with all state and federal civil rights laws while using County property or other County resources.*

**ARTICLE IV: IMPASSE PROCEDURES**

No ADA impact found.

**ARTICLE V: MISCELLANEOUS PROVISIONS**

No ADA impact found.

**TEMPORARY ASSIGNMENT REIMBURSEMENT POLICY**

See findings and recommendations under travel and expense policy.

**KINGS COUNTY SUGGESTION PROGRAM**

No ADA impact found.

**TRAVEL AND EXPENSE POLICY FOR OFFICERS AND EMPLOYEES****Finding:**

Frequently modified vehicles that are used for persons with disabilities are more expensive to operate than non modified vehicles. No policy was found to compensate County staff for the extra expense incurred should it be necessary, while on county business, for them to use their personal vehicle which has been



modified to address their accessibility needs. Moreover, no policy is in place to address reimbursement for the costs of an employees's personal attendant.

*Recommendation:*

*Create a policy that would fairly compensate County staff in the event that it is necessary for them to use a personal modified vehicle on County business. A policy should also be created to compensate employees for necessary personal attendant services while on travel status.*

## **REST PERIODS FOR EMPLOYEES**

No ADA impact found.

## **CODE OF ETHICS, POLITICAL ACTIVITIES AND OUTSIDE EMPLOYMENT**

No ADA impact found.

## **DAMAGE TO PERSONAL VEHICLES WHILE ON COUNTY BUSINESS**

No ADA impact found.

## **REGULATING PARKING ON COUNTY GROUNDS**

No ADA policy impact found. Ensuring adequate provision of accessible parking as required by state and federal regulations is a function of the Transition Plan.

## **SAFETY POLICY STATEMENT**

**Finding:**

No "direct threat" policy is included.

*Recommendation:*

*Establish a policy for determining direct threats. See Appendix I for proposed policy language.*

## **COUNTY VEHICLE PERMANENT ASSIGNMENT AND TAKE HOME POLICY**

No ADA impact found.

## **KINGS COUNTY SERVICE AWARDS PROGRAM**

The County service awards program recognizes employees for various lengths of service to the County. It is not clear from the policy whether leaves related to FMLA, CFMLA, or ADA/FEHA are regarded as periods of service or breaks from service for purposes of computing lengths of employment.

**Finding:**

The policy lacks a statement that leaves related to FMLA, CFMLA or ADA/ FEHA are not to be seen as breaks in service.

*Recommendation:*

*Leaves related to FMLA, CFMLA or ADA/FEHA should be addressed within Section 2 of this policy to avoid confusion and promote consistency.*

**VERTEBRATE PEST CONTROL POLICY**

No ADA impact found.

**PUBLIC WORKS DEPARTMENT FUNCTIONS*****Department of Public Works*****Section II and III****Finding:**

Policy is absent concerning maintenance of accessible features.

*Recommendation:*

*As recommended in the staff Questionnaire section of this report, policy should be put in place for maintaining accessible features, and staff should be trained regarding their role in this process. See 28 C.F.R. § 35.133. Note: There should be a process whereby minor items could be repaired on the spot, more serious items could be reported to management for action, and impacted staff would be trained to identify items that impact access and safety.*

**COUNTY STREET LIGHTING STREET LIGHTING DISTRICTS**

No ADA impact found.

**GEOPHYSICAL PERMIT PROCEDURE**

No direct ADA impact found.

**TRAFFIC CONTROL DEVICES NEAR SCHOOLS**

No ADA impact found.

**ROAD RIGHT -OF - ENCROACHMENT POLICY**

No ADA impact found.

**ROAD CLOSURE POLICY****Finding:**

Under Sections A. (d) and (e) County roads may be used for public events. No note is made regarding disability civil rights access requirements to public events.

*Recommendations:*

*The County should:(1) create and disseminate guidance and a list of resources to be used by event producers using public rights-of-way for their events, and (2)*

*include within that guidance a notice to the event producers that they are required under state and federal law to comply with the ADA. A sample guidance document is provided at Appendix L, hereto.*

## **POLICY FOR ACCEPTANCE OF ROADS INTO COUNTY ROAD SYSTEM**

### ***Planning Department***

No ADA impact found.

## **CONTROL OF NOXIOUS WEEDS**

No ADA impact found.

## **PURCHASING**

### ***Office of Information Technology Service, Purchasing Division***

#### **Finding:**

There is no prohibition stated within this policy on the use of public funds to purchase items that result in a disability civil rights violation.

#### *Recommendation:*

*The use of public funds to purchase items or services under contract that violate state or federal disability civil rights laws should be prohibited. County purchasing staff should also receive training and/or guidance to help ensure that procurement activities comply with ADA mandates.*

#### **Finding:**

No requirement was found that design and construction contracts hold parties doing business with the County to applying the most stringent access standards to all County projects.

#### *Recommendation:*

*It is recommended that all designers be held to delivering projects that at a minimum meet the most stringent access standards in place. Also, review county standard design drawings and details for accessibility compliance. See Caltrans standard plans for reference in rights-of-way items:*

*[http://www.dot.ca.gov/hq/esc/oe/construction\\_standards.html](http://www.dot.ca.gov/hq/esc/oe/construction_standards.html)*

#### **Finding:**

No policy was found regarding complying with 28 CFR 35.133, maintenance of accessible features.

#### *Recommendation:*

*Creating policy to ensure appropriate action is taken to maintain accessible features. This recommendation may be advisable to implement in conjunction with training for impacted staff. See 28 C.F.R. § 35.133. Note: There should be*

*a process whereby minor items could be repaired on the spot, more serious items could be reported to management for action, and impacted staff would be trained to identify items that impact access and safety.*

**Finding:**

No provision was found to ensure leased space acquired by the County is reviewed for appropriate access for persons with disabilities.

*Recommendation:*

*Prior to entering into a lease agreement it is recommended that the property in question be surveyed by a CASp certified access specialist and that the County not acquire facilities that would result in barriers to programs, services or activities of the County.*

**Finding:** No requirement was found that holds entities who contract with the County to the provision of all contracted services in compliance with Title II of the ADA.

*Recommendation:*

*It is recommended that contract language be placed in all contracts which authorize programs, services or activities on behalf of the County that is to be provided by a third party. Said language should hold the contractor to compliance with all disability civil rights mandates and provide a grievance process for persons who are alleging that their civil rights have been violated. Sample language is included at Appendix K hereto.*

**URBAN SEWAGE POLICY*****Department of Public Works***

No ADA impact found.

**KINGS COUNTY COMPUTER SYSTEM POLICY*****Information Technology***

See recommendation within the Webmaster Questionnaire.

**NAMING OF LIBRARY FACILITIES IN KINGS COUNTY**

No ADA impact found.

**PERSONAL DECORATION OF PRIVATE OFFICES AND WORK SPACES*****Human Resources***

No ADA impact found.

**PERSONS VEHICLE MILEAGE REIMBURSEMENT*****Finance***

**See Recommendation in Section “TRAVEL AND REIMBURSEMENT FOR OFFICERS AND EMPLOYEES. ”**

**ESTABLISHING AN AIR POLLUTION CONTROL DISTRICT**

***Health***

No ADA impact found.

**AGENDA ITEMS CONTENT AND DISTRIBUTION**

***Administration***

No ADA impact found. Agenda will be made available in an alternative format upon request if feasible, and ADA notices on agenda now reflect this.

**ORDINANCE CODE-UPDATES**

***County Counsel***

No ADA impact found.

**RULES FOR CONDUCT OF BUSINESS BY THE BOARD OF SUPERVISORS**

***Administration***

**Finding:**

Item number 19 does not explicitly state that Board agenda shall be available in alternative formats for persons with disabilities as needed and requested in advance. However, the weekly Board agenda have always contained an ADA notice, which has been revised to state explicitly that agenda are available in alternative formats upon request.

**DELEGATION OF AUTHORITY**

***Administration***

No ADA impact found.

**GRAND JURY REPLY**

***Administration***

No ADA impact found.

**ASSESSMENT APPEALS**

***Administration***

No ADA impact found.

**BOARDS AND COMMISSIONS**

***Administration***

No ADA impact found.

**CONFLICT OF INTEREST CODES**

***County Counsel***

No ADA impact found.

**CANCELLATION TO PROVISIONS FOR CONTINGENCIES**

***Administration***

No ADA impact found.

**PROCEDURES FOR DEVELOPMENT OF ANNUAL BUDGET**

***Administration***

No ADA impact found.

**BUDGET TRANSFER POLICY & PROCEDURE**

***Department of Finance***

No ADA impact found.

**AUTHORIZING RADIO COMMUNICATIONS DEPARTMENT TO PROVIDE SERVICES TO CITIES**

***Sheriff***

No ADA impact found.

**GENERAL FIRE CONTROL POLICIES AND RULES**

***Fire Department***

See Recommendation #44 on ADA Coordinator Questionnaire regarding accommodation of volunteers.

**AMBULANCE SERVICE**

***Health Department***

*Recommendation:*

*Ensure that ambulances are required to carry equipment to remove persons from a second floor.*

**OPREATIONS OF THE WEAPONS TRAINING RANGE BURRIS PARK**

***Sheriff***

No ADA impact found.

**SHERIFF CARS, LIGHT TRUCKS, PASSENGER CARS**

No ADA impact found.

**COUNTY OF KINGS DRIVER'S ACCIDENT REPORT**

No ADA impact found.

**DONATIONS POLICY**

***Department of Finance***

No ADA impact found.

**MEAL ALLOWANCE**

***Department of Finance***

No ADA impact found.

## **TRAVEL EXPENSE POLICY FOR OFFICERS AND EMPLOYEES**

### ***Department of Finance***

**Finding:**

Policy does not provide guidance for the use of a personal services attendant (PSA) for an employee with a severe disability.

*Recommendation:*

*It is recommended that policy be created regarding the use of PSAs, to ensure that matters related to this need could be addressed smoothly should the need arise.*

## **VEHICLE POLICY**

***Administration***

No ADA impact found.

## **KINGS COUNTY EQUAL EMPLOYMENT OPPORTUNITY PLAN**

### **POLICY STATEMENT**

**Finding:**

The term “handicap” is used in the Policy statement. This is an outdated term that is offensive to many persons with disabilities.

*Recommendation:*

*Replace any reference, in this or other policy statements, to the term “handicap,” “handicapped person,” or the like with person first terminology, e.g., “person with a disability.”*

### **PRINCIPLE LEGISLATION AND GUIDELINES**

**Finding:**

The list of federal and state laws that drive equal opportunity is not current.

*Recommendation:*

*Under federal law and the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Amendments Act of 2008 (ADAAA), and the Genetic Information Nondiscrimination Act of 2008 (GINA). Under state law replace “Government Code 111555 with California Government Code sections 11135 and 12926, the Fair Employment and Housing Act.*

**DISSEMINATION****Finding:**

A. 2. It is not clearly stated that training for managers and supervisors includes employment issues related to disability civil rights.

*Recommendation:*

*Train managers and supervisors regarding state and federal disability employment civil rights requirements that Kings County is held to.*

**Finding:**

B. 1. Does not cover outreach to organizations serving persons with disabilities.

*Recommendation:*

*Include the California Department of Rehabilitation and local Independent Living Centers in the Kings County outreach plan.*

**WORKFORCE AND COMMUNITY LABOR STATISTICS****Finding:**

Data regarding persons with disabilities is not tracked and reported.

*Recommendation:*

*On a voluntary basis for respondents, Kings County may ask about disability status. This data would be useful in managing the County employment program.*

**SEXUAL HARASSMENT POLICY**

No ADA impact found

**COUNTY OF KINGS REASONABLE ACCOMMODATION POLICY (DRAFT) 6/30/09****Findings:**

- Kings County does not have a finalized reasonable accommodation policy.
- The draft policy does not list the Americans with Disabilities Amendments Act of 2008
- The draft policy does not address reasonable accommodations related to benefits and privileges.
- The scope of medical inquiry is not addressed. "Genetic Characteristic" is defined. Knowledge or use of genetic information is a violation of the Genetic Information Nondiscrimination Act of 2008 and the California Fair Employment and Housing Act. Defining terms that are not legal to use without stating the restriction in the law might lead to problems.
- Evidence regarding essential functions is provided, but the three characteristics of an essential function are not included. Some information is missing from the five step procedure section, which includes, resources, how to document the interactive



process, medical inquiry scope, storage and release of medical information and the issues of reassignment to a vacant position is not covered.

*Recommendation:*

*In lieu of the 2009 draft policy, adopt as County policy the simply stated reasonable accommodation policy provided below, train impacted staff to implement the policy as appropriate, and incorporate the policy into the County's employee handbook, on the County's Human Resources website, and in literature describing the County's job selection process*

**Reasonable Accommodation:** It is the policy of the County of Kings to provide reasonable accommodation to qualified applicants and employees with disabilities, consistent with the California Fair Employment and Housing Act, Title I of the Americans with Disabilities Act, and the ADA Amendments Act of 2008. As justified by individual circumstances, accommodation may be provided to assist an employee in performing the essential functions of his or her position or so that he or she may receive the same benefits and privileges of employment as other employees in the same work situation. Reasonable accommodation may also be made as appropriate during the selection process. It is generally the employee or applicant's responsibility to make the need for reasonable accommodation known to the employer. Upon becoming aware of the need for reasonable accommodation, the County shall engage in an interactive process. The County will also implement effective and available accommodations justified by the employment situation that are determined through the interactive process not to result in undue hardship.

**“A SUMMARY OF EMPLOYMENT BENEFITS SERVICES AND POLICIES FOR KINGS COUNTY EMPLOYEES”**

**Finding:**

No notice was found that inform readers that this document is available, if needed in alternative format for persons with disabilities.

*Recommendation:*

*Include a statement as described above with placement on the cover or inside first page.*

**Finding:**

Within the grievance system if the issue relates to sexual harassment the chain of command need not be followed. Disability harassment complainants do not have this same option.

*Recommendation:*

*Extend the chain of command exemption, which now is in place regarding sexual harassment, to persons who bring issues regarding disability harassment. This would better ensure these matters can be successfully addressed within County government, if they should arise.*

*County Response: The recommendation is noted, and should be addressed. However, it should also be noted that the County's Discrimination Complaint Procedure at Chapter 14 of the County's Personnel Rules is also available to victims of harassment on the basis of a disability, and includes no requirement to move up the chain of command.*

**Findings:**

Employees are informed of their rights under the Family Medical Leave Act, but the California Family Medical Leave Act (CFMLA enforced by the Department of Fair Employment and Housing) is not noted.

*Recommendation:*

*Incorporate state laws into the employee information.*

**Finding:**

The drug and/or alcohol testing function does not state that the testing labs are instructed by the County not to report prescription medications that are lawfully used.

*Recommendation:*

*If not already done, it would be advisable, except where circumstances warrant otherwise, for the County to instruct testing labs not to report lawfully used prescription medication. For situations where use of prescription medications could have a nexus to the ability of an employee or potential employee to perform the essential functions of his or her job, e.g., by impacting an employee's ability to operate vehicles or other heavy equipment safely, it is recommended that the County develop a policy whereby it will communicate to the lab the parameters of information that is in fact job related and consistent with business necessity. It would also be productive to amend the information regarding employee benefits, informing impacted parties that their privacy is protected.*

**Finding:**

The Job Announcement line (559) 583-7631 is not in service.

*Recommendation:*

*Ensure that job announcements are available in a variety of formats, both audio and visual, to make them accessible to all parties, including persons who are deaf, blind, or have learning disabilities.*

**APPENDIX A: KINGS COUNTY GRIEVANCE PROCEDURE****Finding:**

No procedure was found by which an employee could go outside the chain of command to deal with matters related to disability harassment.

*Recommendation:*

*Set up and communicate that the County has a system to address disability harassment outside the chain of command if appropriate.*

*County Response: The recommendation is noted, and should be addressed. However, it should also be noted that the County's Discrimination Complaint Procedure at Chapter 14 of the County's Personnel Rules is also available to victims of harassment on the basis of a disability, and includes no requirement to move up the chain of command.*

**APPENDIX B  
KINGS COUNTY HARASSMENT POLICY**

No ADA impact found.

**APPENDIX C  
KINGS COUNTY SUBSTANCE ABUSE POLICY**

No ADA impact found.

**APPENDIX D  
KINGS COUNTY POLICY on WORK PLACE VIOLENCE**

No ADA impact found.

**APPENDIX E  
COMPUTER and ELECTRONIC TECHNOLOGY USEAGE POLICY**

No ADA impact found.

**EMPLOYER-EMPLOYEE RELATIONS POLICY****Finding:**

It is not explicitly stated that bargaining units' election activities will be accessible to all employees in a confidential manner.

*Recommendation:*

*Negotiate with bargaining units to include a statement that all activities, including voting, will be accessible to all impacted parties.*

## **PERSONNEL RULES**

*Recommendation:*

*The County should review the Human Resources Disability Policy Guidance document contained in Appendix H to ensure that the Personnel Rules are consistent with the recommendations stated therein.*

## **COUNTY OF KINGS PROGRAM FOR WORKPLACE VIOLENCE PREVENTION**

No ADA impact found.

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# **Results of Kings County Staff Surveys and Interviews**

## **Self-Evaluation Questions for the ADA Coordinator**

**1. Does Kings County have an ADA Notice of Compliance? If yes, does it address state law? Please attach the Notice.**

- A notice has been prepared for use by the County, and is attached hereto as Exhibit D. In addition, the County takes the following additional steps to notify members of the public of their rights under state and federal disability law:
- Every workspace has a poster provided by the California Chamber of Commerce, which includes information about employment protections that we are required by law to post. Included among these notices is the following: "Title I and Title V of the [ADA] protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discrimination, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodations to the known physical or mental limits of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship."
- A publication available at the HR Department's website and in the HR Department describes the County's employment process, and states the following: "County policy provides for reasonable accommodation, when needed, for otherwise qualified applicants with disabilities. Please advise the Human Resources Office of any special testing site needs at least three working days in advance of the examination." Please note that in the public employment context, the term "examination" usually refers to the oral interview, but can in some cases refer to an actual written examination.
- Job announcements also state: "Essential duties may vary from position to position within classifications. Reasonable accommodation will be made when requested and determined by the Agency to be appropriate under applicable law."
- Job applications state: "ACCOMMODATION - By clicking the 'I Accept' button below, you understand that if you feel you need special testing accommodation for an examination due to a qualifying physical or mental disability, you must contact Human Resources at (559) 852-2510 at least three (3) working days prior to the date of your test, interview or any other step in the hiring process. You may be required to submit valid medical or other documentation of the specific need for accommodation at least one working day before the scheduled event. If you do not provide advanced notice and/or valid documentation, the County may not be able to provide accommodation for a scheduled examination."

- HSA makes Publication 13 available in multiple formats, including Braille and large print. Please see: <http://www.dss.cahwnet.gov/civilrights/entres/forms/English/pub13.pdf>. The Agency also posts notices in public areas of the availability of auxiliary aids and services.
- Public meeting agenda have always contained an ADA notice, which was recently updated. See, e.g., new notice used by BOS: “In compliance with the Americans with Disabilities Act, if you require a modification or accommodation to participate in this meeting, including agenda or other materials in an alternative format, please contact the Board of Supervisors Office at (559) 852-2362 (California Relay 711) by 3:00 p.m. on the Friday prior to this meeting. The Clerk of the Board will provide assistive listening devices upon request.”
- In 1992, the BOS adopted Resolution No. 92-099, designating the Public Works and HR Directors as ADA coordinators, and establishing an ADA grievance process. The resolution begins: “WHEREAS, the County does not condone and will not tolerate discrimination on the basis of a disability.”
- Public Health produces a brochure describing its services to members of the public. The notice states: “Our facilities are accessible for people with physical limitations and translation services are available.”

No ADA impact found.

## 2. Does the grievance system

### a. Offer assistance to persons with disabilities, who due to their disability are not able to independently complete the grievance?

- **1992 Resolution:** No
- **HSA Civil Rights Plan:** Yes. See Policy No. 23, Paras. E.4 and H.2

Information that follows below applies to both of these policies.

### b. Provide timelines when a complainant can expect a result? Yes.

### c. Have a second level of review? Yes.

### d. Contain a notice regarding availability of the grievance system in alternative format? No.

**e. Contain the name and contact information of the ADA Coordinator?**

Identifies the coordinator by position, but doesn't identify name and contact information.

**Finding:** The grievance procedure system does not contain all elements to satisfy access requirements.

*Recommendation: The ADA grievance system should include information regarding how a complainant may obtain assistance as needed due to a disability in completing the grievance process. The grievance procedure should list the ADA Coordinator by name. The grievance system must be made available in alternative format as needed. Notice of such availability needs to be included in the grievance information.*

**3. Are the ADA Notice of Compliance and the grievance system posted on each of the County's websites?**

No; however, the employee grievance and discrimination complaint procedures are posted in the Personnel Policies on the County's intranet site, and those procedures also can be used to make a Title I complaint.

**Finding:** The Notice of Compliance and Grievance Procedure are not found on the County Website.

*Recommendation: The ADA Notice of Compliance relating to Title II program, services and activities should be broadly disseminated, which would include a presence on the County's website.*

**4. Who handles the fact finding and grievance administration?**

Grievant is County employee? HR Director.

Grievant is welfare recipient? Appropriate deputy director of HSA.

All others, Public Works Director.

**5. Does Kings County have a plan for ADA Notice and Grievance dissemination?**

No.

**Finding:** No dissemination plan for the ADA Notice and Grievance dissemination is in place.

*Recommendation: Create and implement a plan for dissemination of the ADA Notice of Compliance.*

**6. Does the ADA Coordinator's office have ready access to County senior management? If no, how are disability civil rights issues elevated in order that they may be addressed in a timely manner?**

Yes.

**7. Who provides auxiliary aides and services to persons seeking accommodation under ADA Title II?**

This depends upon the context. HSA has a Civil Rights Plan to provide such accommodations. If someone planning to attend a public meeting needs an accommodation, the request is made to the staff member assigned to coordinate the meeting (e.g., Clerk of the Board), who is responsible for ensuring the accommodation. In the jail, the commander is the responsible person. Etc. The Public Works Director is the ADA Title II coordinator, and coordinates any accommodations relating to county rights of way and facilities.

**8. Who provides reasonable accommodations to applicants and employees under ADA Title I, ADAA and California Government Code 12926?**

HR

**9. Is an interactive process used? If yes, how is it documented?**

It is the County's policy to implement 2 C.C.R. § 11069. Throughout the interactive process, all meetings with the employee (or applicant, as the process is also used to accommodate applicants) are recorded electronically with the individual's knowledge and consent. More information is provided in response to Question No. 19 below in the section regarding Employment/HR.

**10. How is undue hardship determined and by whom?**

Same as No. 9.

**11. Is there an anti-surcharge policy in place to make it clear to staff not to charge for accommodations?**

- This is current practice, but it is not documented.
- When next the County updates its master fee schedule, we intend to include such a policy as part of the schedule.
- During the self-evaluation process, the Kings County Sheriff's Office and Probation Department developed detention center ADA policies, which include anti-surcharge policies.
- Welfare recipients are made aware that accommodations are available free of charge.



**Finding:** There is no anti-surcharge policy in writing that is applicable to all County programs and services.

*Recommendation: An anti-surcharge policy should be in place and published County-wide addressing all accommodations made pursuant to disability civil rights.*

**12. Is contract language in place holding contractors and vendors to applicable State and Federal disability civil rights mandates? If yes, how is this enforced?**

Construction contracts and contracts for personal services all contain generic clauses requiring compliance with all laws, and forbidding discrimination on multiple bases, including ability status. Departments regulated by certain state agencies include assurances and certifications to this effect in all contracts with outside vendors (jail, Behavioral Health, HSA, e.g.). Enforcement would be mostly complaint driven.

**13. If a person with a disability believes they have been discriminated against by a Kings County vendor or contractor, what steps are open to them?**

Jail has inmate grievance process. Personnel rules include an employee grievance policy. The 1992 resolution includes a general grievance policy. HSA is bound by its own grievance policy per CDSS "Division 21" rules.

**14. Is an accessibility plan check done when vendors are conducting tenant improvements in public services areas?**

All improvements to County property require plan checks with our building official for compliance with the California Building Standards Code, which incorporates ADAAG standards. The county contracts with Interwest to check plans for ADA compliance.

**15. Is guidance in place for County staff and vendors regarding clear space and furniture placement? If yes, please attach the guidance.**

There isn't guidance for vendors (i.e., County contractors), but as for County facilities for which furniture is purchased directly by the County, the companies with whom the County contracts for purchase of furniture often assist with this, especially CalBennets and CORE. Their interior designers are familiar with ADA requirements. The County's Purchasing Manager, currently is working on a revision to the County's Purchasing Policy for presentation to the Board. The Policy could direct that all furniture purchases under \$1,000, which are made directly by

departments using procurement cards, should be made with consideration for accessibility. Purchases over \$1,000 go through the Purchasing Manager. The County can require that the company through which it makes the purchase provide feedback regarding accessibility and furniture layout. The County cannot control furniture placement by County contractors, especially those who operate at their own sites, without compromising the independent contractor status of those vendors' employees.

**Finding:** Policy is not yet in place to ensure purchases result in the procurement of accessible furniture and equipment.

*Recommendation: Adopt the aforementioned policy concerning access considerations being made for purchases under \$1000.*

**16. Are vendors/contractors held to the County service animal policy?**

No. Currently there is no service animal policy, except for detentions centers. However, the County complies with 28 C.F.R. § 35.136. Insofar as we require contractors and vendors to comply with federal law, they also are expected to comply with the foregoing regulation. We have also designated a service animal relief area at the Government Center.

**Finding:** No service animal policy is in place, except for detentions centers.

*Recommendation: It is advisable to disseminate guidance for all staff on this subject. Sample guidance is provided at Appendix J, hereto. Further, it is suggested that an incident report system be established to document any event which could result in a complaint being brought against the County. A model form to be used in developing this system is included as part of Appendix J.*

**17. Is there a procedure in place to be used by County staff should there be an incident involving a service animal? If yes, please attach the procedure.**

A policy is not in place, and no incidents have ever arisen. The County has, however, recently drafted ADA policies for detentions centers, which state as follows regarding service animals:

[From Paragraph III of Policy, Definitions:] SERVICE ANIMAL: An animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. In limited circumstances described in federal ADA regulations, a miniature horse may be a service animal. (28 C.F.R. § 35.136(i).) Otherwise, only a dog may be deemed a service animal. The work or tasks performed by a service animal must relate directly to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not

constitute work or tasks for purposes of this definition, but the following types of activities do constitute work or tasks: alerting a person with panic disorder of the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, reminding individuals with depression to take medications, and helping people with brain injury to locate misplaced items or follow daily routines.

*[Paragraph XIV, Service Animal Policy:]*

a. Except as otherwise specified herein, if an inmate is booked into the jail with an animal claimed to be a service animal, the inmate will be permitted to retain the animal in jail if the animal fits the definition of "service animal" in Paragraph III above. If it is unclear whether an animal meets this definition, the following questions may be posed to the inmate, but no other documentation or explanation may be requested:

(1) Is the animal required because of your disability?

(2) What work or tasks has the animal been trained to perform?

b. A service animal may be excluded if it: (1) is out of control, (2) is not housebroken, or (3) otherwise poses a direct threat to the health, safety, or security of the jail or any person. A service animal may also be excluded if the service it provides is unnecessary in the jail environment. For example, an animal trained to remind an inmate to take medication may be unnecessary for an inmate whose medication is brought to him or her daily by health care staff. The decision to exclude a service animal shall be made in consultation with health care personnel and County Counsel, pursuant to the direct threat procedures outlined above in Paragraph VII.e. If it is necessary to exclude a service animal, house arrest or community supervision shall be considered as alternatives to incarceration if legal and practicable.

c. If a service animal is excluded and an alternative to incarceration is not available or appropriate, the owner shall be allowed to designate a family member or friend into whose custody the animal will be given during the inmate's incarceration. If no caretaker is designated, the animal shall be cared for by Animal Services. Animal Services shall document on the animal's cage and in any files relating to the animal that it is an inmate's service animal and, absent a legitimate health and safety necessity (e.g., the animal contracts rabies), should not be destroyed without the owner's permission.

d. A service animal at all times shall be under its handler's control on a leash, harness, or other tether unless the nature of the disability or the work performed by the animal prevents tethering, in which case the animal must be kept under control by means of voice control, signals, or other means. The inability of the animal to be kept under control by one of the foregoing means shall per se constitute a direct threat.

e. Jail staff shall not be responsible for the care and supervision of a service animal except on terms similar to those under which staff would be responsible for other property of an inmate.

f. An inmate shall not be surcharged for the use of a service animal, and during the period of the inmate's incarceration the County shall be responsible for the cost of the animal's care. However, to the extent that inmates are held responsible for the cost of any damage they cause to public property during periods of incarceration, inmates with service animals may be held responsible for the cost of any damage to public property caused by those animals.

*[Paragraph VII.e, Direct Threat Determinations:]*

**DIRECT THREAT DETERMINATIONS:** The provision of a reasonable accommodation may be denied if the accommodation poses a direct threat to the health or safety of any person. Except as otherwise specified in this Policy, a direct threat determination shall be made using the following procedure:

- An imminent threat may be eliminated by any reasonable means, but in such cases the reasonable accommodation will be resumed within 24 hours (or as soon as practicable thereafter), unless a formal direct threat determination is made.
- Formal direct threat determinations are made by the Jail Commander or designee.
- A formal direct threat determination shall be made in consultation with health care staff and County Counsel, and shall be documented on a form created for this purpose by County Counsel. The direct threat determination form shall be appended to any related incident report, and an appropriate record of both shall be made in the jail management system.
- An inmate can grieve a direct threat determination using existing inmate grievance processes.
- At such time that a direct threat is eliminated, the reasonable accommodation shall be resumed.

**18. How does the County address service animal relief areas during meetings and events?**

The County recently designated a service animal relief area in front of the Administration Building, near the door to the Board chamber. The area is designated with a sign and stand providing doggie bags and a covered garbage can.

**19. Are all Kings County publications offered in alternative format?**

It has always been the policy of the County to make reasonable accommodations upon request. We recently revised our public meeting notices to describe the availability of materials in alternative formats. HSA provides state publications in alternative formats, including large print and Braille, per CDSS regulations. Where it can be done conveniently, we are beginning to OCR PDF files posted online and posting them in RTF so that they can be read by screen reader. The Clerk of the Board in particular is doing this now with meeting agenda. The County recently drafted ADA policies for its detentions centers, which mention availability of materials relating to discipline and grievances in alternative formats.

**20. Is there notice on all public meeting announcements that auxiliary aides and services are made available as needed for meeting participants with disabilities?**

Yes.

**21. Is disability etiquette and persons first language information available to all County employees having public contact?**

The County currently is exploring options for staff training.

Public Health provides annual customer service training for its employees. As a result of this process, that agency is currently working on adding disability etiquette to its training program.

As a result of this process, Human Resources has committed to making ADA training a focus for future conference attendance.

**Finding:** To date county staff have not been provided disability etiquette and awareness training.

*Recommendation: Develop and implement a training program to address disability etiquette and awareness for all County personnel, having public contact. Said training should also cover the basic disability civil rights mandates that the County is held to by state and federal law.*

**22. Are County and vendors, who have public contact trained regarding ADA requirements and disability awareness?**

See comment above. Mandating particular training for vendors' employees would compromise those employees' independent contractor status.

**23. How are new employees oriented to etiquette, language and County's legal disability civil rights mandates?**

See comment above. Also, some mention of civil rights policies is made at new employee orientation, and new managers must participate in a two-hour harassment training, which must be repeated every two years. The online training module that the County uses discusses harassment based on all FEHA protected classes, but the emphasis is on sexual harassment.

**Finding:** Disability harassment appears to be underrepresented in County's Harassment training.

*Recommendation: Ensure that disability issues are addressed within harassment training.*

**24. When disability civil rights training is provided, do you retain a roster of trainees, information regarding the subject and length of the training, the training plan or power point and the trainer's resume?**

A record is maintained of those who attend new employee orientation since the orientation is mandatory, and records are available of the material presented at

orientation. Records are also made of those individuals who complete the mandatory harassment training.

**25. What trainings do you think should be provided to County staff?**

See above.

**26. Are publications reviewed to ensure they do not portray persons with disabilities in a negative manner?**

In talking to departments, it does not appear that the County produces many publications, and few if any relate to disabilities. HSA reviews all publications. Behavioral Health produces a few publications. That department's employees have a substantial amount of cultural competency training who review all publications for all forms of bias. Public Health produces brochures that describe health topics and the department's services. None of these brochures portrays persons with disabilities. The only publication produced by the Sheriff is the inmate handbook, which is vetted by County Counsel.

**27. Is there a policy and procedure in place to address policy modification requests and the determination of undue burden? If yes, when was it last updated? Please attach a copy of the policy.**

See 1992 Resolution. For HR, this would involve the interactive process. See detention center policy for direct threat determinations above in No. 18. See HSA complaint procedures Policy No. 23, describing CDSS mandated procedure for Civil Rights complaints.

**28. Is there a policy and procedure in place to address direct threat determination? If yes, when was it last updated? Please attach a copy of the policy.**

See above.

**29. Is there a policy and procedure in place regarding maintenance of accessible features? If yes, please attach.**

The County is aware of the need to train maintenance staff in the maintenance of accessible features.

The County also has a safety committee chaired by the risk manager, with a member from each county department. The committee currently is inactive. The County is aware of the need to reconvene the committee and to train its members to identify safety concerns, including accessible feature maintenance issues.

**Finding:** Maintenance staff have not been trained formally regarding maintenance of accessible features.

*Recommendation: Ensure that maintenance staff receives training concerning the maintenance of accessible features and safety. The Risk Management Committee when activated can serve as a valuable resource in identifying learning objectives or ongoing County maintenance training and guidance documents*

**30. Is there a system in place to identify safety and access issues, which can be used by maintenance staff to report and or correct problems?**

See above.

**31. Has maintenance staff been trained to identify access and safety issues?**

Only to a limited degree. Please see above.

**32. If “Program Access” solutions are used to create access are they approved by the ADA Coordinator before they are put in place?**

The County will be adopting a Transition Plan in conjunction with this Self-Evaluation. The Transition Plan provides a road map for making all County facilities ADAAG compliant. An internal County committee is expected to be created, which will meet quarterly to review progress in implementing the Transition Plan and the recommendations contained in this Self-Evaluation. The Committee, on the recommendation of the Public Works Director as ADA Coordinator responsible for facilities and highways, may approve program access solutions as alternatives to completing work described in the Transition Plan. Alternatively, suggestion to implement program access solutions may come from the Committee for consideration by the Public Works Director. The decision to implement a particular program access solution shall be noted in a “working copy” of the Transition Plan, and shall require a finding that the solution provides adequate access and will assist the County to completing its Transition Plan in a timely and cost-effective manner.

**33. When “Program Access” solutions are put in place are they documented by a written procedure to ensure County staff implements them appropriately?**

See above.

**34. Are transportation providers, if applicable, trained regarding, the use of tie downs, disability awareness, and the requirement that stops be called and other transportation mandates?**

The County does not employ any transportation providers, per se. CPS sometimes must transport children or parents when kids are removed from homes, and the Sheriff transports individuals, e.g., upon an arrest. Also, the Public Guardian is responsible for transporting conservatees to court for hearings. No training has been provided in the past regarding transporting persons with disabilities. We currently are exploring options for training. The Sheriff's Office does own a lift chair, which can be made available to other departments for use within the County if reserved in advance and not needed by the Sheriff. Departments that may need to use a lift chair have been notified of this availability. On rare occasion CPS has needed a lift chair on an emergency basis, and has called our EMS provider, who informs the County that that is an appropriate use of their services given that the need is so rare.

*Recommendation: The County should continue to study training opportunities.*

**35. Has a policy been created to address motorized mobility devices, as required by CFR 35.137?**

The County does not have any policies that should impair use of a mobility device on County property.

Finding: The County will need to take action if the determination is made that motorized mobility devices need to be controlled by policy.

*Recommendation: If the County determines that motorized mobility devices need to be controlled in certain settings it would be advisable to create policy addressing this need. Examples of issues that could become determining factors include, but are not limited to: mobility devices traveling at a high speed in areas populated by numerous pedestrians or issues related to motorized mobility device storage in County facilities.*

**36. When the purchase of new equipment is made, (purchases including, but not limited to communication and transportation equipment) how are access requirements addressed?**

- The County's Risk Manager is certified to do ergonomic evaluations, and helps the Purchasing Department make purchasing decisions as needed.
- The Purchasing Manager has been to ergonomics training in the past, but has not had training specific to disabilities and accessibility.

**Finding:** Procurement staff have not been trained to make purchases that will not result in disability civil rights violations.



*Recommendation: Provide training and or guidance regarding the impact of inaccessible items on County programs, services and activities. Also include resources for determining the accessibility of items being considered for purchase.*

**37. Does Kings County operate any programs, services or activities from a registered historic site? If yes, please list the sites.**

The Grangeville Church is rented.

**38. Have the Kings County law enforcement officers received disability awareness training, such as the US DOJ role call videos?**

- The Sheriff is open to the idea of county-wide training for all employees with public contact. If we can tailor that training to law enforcement, that would be ideal.
- Ongoing professional development takes place throughout the year for officers at “shift meetings.” The Sheriff can ensure that ADA is the focus of at least one shift meeting per year, and/or the topic can be “broken up” and discussed at multiple shift meetings annually.
- The consultant provided a training video for law enforcement. The department lacks a VHS player to play it, so a staff member currently is having the tape converted to DVD.
- The Probation Department has not provided formal training to its employees in the past, but will explore options for doing so.
- POST training standards include training regarding people with developmental disabilities and mental illness: <https://post.ca.gov/basic-course-training-requirements.aspx>.

**Finding:** Training is needed

*Recommendation: The County should continue to explore ongoing training for law enforcement relative to disability civil rights and to use the USDOJ training material as provided by the consultant.*

**39. How is access monitored during County related projects during planning and construction?**

We rely on the design professional and plan checker.

**40. When entering into settlement agreements as part of the Project Civic Access, the US DOJ requires that the staff of Title II entities, which have public contact, attend a two-hour training covering ADA requirements and**

**disability awareness. How is Kings County informing impacted staff of the County's responsibilities and disability awareness?**

As discussed above, we are exploring options for employee training.

- 41. In addition to staff training provided to date, are there other trainings you feel should be produced? If yes, what training is needed and for whom?**

See above.

- 42. Are there areas, not noted above that you feel should be studied within this Self-Evaluation?**

N/A

- 43. Does Kings County have a policy in place that prohibits discrimination against persons who formerly used drugs illegally?**

The County understands that it is bound by 28 C.F.R. § 35.131. This regulation needs to be incorporated into the County's drug abuse policy.

**Finding:** The provisions of 28 CFR § 35.131 have not yet been incorporated into the County's drug abuse policy.

*Recommendation: Incorporate 28 CFR § 35.131 into the County drug abuse policy.*

- 44. How are reasonable accommodations for County volunteers handled?**

This situation has not arisen within the institutional memory of County staff. A volunteer needing an accommodation would be treated similarly to an employee. Our Personnel Rules make mention of volunteers, but not specifically with respect to disabilities. Language needs to be added to the rules.

*Recommendation: Ensure that policy is in place that establishes a system to provide accommodation as needed for County volunteers.*

- 45. Does Kings County have an anti-disability harassment policy? If yes,**

**a. Is it based upon zero tolerance or the legal definition of disability harassment?**

**b. How often is it disseminated to all County staff?**

The County has a *sexual* harassment policy, but not policies related to other types of protected class harassment. The County will create a brochure describing the County's anti-harassment policies, which should be distributed to all County staff annually.

**Finding:** The County harassment policy does not address disability harassment.

*Recommendation: The County should move forward developing a brochure to define and address disability harassment and disseminate to all County staff.*

## **ADA Self-Evaluation Questions for Law Enforcement**

- 1. Have Kings County first responders been trained regarding the disability civil rights mandates that the County is held to under State and Federal laws?**

See No. 39 above.

- 2. Have holding and booking areas been reviewed for access since the 2010 ADA Standards for Accessible Design became effective?**

We are inspected bi-annually by BSCC (Board of State and Community Corrections) and all aspects of our operation are reviewed.

Most of our detention facilities are recently built, and were plan checked at the time of construction.

**Finding:** No record of an access review was found regarding the current facilities.

*Recommendation: Conduct an access survey on all Correction sites.*

- 3. If visitor areas are offered, are they accessible?**

See above.

- 4. If inmate phone systems are provided is there a phone system for inmate's who are deaf or hard of hearing?**

The jail and juvenile detentions center now has the TTY system working.

- 5. When arrests are made, how are service animals dealt with?**

See detentions center policies, discussed above.

- 6. When arrests are made, how are medical appliances (canes, walkers, hearing aids, oxygen tanks, etc.) addressed?**

- Sheriff: Medical devices are generally brought with the arrestee for booking and medical staff at the facility makes the final determination of item. If the arrestee indicates the item can be left at the arrest location or left with a friend/family member, then the item would be left.
- Probation: If a probationer was taken into custody with any medical appliance we would take that with us to the jail and turn it over to staff there. At the juvenile center, any youth booked with an appliance would be reviewed at booking by

NaphCare (contracted medical provider for County correctional facilities) as is done with every booking with or without known medical appliance needs and we would follow the direction of the medical provider as to how best to accommodate that youth and their medical appliances.

- See also Penal Code section 2656, which outlines the process by which an inmate's right to use prostheses or other medical appliances may be revoked because of a direct threat. Recently drafted detentions center policies incorporate section 2656.

**7. How are power wheelchairs, scooters and other large mobility devices transported after an arrest?**

See above.

**8. How are medication needs dealt with after an arrest?**

- Sheriff: Medications are brought with the arrestee to booking if needed. If medications are not immediately needed the medical staff gets needed medication. Every booking gets medical screening by qualified medical staff.
- Probation: All medications are turned over to NaphCare staff and we follow their directives. NaphCare staff dispenses all medications.

**9. When an officer is giving information (direction or Miranda Rights) to a person with a communication related limitation, how is it determined that the person has an understanding of the information being communicated?**

- Sheriff: This can vary depending on disability. Case law requires an understanding of Miranda rights. Determining understanding is done on a case by case basis, but generally it's based on responses by the person and if answers or statements indicate an understanding of the rights.
- Probation: Miranda is not repeated to a probationer being arrested for a violation.

*Recommendation: Officers may need the support of interpreting services in the field. It is recommended that interpreters and/or technological resources be explored to provide an appropriate level of support. There may be some technology that can assist*

*Recommendation: Identify local resources and establish a system for getting accommodation in place as needed. Devices and/or sign language interpreters*

*may be needed. Ensure staff does not use family or friends for communication assistance.*

- Public Health has a contract with AT&T to provide translation services, including via TTY for the hard of hearing. Perhaps the contract is or can be extended for use by other agencies. The Sheriff would like to see that a list be given to dispatch to serve as a central repository for information about ASL interpreters and other language service providers.
- Public Health uses a service called LanguageLine Solutions. (800-752-6096) They say that they offer translation services in more than 200 languages, including video remote interpreting for American Sign Language. Public Health has not had to use this company's services very often since we have many staff that are fluent in Spanish and at least one in Portuguese.
- HSA uses the services of Hands on Communication in Visalia. Like most providers, they usually need at least a day's notice.
- The Clerk of the Board once had a request for ASL interpretation. The Clerk was able to arrange service through "Languages for You."
- The Deputy Clerk of the Board did some research in connection with this Self-Evaluation, and identified the following local resource: foxinterpreting.net / 636-3294. She also provided this resource: <http://www.courts.ca.gov/3796.htm>

#### **10. How do officers communicate with persons who are Deaf?**

Please see information above, as well as these notes from surveys:

- Sheriff: This can vary as well. Hand signals, written documents, notes, technology, etc.
- Probation: Most often the probationer appears with their own interpreter. The Court provides interpreters while in Court. We have utilized the Court's interpreters in the past. We do not presently have a staff member that is ASL certified.

#### **11. Does the 911 system have TTY? If yes, how often does training occur regarding its use?**

We have TTY capabilities and original training is during the first year after that they will review.

**12. Is there a procedure in place for officers to obtain a sign language interpreter when one is needed on an emergency basis?**

No. Local resources we have identified typically require a 24-hour notice during court hours, court interpreters may be available on an emergency basis.

**13. Have officers been trained regarding the best techniques for communication with persons with disabilities and officer safety? If yes, were the following disabilities covered?**

- a. Vision Impairments
- b. Deaf, Hard of hearing and Speech Impairments
- c. Developmental Disabilities
- d. Traumatic Brain Injury
- e. Post-Traumatic Stress Disorder
- f. Learning Disabilities
- g. Mobility Impairments
- h. Multiple Chemical Sensitivities
- i. Mental Disorders
- j. Competing Disabilities (i.e. someone is on the bus with a service dog and another person on the bus has a phobic response to the dog and wants it removed as an accommodation. Both have rights to be considered. The passengers are in conflict)

Please see responses to ADA Coordinator Survey, above.

Please also note following responses to original survey:

- Sheriff: Yes, as all of them at some point during the Police Academy, Field Training Program, Policy and Procedure review and other sources.
- Probation: Not specifically to each of the above listed disabilities. Some have gone through advanced training due to specific job assignments particularly with

developmental disabilities, traumatic brain injury and PTSD. It is not universally trained to all staff on items a-j.

### **Other Notes from Department Head Interviews**

- Naphcare (detention center health care provider) has policies to ensure that all patients are seen even if it takes longer to serve them because of a disability.
- Probation now has TTY capabilities.
- When something needs to be read to an inmate/juvenile dependent/ probationer for any reason (blindness, dyslexia, functional illiteracy), staff have always been ready, willing, and able to read the information aloud.
- The only space leased by law enforcement is the gang taskforce building, which is open only to law enforcement personnel who work there, all of whom are required to meet POST physical fitness standards, and therefore do not require accessible workspaces.

## **ADA Self-Evaluation Questions Regarding Site Specific Emergencies**

### **Office sites**

- 1. Has Kings County used the guidance published by the EEOC regarding a lawful means of identifying employees who might need assistance during an emergency due to their disability?**

No.

**Finding:** no evidence was found that the County has used the EEOC guidance regarding identifying employees who may need assistance during an emergency

*Recommendation: It is advisable for the County to use the EEOC Guidance regarding the voluntary identification of staff with disabilities that may need special assistance during an emergency event. This guidance provides three action items which are acceptable to the EEOC. 1) Ask employees at the time of hire, on a voluntary basis if they would need special assistance due to a disability during an emergency. 2) Periodically query all staff, asking them to respond on a voluntary basis, if they would need assistance due to a disability during an emergency. 3) Train management staff to ask County employees who have clearly and obviously come into a disability that is visible if they would need assistance during an*



*emergency. If any employee indicates that emergency assistance is desirable an interactive process to provide an appropriate reasonable accommodation must begin.*

**2. Do County office buildings have a visitor sign-in system to include an item whereby a visitor can declare, on a voluntarily basis that they would need assistance in an emergency due to a disability?**

This is not a practicable solution for our County given site layout of the Government Center. An exception applies to the Public Health Department. Everyone who visits a health clinic signs in so that staff knows who's there in the event of an emergency. It would be possible to allow individuals to self-identify as needing extra assistance, although medical staff will generally already know this, at least with respect to patients.

**3. Have floor wardens been trained regarding the needs of persons with disabilities in emergency situations?**

No. Note, however, that having "floor" wardens is not applicable, although having a representative on the Safety Committee from each department would seem to accomplish the same purpose.

**Finding: Safety committee members have not been reactivated.**

*Recommendation: As noted above, it is advisable for the safety committee to be reactivated. It may be necessary for safety committee members to have an active role in carrying out the accommodations agreed to within the interactive process for impacted employees. Redundancies to the implementation of these accommodations are frequently necessary. Safety committee members are required to hold as confidential information pertaining to such accommodations.*

*Safety committee members need to be trained.*

**4. If floor wardens are assigned the responsibility of assisting persons with disabilities, are redundancies made in the assignments? (Consider wardens who might not be in the office on the day of the event.)**

Having more than one person per department on the Safety Committee would be problematic since department heads are reluctant to offer release time for multiple employees. Ideally Safety Committee members would train fellow employees.

Finding: No redundancies in response system was identified

*Recommendation: Identify means to build redundancies into emergency response planning coordinated by the Safety Committee.*

**5. Has the emergency plan been coordinated with the Fire Department?**

When the emergency evacuation plan was developed in 2001 it was coordinated with the Kings County Fire Safety Officer; however, no further coordination has taken place, or has been updated or newly developed since 2001.

**Finding:** Emergency plan and coordination needs to be updated.

*Recommendation: As considerable amount of time has passed since the last update of the Emergency Evacuation Plan, and it is likely that staff turnover has occurred, an update is prudent.*

**6. Is there a procedure for shutting down the intake on the HVAC system, if there is a need to shelter in place, due to contamination of the air outside the building?**

No.

**Finding:** No HVAC system shut down was identified.

*Recommendation: Establish a system for HVAC shut down with staff redundancies.*

**7. Is there a backup electrical generation system? (Consider sheltering in place and the need for water from systems controlled by motion sensors, lighting and HVAC)**

Yes, but city water is used, so the backup electrical system doesn't operate the water system. The backup generator periodically is tested by maintenance staff.

**8. Have there been drills of the emergency plan(s)? If yes, how often?**

Not within institutional memory, except that Health Department notes that: "Fire drills which include evacuation to designated safe areas are conducted every 6 months unannounced as per our department's [Illness, Injury, and Prevention Plan]."

**Finding:** Additional drills are needed.

*Recommendation: A system should be established County wide for periodic emergency drills which include the participation of persons with disabilities. Each drill should be debriefed upon completion and emergency plans should be revised as necessary to ensure continuous improvement.*

**9. Are persons with disabilities involved in emergency plan creation, drills and debriefings?**

No, except that the Health Department notes that for drills described above in No. 8, people with disabilities participate and provide feedback together with everyone else as part of subsequent debriefing.

**Finding:** Safety Committee recruitment needed.

*Recommendation: Recruit and train Safety Committee members.*

**10. How are staff and visitors accounted for after an evacuation?**

County offices are small enough that staff are fairly aware of who is present at a given office at any time. Accounting for people would be a fairly informal process.

However, our Health Department adds that: "Trained office staff have personnel listing checklists on clipboards which are utilized during an emergency evacuation."

**11. In the event of an emergency evacuation, has the path of travel and assembly been coordinated with the Fire Department? (Consider Fire Department points of arrival, staging area, areas for fire hoses, wheel chair users, distance needed from emergency site, etc.)**

No.

**Finding:** Emergency coordination with Fire Department has not occurred.

*Recommendation: Discuss emergency assembly areas and path of travel to them with first responders. The purpose here is to ensure appropriate separation of activities and accessible assembly areas. An example of an issue in this area would be fire hoses blocking an escape path for a wheelchair user.*

**12. In response to a bomb threat, if evacuation is required, is the assembly site checked for explosives before it is populated?**

This specific item has not been trained or drilled.

**Finding:** Assembly sites are not checked prior to population.

*Recommendation: The County may wish to consider the safety of an emergency evacuation area before its utilization.*

**13. If the event involves the need for site occupants to be decontaminated before leaving the site, is there a procedure in place to hold all parties on site until decontamination has been completed?**

At that point emergency responders and fire personnel would activate an ICS (Incident Command Center) that would address these specific concerns.

**14. During shelter in place events, how are medical and medication needs addressed?**

By EMS personnel, public health nurses if available, and the safety coordinator as well as assistance from the EOC.

**15. Can the person in the site handling the event until the fire department arrives, communicate with the Fire Department as they are rolling to the site?**

Yes, via dispatch via cellphones.

**16. Is there information available to staff regarding how to deal with various types of events? (Consider earthquakes, fire, shooting, Bomb threat, civil unrest, terrorist attacks, etc.) If yes, has it been made available to employees, if needed, in alternative formats?**

Yes, those issues are addressed in the Injury, Illness, and Prevention Plan. The information has not been made available in any alternative formats, but this can and will be done upon request, and could be coordinated through the Safety Committee.

**17. Is the whole site covered by fire alarms and strobe lights?**

The entire site is covered by alarms. Not all buildings are equipped with strobes yet. That will be a function of the Transition Plan.

**18. Are exits clearly marked?**

Yes.

**19. Are back up emergency lifts in place?**

N/A. County facilities are single story. The County eventually will be acquiring a two-story building from the courts, but it will be gutted at that time and constructed to ADA standards.

**20. If areas of safe refuge will be in use, is there a communication system from that site to the event control center? If yes, would this system work for a deaf person?**

Only cell phones, no hearing impaired system currently in place.

**Finding:** Study is needed to determine the effectiveness of this communication for deaf and hard of hearing persons.

*Recommendation: Establish a communication system that will be functional from the safe area of refuge for persons who are deaf or hard of hearing.*

**21. Are all PA systems monitored by maintenance staff to ensure the volume is high enough to be heard throughout the intended areas of impact?**

No such systems exist, although one currently is in development in the Health Department. The Department will either make use of strobes in addition to the PA system or will establish a system of ensuring that upon request of a hearing impaired employee, coworkers (at least two per employee) are assigned to alert the employee in the event of an emergency.

**22. Are emergency evacuation chairs to be used?**

N/A.

**23. Do elevators have a system to communicate, if a person is trapped? If yes, will this system work for a person who is deaf or have speech limitations?**

N/A.

**24. Have emergency management staffs been trained regarding the variety of events that might occur and their impact on persons with disabilities?**

See notes above re Safety Committee.

**County Wide Events**

**25. Who is in command during an emergency?**

Please note the following from interviews with Public Health (PH) and Office of Emergency Management (OEM)

- Public Health's role in emergency planning and operations:
  - Hospital Preparedness Program: Quarterly meetings with hospitals, clinics, NAS Lemoore, nursing homes, and the Tribe, to plan for emergencies and identify gaps. As health care providers identify gaps relating to emergency preparedness, Public Health can supply training and equipment.
  - Emergency Operations Center (EOC): PH is the medical branch of the County's EOC. Kings County is an Operational Area (OA) within California's larger emergency response plan. Each OA has an EOC, which fulfills the command role in the OA. The EOC has multiple "branches," each staffed by a different County official with responsibility for a particular aspect of the OA's emergency response. David Greer fulfills this function on behalf of PH. In an emergency, he would be responsible for providing coordination to health care facilities. For example, if a hospital responding to a local emergency lacked sufficient durable medical equipment of a particular kind, it might need to rely upon a mutual aid

- agreement with another medical facility, and David could help coordinate that. He might also need to tap into our regional or statewide emergency response system to coordinate with facilities in other communities.
- Public Health Emergency: In a public health emergency (e.g., epidemic), PH's coordination role is expanded, and could include ensuring adequate supplies and delivery of vaccines or other medications.
  - Medical Care at Shelters: PH has six to eight nurses trained to provide basic first aid medical care at shelters in an emergency.
- Not PH's Role:
    - Rescue and Transportation: Local first responders (fire, police, and EMS) are responsible for rescue, evacuation, and transportation. In an appropriate circumstance, the EOC could call upon KART (local public transit agency) to provide transportation services. The County is not under contract with KART to do so, however.
    - Shelters: The American Red Cross (ARC) is responsible for shelters. OEM administers the contract between ARC and the County.
    - Care and Sheltering of Service Animals: True service animals that meet the definitions in federal regulation are admitted to shelters. Other small pets are housed as nearly as possible to shelters for members of the public, and are cared for by organizations under contract with ARC who specialize in sheltering animals. The fairground has capacity to shelter large animals.
    - Health Care Provider Accessibility and Functional Needs Planning: Individual health care providers (especially licensed hospitals) are required under law to have their own accessibility and functional needs plans. The County does not regulate this aspect of their operations. The County's role in an emergency is to help coordinate between hospitals, but the County is not responsible for hospital operations.
    - Durable Medical Equipment: Health care providers are responsible for meeting their own needs for durable medical equipment, although the County can assist with this, as outlined above.
  - OEM's role is primarily a command level function, i.e., to be in charge of the EOC. OEM is not responsible for law enforcement, fire suppression, first response, transportation, shelters, or medical services, although OEM has a coordination role related to all of these in the event of an emergency.
  - The County is required by state law to have a formal emergency response plan. That document currently is undergoing an update. The plan has an "Access and Functional Needs Annex." Once the plan is updated, the annex will undergo its own update, probably in the next fiscal year. The annex needs to be consistent with the plan. A copy of the current annex was provided to the consultant for comment, and his comments have been shared with OEM staff.

**26. Is there an evacuation plan for each community?**

No.

**Finding:** no evacuation plan for each community was identified

*Recommendation: Within emergency planning consider how each section of the community could be evacuated if necessary. Plan should include addressing the needs of persons with disabilities in terms of communication and mobility, as well as other issues as needed.*

**27. When the PIO makes press announcements regarding the incident is a sign language interpreter used?**

No.

**Finding:** Communication with persons who are deaf or hard of hearing does not occur during press conferences relative to emergency events.

*Recommendation: Ensure that emergency information released or broadcast to the community is accessible to all members of the community, so that impacted individuals are informed and have an opportunity to act as needed.*

**28. Is staff trained to identify and address the needs of persons with disabilities?**

Public Health staff has such training.

**29. Is there a registry of persons with disabilities who might need special assistance during an emergency? (Please note this question does not imply that SSA recommended such a registry.)**

Not at this time, but the County currently is working on acquiring the Everbridge Communication System. This is a sort of "reverse 911" system. Members of the public can self-identify as needing special assistance, and in the event of an emergency public safety personnel would contact those individuals who register to discover if they need assistance. We will promote Everbridge through press releases, public service announcements, online, and a study session before the BOS.

*Comment: It would be prudent to communicate to persons involved in the registry the limitations that may exist within County government during an emergency event. This would be done to avoid the creation of a false expectation of the County's capability. Also, consider methods to be used to ensure the data base is secure and kept current.*

**30. Has Kings County used the US Department of Justice guidance regarding disaster management? (Please note this can be located at ADA.gov.)**

No, but all County emergency and hazard mitigation plans are FEMA and CalOES approved.

**31. Does Kings County have a reverse 911 system or some other method of communicating with sections of the County?**

See No. 29, above.

**32. If prolonged sheltering in place is necessary, is there a means of obtaining**

- Accessible cots,
- Medication and medical supplies,
- Access for professionals who may arrive and be able to help,
- Feeding systems?

Yes, to all, through the American Red Cross, mutual aid agreements, and/or regional and state response systems. State also has state and regional “stockpiles” of emergency management supplies.

**33. Is more than one source identified to obtain needed items? (Consider that some supply sources may have been impacted by the emergency)**

See above.

**34. Is there a backup means in place by which room temperature can be maintained? (Consider persons who may die if the temperature is too high)**

Shelters and hospitals are responsible for having their own backup power supply, but the County has 5 or 6 generators that can be deployed in an emergency, and is looking to purchasing solar generators.

**35. Is there a policy in place regarding access to the shelter for service animals?**

Yes. Please see notes above.

**36. Is there a policy in place requiring that persons with disabilities are served in integrated settings?**

Yes.



**37. Have all third parties who may provide aide, such as the American Red Cross agreed to comply with the mandates Kings County is held to by ADA Title II?**

Yes.

Please also note the following re the American Red Cross (ARC):

- Accessible shelters: ARC and the County currently are conducting shelter surveys in coordination with the cities. Two shelters have been surveyed already, one in Hanford and one in Lemoore. Part of the checklist for the survey looks at accessibility.
- The American Red Cross (ARC) has interest in training Community Emergency Response Teams (CERTs) in Kings County. Right now we don't have any. In the past, community interest has been limited. In an emergency, teams come from other counties. This causes delays.

**Finding:** The review tool used to determine shelter access was reviewed and found to be limited in scope and does not cover areas such as back-up power as well as current state & federal accessibility requirements.

*Recommendation: Review facilities which have been designated as emergency shelters for state and federal code compliance, back-up power and access to basic resources such as food, water, and medical assistance. Resources:*  
<http://www.ada.gov/pcatoolkit/chap7shelterchk.htm>

[http://www.fema.gov/media-library-data/20130726-1445-20490-6732/fema\\_476.pdf](http://www.fema.gov/media-library-data/20130726-1445-20490-6732/fema_476.pdf)

**38. If evacuation is needed, is a plan in place which would provide:**

- a) Accessible vehicles,**
- b) Drivers,**
- c) Fuel,**
- d) Appropriate destination(s),**
- e) Destinations?**

No current evacuation plan exists.

**39. Have various area hospitals been identified, which could accept injured persons?**

Yes. Public Health has preparedness plans with local hospitals.

**40. If the evacuation of a building is necessary, how is the impacted area swept to ensure it is clear?**

If a County building, department is responsible if safe. Otherwise, first responders are responsible.

**41. How is new staff oriented regarding the emergency plan?**

Orientation with manager.

For emergencies at County buildings, this would most likely be a Safety Committee function. For county-wide emergencies, as outlined above, responsibility during an emergency is distributed amongst several different departments and outside agencies, and the functions of relevant employees are within the ordinary scope of those employees' duties.

**Finding:** No system was found to provide orientation to new employees regarding emergency management.

*Recommendation: New employees should be instructed during orientation to obtain emergency safety information that is site specific from their manager.*

**42. Are drills held? If yes, do they involve different types of incidents? Please list.**

The Fire Department holds limited drills.

**43. Do they involve persons with disabilities?**

When held, yes.

**Finding:** Drills are not held regularly.

*Recommendation: When drills are held, continue to include the participation of persons with a variety of disabilities and continue to consider the effectiveness of the emergency plan in responding to their needs when the drills are debriefed.*

**44. Is the County ADA Coordinator involved?**

No. However, the County intends to establish a staff level committee that will include the ADA Coordinators as members to oversee implementation of the transition plan

and Self-Evaluation recommendations. Anything incorporated in the Self-Evaluation will come within the purview of the coordinators in this manner.

**45. Is the Kings County Disability Advisory Committee involved?**

N/A, but see above.

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## **ADA Self-Evaluation Questions Regarding Access to Medical Services**

### **1. Do medical facilities have a space where a wheelchair user can be examined on examining table rather than being examined while in their chair?**

Health Department: We do have space available; however, due to the limited types of care provided at this facility it is unlikely that we would ever need to.

Behavioral Health: N/A to services rendered (i.e., no examining tables for mental health services).

### **2. Is assistance available, if needed, to assist the patient in transferring from their wheelchair to an examining table?**

Health Department: All nursing staff have training to do this.

Behavioral Health: N/A.

### **3. Can services be provided to the patient without assistance from friends or family members of the patient?**

Yes. Please see notes above in "Coordinator" survey re ASL translation.

### **4. In instances where the patient requests a family member or friend to assist, has a medical provider been trained to speak directly to the patient, rather than directing pertinent questions to the party providing assistance?**

No. This can be included in Public Health's customer service training.

**Finding:** Training has not been provided concerning effective communication of people who are deaf or hard of hearing.

*Recommendation: Disability Awareness training should include information regarding appropriate interactions with persons who are deaf and hard of hearing.*

### **5. Is a policy in place which ensures that patient will be treated despite the fact it may take longer to treat them then it would other patients?**

Yes, for detention center health care providers. It is not known whether Kings View has such a written policy, but it is their practice, and by "assurance of compliance" they are obligated to comply with ADA. Public Health currently is updating its policies to include a written policy to this effect. It is already the practice in their clinics.

**Finding:** It has not yet been confirmed that appropriate written policy is in place regarding medical service delivery.

*Recommendation: Confirm that written policy is in place which supports appropriate access to services.*

**6. Are there times when patients are required to wait longer than other patient for treatment because the accessible equipment needed is in use?**

No, except that when the County is seeking a placement in a private psychiatric facility for a non-ambulatory patient, the lack of available facilities may delay placement. This is beyond the County's control. Also, most ASL interpreters require at least 24 hours' notice, so where a Behavioral Health client requests an interpreter, there may be a slight delay.

**Finding:** Need for improvement in coordinating sign language interpreting services.

*Recommendation: If not already done, create and disseminate a notice informing Behavioral Health Clients that if sign language interpreting services are needed they should be requested at the time the appointment for services is made.*

**7. Is a patient ever asked to use the services of a friend or family member for sign language interpreting?**

It is County practice not to RELY on family or friends, but typically an individual would be allowed to use a family or friend at his/her election. Not RELYING on family and friends is mandated by HIPAA and other medical privacy laws.

**8. Have all medical facilities been reviewed for physical access by CAsp certified surveyor?**

Making facilities accessible is part of the transition plan.

**9. Is the medical equipment accessible to persons with disabilities?**

All equipment used in Public Health clinics is portable, so yes. Behavioral Health doesn't use "medical equipment."

**10. Are waiting room furnishings arranged in such a way that there is space for wheelchair users or persons using service animals to sit?**

Yes

**11. As a best practice are high and wide based seating available in waiting rooms to accommodate patient that have difficulty getting out of low chairs, or who are large and may not fit into standard chairs?**

Public Health: No.

Behavioral Health: Yes. We utilize benches for a percentage of our seating. We also are mindful of therapy “couches” as to the ability for an individual to rise out of them. Assistance is given (alternative seating) when encountered with this circumstance. Finding: A variety of seating options is not provided.

*Recommendation: Although it is not mandated in access standards, the provision of furniture that may be used by large persons or persons with mobility impairments serves to enhance the level of customer services. Therefore, it is recommended that the County consider providing such furniture on a limited basis to better serve these elements of the County's constituent base.*

**12. If paging systems are used, is there a video paging component for persons who are deaf or hard of hearing?**

N/A, except for Kings View (mental health contractor), where paging is done in person so that consumer is approached by paging staff.

**13. Has all staff having contact with the public received disability awareness and etiquette training?**

No, but see above re planned customer service training of health department employees.

**14. If health education is provided are class materials available in alternative format if needed to create access for persons with disabilities?**

Health Department: No. However, they can be made available upon request if feasible.

Behavioral Health: We have access to these materials through Office of Civil Rights and/or would accommodate these materials (e.g., large print), or would seek resources needed.

**Finding:** Training material is not available in alternative format.

*Recommendation: Behavioral health and public health must have a system in place to ensure that accessible training materials can be made available on an as needed basis to accommodate persons with disabilities.*

**15. Do training video tapes have captioning for the deaf and hard of hearing and audio descriptors for the blind?**

Health Department: N/A.

Behavioral Health: Some do, and some do not have captioning. Staff responded that they have not seen the availability of audio descriptors in any of their videos.

Purchasing:

- The Purchasing Department currently is updating the County Purchasing Policy. The Policy can include a policy about captioning.
- Videos rarely go through requisition, and are typically purchased by department heads using procurement cards. As such, purchasing can't enforce or monitor a captioning policy, but including language in the Purchasing Policy will make department heads aware of the requirement.
- The rule would be that in the future videos purchased by the County will be captioned unless: (1) a video is not available in a captioned format, (2) the department head requesting or purchasing the video deems the purchase reasonably necessary to department operations, and (3) no reasonable alternative to the purchase exists.

**Finding:** Policy is not in place to ensure accessible videos are purchased.

*Recommendation: Adopt the policy as described above for video purchasing.*

### **ADA Self-Evaluation Questions for Persons Managing Facilities and Space Leased to Third Parties**

- 1. Is there a policy in place regarding the maintenance of accessible features? If yes, has maintenance staff been trained regarding identifying and reporting or repairing disability access and safety issues?**

The County's goal is to bring all of its facilities into compliance regardless of when those facilities were constructed or altered. This includes leased space. In the interim, where appropriate during lease negotiations, the County will endeavor either to have a property reviewed by a CASp prior to entry into leases, with the burden on the lessee to make necessary access improvements, or the County will negotiate an indemnification clause relating to ADA liability. Where appropriate to ensure accessibility, the County will include lease terms requiring County approval for tenant improvements.

Where the County is the lessee, the County shall endeavor to have the facility plan checked or inspected by a CASp prior to entering into the lease, and will negotiate responsibility for access issues with the lessor. NOTE: Due to the nature of facilities leased by the County, typically any access barriers would be caused by our

own tenant improvements. For that reason, all such tenant improvements are plan checked.

**Finding:** No policy in place yet.

*Recommendation: The above actions concerning leased space are appropriate. It is also recommended that County maintenance staff be trained to enhance their effectiveness in identifying and mitigating barriers within County facilities.*

**2. Is access to the County owned leased space surveyed for compliance before said space is offered for lease? If so, are access barriers addressed before the leasee occupies the space?**

This has not been past practice, but see proposed course of action described in No.

**3. Is guidance available to impacted staff regarding furniture placement and access issues? (consideration includes, but is not limited to clear space, strike side clearance, bulletin board elevation, reach ranges, etc.) (Applies only if the County is providing furniture and equipment.)**

We do not provide furniture for lessees.

**4. Do lease agreements clearly define areas of County and tenet responsibilities regarding access?**

This is not the County's past practice, but please see response to No. 1, above.

**5. Are facilities surveyed to determine if access and safety is being maintained?**

This is not the County's past practice, but please see response to No. 1, above.

**6. How are tenet improvement projects reviewed to determine if they create disability civil rights violations?**

If improvements are made by the County where the County is the lessee, design professionals, plan checkers, and inspectors ensure compliance.

**7. Are County equipment and furniture purchases reviewed to determine if they comply with access standards?**

Again, the County does not provide furniture to lessees. Regarding furniture for County operations, please see response to Question No. 15 under ADA Coordinator survey.



**8. When access improvements are made, are the barriers to access that have been mitigated incorporated into the County ADA transition plan to show Kings County's good faith effort to comply with ADA?**

This is not the County's past practice.

**Finding:** No system is in place to update the transition plan taking credit for work done by the County in its ADA implementation effort.

*Recommendation: It is critical that barrier mitigation be documented in the database contained within the ADA Transition Plan. Failing this, the database will rapidly become outdated and the county will not be able to document and take credit for its good faith effort to implement ADA mandates. Further, it could lead to the necessity of having to recreate the County's ADA Transition Plan.*

**9. Are construction and remodeling projects done in conjunction with a CASp?**

**Note: CASp reviews are recommended at plan check, at key points of construction and upon project completion.**

All improvements to county property require plan checks with our building official for compliance with the California Building Standards Code, which incorporates ADAAG standards. The county contracts with Interwest to provide CASPs plan checks.

**10. When the County leases space to be used for the provision of County programs, services or activities, is a CASp inspection preformed?**

This is not the County's past practice, but please see response to Question No. 1, above.

**11. Are access barriers addressed before the County occupies the space?**

This is not the County's past practice, but please see response to Question No. 1, above.

**SUPPLEMENTAL INFORMATION regarding polling places:**

Election equipment is accessible. The Elections Division has electronic voting equipment designed for persons with disabilities. For people using wheelchairs, privacy screens are available so that individuals can vote at tables when booths may not be accessible. The Division follows all Secretary of State Guidelines.

The Division uses facilities owned by private parties or other government entities for polling places. Those sites are surveyed periodically per Secretary of State Guidelines. The department intends to conduct another survey soon.

**Finding:** Recent surveys have not been conducted.

*Recommendation: Conduct follow up surveys of polling places, do quality checks concerning how polling places are set up and administered on Election Day, and ensure polling place staff receives information concerning the County's legal obligation relative to accessible polling activities.*

## **ADA Survey for Staff Responsible for Purchasing and Service Contracts**

### **General Conditions**

- 1. Are all public documents related to bidding and contracting available to persons with disabilities in alternate format if needed?**

Upon request, documents can be made available in alternative formats.

**Finding:** Bid documents do not contain a notice making them available in alternative format as needed.

*Recommendation: Ensure that Notice is provided to all recipients of bidding documents informing them that said documents are available in alternative format upon request.*

- 2. Are meetings related to bidding and contracting held in accessible locations?**

Yes, to the extent that existing County facilities are accessible or will be made accessible by implementing the transition plan.

### **Construction and Remodel**

- 1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?**

Design contracts require compliance with state and federal law, including the California Building Standards Code, which incorporates ADAAG standards. Plans for County facility are plan checked for ADA compliance. Our Building Department contracts with a company called Interwest for this service.

- 2. Do design contracts encourage design professionals to exceed the maximum access standards when possible to ensure that construction tolerances are built into the project?**

This is not our past practice.

**Finding:** Plan designs using the maximum access code requirements will successfully pass plan check, but due to a lack of construction tolerances may fail to result in compliance with access standards after construction.

*Recommendation: Where feasible encourage design professionals to design in construction tolerances where technically feasible and which do not result in material budget impacts.*

**3. Is policy in place that mandates CASp inspections at key points of construction and at completion, before final payment is made?**

No.

**Finding:** CASp inspections are not made during project construction. It is advantageous to identify access errors at the earliest point possible to facilitate cost effective mitigation.

*Recommendation: To ensure appropriate management of construction projects, it is advisable to have periodic CASp inspections during construction. The California Commission on Disability Access has a free checklist which may be used to facilitate this process.*

**Service Contracts**

**1. Do all contracts in which the contractor will be providing programs, services or activities on behalf of your office, written in a manner that holds the contractor to the mandates of Title II of the ADA and California Government Code 11135?**

Certain agencies, particularly Behavioral Health and HSA, are required by state regulation to include covenants and assurances to this effect in all contracts. This would encompass most “programs, services, or activities” done on behalf of the County. However, otherwise our standard contract language states simply that contractors will comply with all applicable state and federal laws.

**Comment:** It would be appropriate to verify that all programs, services and activities are covered by state and federal disability civil rights laws when they are provided through a contract.

**2. If a recipient of programs, services or activities via service contracts feel that their civil rights have been violated what recourse is open to them?**

The jail has inmate grievance process. Personnel rules include an employee grievance policy. The 1992 resolution includes a general grievance policy, which is being updated as part of this Self-Evaluation process. HSA is bound by its own grievance policy per CDSS "Division 21" rules.

**3. How does the contract administrator and ADA Coordinator become aware of alleged civil rights violations? (Please discuss timelines and communication of facts.)**

Please see response, above.

**Purchase of Items Which Have Communication Elements**

**1. Is there a requirement in place that mandates the purchasing agent check the market place to determine if accessible items of the type being purchased are available?**

No. For information on purchasing, please see Nos. 15 and 36 under Coordinator survey above, as well as No. 15 under the Medical Services survey.

**2. Are items purchased examined to determine if they are useable by persons who are:**

- a. Blind
- b. Have low vision
- c. Deaf
- d. Are hard of hearing
- e. Have learning disabilities (Consider items that do not contain time limits on their use and close down.)
- f. Have limited dexterity (Consider items that do not require grasping, pinching or twisting.)

For information on purchasing, please see Nos. 15 and 36 under Coordinator survey above, as well as No. 15 under the Medical Services survey.

**3. When questions come up regarding accessible communication purchase are outside resources consulted (Disability Advisory Committees, Jobs Accommodation Network, local Independent Living Center, etc.) before the purchase is made?**

For information on purchasing, please see Nos. 15 and 36 under Coordinator survey above, as well as No. 15 under the Medical Services survey.

**General Purchases**

- 1. Prior to the purchase and if applicable, are building standards reviewed to ensure the item in question will be compliant when installed in its intended location? (Factors to consider include, but are not limited to: toilet paper dispensers must be located below the grab bar, items may not protrude more than 4" from the wall in a path of travel if they are placed at an elevation above 27" or below 80", there must be clear space available for a wheelchair user to be able to approach the item for use, an item must not require a person to reach higher than 48" or lower than 15" to operate unless the user must reach over other items to operate, then it lowers, etc.)**

This has not been the past practice.

**Finding:** Information is not available to County purchasing staff concerning access requirements that may be violated as a part of the purchase of items to be used in County facilities.

*Recommendation: Ensure that County staff making purchases on behalf of the County has access to basic information concerning accessibility and the impact of certain items on persons with disabilities. Doing so may avoid the use of public funds resulting in the introduction of an access barrier.*

- 2. Is the operational pressure required to use an item considered? (It should not exceed 5lbs.)**

See Finding and Recommendation for above.

- 3. Is dexterity considered before a purchase is made? (Users must not be required to grasp, pinch or twist the device to operate it.)**

See Finding and Recommendation for above.

- 4. When furniture is purchased is knee clearance for tables and clear space within a room considered?**

See Finding and Recommendation for above.

## **ADA Self-Evaluation Questions for Meeting and Event Planners**

- 1. Is notice provided within meeting/event announcements that auxiliary aides and services (reasonable accommodations) are available as needed for persons with disabilities?**

Yes. Please see meeting notice quoted in Coordinator Question No. 1.

- 2. Are persons administering the meeting trained regarding the County's disability civil rights responsibilities?**

Not except insofar as conversations have been had with such individuals as part of the Self-Evaluation process. The consultant has recommended use of an event planning checklist. If the consultant could provide an exemplar, that would be extremely helpful, and County Counsel and the ADA Coordinators will use the checklist to train staff accordingly.

- 3. Are meetings held on public transportation routes?**

Yes. Meetings typically (if not always) are held at the Government Center, which has public transit access. Most, if not all, County facilities also have similar access.

- 4. Are meeting sites reviewed for physical accessibility before the meeting is calendared? Note: this must include arrival points, meeting room(s), supporting restrooms, drinking fountains, public phones, registration counters, etc.**

Meeting sites are accessible insofar as County facilities generally are accessible. Addressing any gaps will be part of the transition plan.

Note that on rare occasion a community meeting might be held at a non-County facility in outlying areas. A checklist that could be used to evaluate these sites could be useful, and the County can develop a policy of not using inaccessible sites absent an overriding reason to do so, e.g., the lack of any other available space in which to engage residents of a particular community. Again, the consultant's assistance in developing such a checklist would be appreciated.

A checklist could also be useful in deciding how to set up for meetings and events, especially to ensure proper path of travel at outdoor events.

Many if not most County meetings are held in the Board chamber. Please note the following points re the chamber:

- One of the podia in the chamber was designed to be wide enough for a wheelchair, and individuals who use wheelchairs have been able to access

- the podium in the past. The “neck” of the microphones at both podia is long and flexible, and can be lowered to an appropriate height for a person in a wheelchair.
- A wireless microphone is available upon request for those who are unable to approach either podium.
  - There is an interest in having a podium that can be raised and lowered electronically.
  - If someone were to request high seating in the chamber, we could accommodate the request by seating the individual in one of the secretarial chairs behind the media stand. However, these chairs are on wheels, and could be problematic if used in the main seating area, which has a slanted floor to improve viewing angles. Providing high seating is not required by ADAAG, but the County has an interest in finding a means to make such seating available.
  - Spaces for wheelchairs to comply with ADAAG regulations are being identified in the chamber. One place in the front row already exists. Companion seating next to each wheelchair space is now reserved.
  - The clerk of the board has posted signs at the podia alerting individuals presenting PowerPoint presentations to read or paraphrase each slide.
  - A service animal relief area in the lawn in front of the chamber has already been designated with a sign, baggie stand, and covered garbage container.
  - Assistive listening devices are available for use in the chamber, and ADAAG compliant devices are being purchased to be used in the chamber and elsewhere.

**5. Are service animal relief areas identified?**

Yes, for BOS chamber. See above.

**6. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible? Note: When considering microphone access please take into account podium elevations, touch screen control systems, goose neck microphone attached to the center of tables without knee clearance for wheelchair users, and persons who will not be able to hand hold any equipment.**

Please see response to Question No. 4.

**7. If video is used, is it captioned?**

Where available. However, video is used rarely if ever at public meetings. Please see response to Question No. 15 in purchasing survey, above.

**8. If video is used does it contain audio descriptors?**

No.

*Comment: The US Department of Justice is currently engaged in rule making regarding video descriptors within video tape. It is advisable for Kings County to monitor this rule making activity. The County may also wish to include a video descriptor feature in new videos purchased from this time forward.*

**9. Are speakers asked to read aloud all content on power points?**

Please see Question No. 4 re BOS chamber. In other meeting areas, reminding speakers to read aloud would be a good item for the event planning checklist so that this requirement is not missed.

**10. Is integrated seating made available with companion seating for wheel chair users?**

Please see response to Question No. 4, above.

**11. If seating is at tables, is knee clearance space checked for wheelchair users?**

Please see response to Question No. 4, above.

**12. Is high seating available for persons who have difficulty getting in and out of low chairs?**

Please see response to Question No. 4, above.

**13. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?**

No. It would be helpful if instructions and suggestions for ensuring this were included in the recommended event planning checklist.

**14. Are FM Loop systems available for persons who are hard of hearing? If FM Loop systems are being used, do meeting hosts ensure that all comments made during the meeting go through the PA system?**

Please see Question No. 4, above.

**15. If sign language interpreters or a real time captioner are being used, is there reserved seating at the front of the room for persons needing these accommodations?**



First, this would be a good item for an event planning checklist. Second, with regard to the BOS chamber, this was discussed with the Clerk of the Board, and it was decided that in the event that translation is requested for a public meeting, the translator could use the media table in order to be seen throughout the chamber. It is now possible to reserve seating nearest to the media table for those requiring translation.

**16. Are two sign language interpreters retained for meetings or event lasting more than two hours?**

An interpreter has been requested only once within the institutional memory of the County. No one recalls whether one or two interpreters were retained. It is believed that we complied with the law in any case since the company with whom we contracted would likely have required us to retain sufficient translators. The County will comply with the law in the future. This would be a good item for an event planning checklist.

**17. Are sign language interpreters and real time captioning screens positioned close to the speaker?**

Interpreters would be positioned at the media table in the BOS chamber, as indicated above. This location should enable the interpreter to hear anyone speaking throughout the room.

**18. Are sign language interpreters under good lighting?**

The lighting throughout the BOS chamber is considered good.

**19. Are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?**

Most meetings are public meetings that unfold organically without pre-planned script. A good item for the event planning checklist would be to ensure that translators are asked ahead of time if practicable if there is specific information that would be useful to know in advance.

**20. If speaker cards are to be used, is staff available to assist persons with disabilities, as needed in completing the cards?**

Kings County rarely uses speaker cards. Staff are always available at public meetings to assist anyone who wants to participate in the meeting for any reason.

**21. If public comment time is limited, is the time increased for persons who have speech impairments?**

Yes.

**22. If events include displays, are the displays accessible and on an accessible route?**

Department heads responding to the survey previously indicated that this is ensured, but it would be good to include an event planning checklist.

**23. Is the indoor or outdoor surface where persons with disabilities will travel smooth, stable and slip resistant?**

Again, this is always the goal, but it would be good to include as a checklist item, especially for outdoor events. People setting up booths along a walkway, for example, may need to be reminded to ensure that booths are positioned at the edge of the walkway so that the entire walkway is available as a path of travel.

**24. Have transaction points been reviewed for clear space, and elevation?**

No. This should be included in an event planning checklist.

**25. If parts of an exhibit are inaccessible due to technical infeasibility, is video with captioning used to display the exhibit?**

No. This would rarely be applicable as the County rarely hosts events with exhibits, etc.

**26. Does Kings County have an event planning checklist to address access in meetings and event planning?**

No. The consultant's help in providing an exemplar would be appreciated.

**Finding:** There is no checklist available to County Staff producing meetings and events.

*Recommendation: The Consultant will provide the meeting and event planning access checklists which will cover the pertinent items noted above. See Appendix M hereto.*

**SUPPLEMENTAL INFORMATION re polling places:**

Auxiliary aids are available to voters, but no notice is provided.

Poll workers and department employees receive training regarding requirements imposed by the Secretary of State to ensure that elections are accessible.

There are 36 polling stations in the County. Because most of these stations are located at government buildings, many locations are located along public transit routes. However, not all stations are accessible to transit.

Polling places are reviewed per Secretary of State Access guidelines. See notes above released facilities.

Polling place set up also follows Secretary of State Access guidelines.

Sign language interpretation is not available at polling places, but note that all instructions and other voting materials are in writing.

## ADA Self-Evaluation Questions for the Webmaster

### 1. Are all web site postings reviewed for access before they are put up?

- Most content on the County's website is created by the departments. However, there is a style sheet in use, as well as policies to ensure uniformity across departments' websites. An intra-County web committee drafts and implements policies within parameters established by the BOS. Staff works with the departments to ensure uniform implementation of County web policies. IT does not have the resources to monitor/enforce policy implementation or create web content for departments. Procedures and policies currently are being developed to ensure that content is accessible.
- Our website is not hosted by us. We contract with Vision Internet ("VI") for that service. A review of the County's websites is currently underway to ensure maximum accessibility.
- NEOGOV powers the County's job listings and applications websites. NEOGOV has represented that all of its program features are accessible. A review of the County's employment website shows that this is essentially a correct statement, although there is minor room for improvement. The County does not directly control this content, and it is not feasible for the County to host its own job listing and application website. NEOGOV is a widely used platform by government agencies throughout California and the United States.
- With regard to external content linked to the County's site, consideration should be given for including a jump page since the County cannot control the accessibility of outside content.

**Finding:** It appears that complete verification of adherence to applicable standards has not yet occurred, and that jump pages have not been installed to notify users that they are leaving County websites.

*Recommendation: Confirm that county webpages meet WCGA2.0 standards to the extent feasible, and install a jump page to notify end users when they are leaving County websites. Have persons with disabilities, particularly visual impairments test websites for usability.*

### 2. Have all files on Kings County public sites been reviewed for access? If such a review is planned or in progress, please discuss it.

Pending.

**Finding:** The review of County websites accessibility appears to be incomplete.

*Recommendation: Ensure a review is complete regarding access to all County Websites.*

**3. Have any complaints been received regarding access to any County website?**

No.

**4. Is there a text equivalent, such as an alt tag on all non-text items such as photos or graphics?**

The software used by the County to develop its web content requires the use of alt tags on all non-text items. However, not all alt tags created in the past are useful to screen reader users, and an effort is under way to resolve this.

**Finding:** An Alt Tag is a brief description of photos and graphics appearing on websites.

*Recommendation: Ensure that all graphics and photographs used on websites have an alt tag with a brief description (i.e. "County Seal" or "Photograph of County Administration Building"). Please note users should not have to contact County Staff for an explanation of website content.*

**5. For multimedia presentations, are equivalent accessible alternatives used, which are synchronized with the presentation?**

We currently don't have video content online. The County's policy going forward would be to provide captioning where feasible in light of cost relative to the importance of making the content available. If infeasible, a transcript can be provided. Alternatively, a notice can be provided online that a transcript will be created and provided upon request. If these options are found to be infeasible, the content will not be posted online unless a determination is made and documented that failing to post the content online would be highly detrimental to the public interest. Note that the County has policies against allowing moving images to be posted on its webpages since these can interfere with flicker rate.

**6. If video is used is it captioned for persons who are Deaf or Hard of Hearing?**

See response to No. 5.

**7. When information is conveyed in color is the same information made available without the use of color?**

No. However, in designing the County's website, VI provided the County with a palette of colors that, according to VI, should not create problems for people with

colorblindness. The County selected colors that are used for all of its pages that fit within the palate provided.

**8. Are documents organized in order that they are readable without the need for an associated style sheet?**

No. However, a style sheet is in place.

**9. Are redundant text links provided for each active region of a server-side image map?**

No. However, please note the following: Content available directly on the County's website can be read by a screen reader. Linked documents in RTF and DOC format are readable. PDF content is not unless it has been "OCR-ed." The County could adopt a policy that if a PDF link is brief and/or permanent, it will be posted in both PDF and RTF. This is already being done for BOS agenda. If a document is lengthy and/or will need to be updated regularly, the County could include a notice on the website that upon request, the document will be made available in OCR readable format."

**Finding:** Not all PDF documents have companion files which can be utilized for access.

*Recommendation: Ensure that all files intended for the public are accessible.*

**10. Are row and column headers identified for data tables?**

No.

**Finding:** Row and column headers do not conform with requirements.

*Recommendation: Establish policies as described in #9 to ensure that posted documents are accessible and conform to applicable standards.*

**11. Is markup used to associate data cells and header cells for tables that have more than two or more logical levels of rows or column headers?**

No.

**Finding:** confirmation has not been made that data cells and header cells conform with requirements.

*Recommendation: Confirm that row and data tables conform to applicable standards.*

**12. Are frames titled with text for form identification and navigation?**

Yes.

**13. Are all pages designed to avoid the screen to flicker with a frequency greater than 2 Hz or less than 55Hz?**

Flicker rate is controlled by the user's computer. Moving images posted on a website can interfere with flicker rate, however. For that reason, moving images are not allowed on the County's website.

**14. The "text-only" page of a website is a file void of any graphics or photographs which should contain equivalent information as would be found on the companion file populated with graphics and photos. Does the County provide a text-only version of its website with information and functionality equivalent to the non-text only version?**

No.

See #15 Finding and Recommendation.

**15. Is the content of the text-only page updated at the same time the primary page in changed?**

No.

**Finding:** Text only pages are not updated at the same time their companion files are updated.

*Recommendation: Ensure policy is in place that facilitates change to accessible content when main files are being updated.*

**16. Is updating addressed the same way for all County public web sites?**

No.

**Finding:** Not all County websites are updated in the same manner.

*Recommendation: Ensure that uniform policy is in place for updating all County maintained Websites.*

**17. If page uses scripting languages to display content, or create interface elements, is the information provided by the script readable by assistive technology?**

Unknown.

**Finding:** Verification is not taking place that script technology is readable by screen reading systems.

*Recommendation: Research to determine whether applicable standards are met.*

**18. If a web page or informational kiosk requires an applet or plug in device for access, does the required device(s) comply with Section 1194.21 of the Technical Standards for Software Operating Systems (a) through (l)?**

Unknown for web pages. Note that the County does not use informational kiosks.

**19. If electronic forms are to be filled out online, do they work with assistive technology?**

Yes, but form field labels may need to be updated to maximize utility for those using screen readers.

*Recommendation: Review form field labels for all County websites, and ensure that labels are user friendly for users of screen reader technology.*

**20. Have the systems discussed in question 19 been tested by end users?**

No.

*Recommendation: End users should test form field labels.*

**21. Is a system in place that allows screen reader users to skip navigational links?**

IT is not sure what is meant by “ensure a system to allow screen readers to skip navigational links.” Note that if a screen reader is being used to read DOC or RTF documents, there is no ability to skip from page to page or “scroll.” The reader just reads from start to finish.

**Finding:** Confirmation that navigational systems can be skipped has not been made.

*Recommendation: Initiate testing by screen reader users for the purpose of providing the County information and feedback concerning the effectiveness of the webpage for this population.*

**22. Are systems in place that may time out while a person is giving a response? If yes, is there a way that the user is warned and can obtain more time without losing data?**

No.



**SUPPLEMENTAL INFORMATION PROVIDED BY IT**

Where County phones are used as a PA system in the event of an emergency, upon the request of an employee with a hearing impairment, IT can install a system called EC 500 on the phone. This would allow the PA announcement (or any phone call) to be redirected to the individual's personal cell phone. Also, if funding is available, the County can install a strobe system in the department, which a member of the department's safety team could activate in an emergency. This would not be an IT function.

**Finding:** The County should explore the viability of strobe light installation and other warning systems as needed for persons who are deaf or hard of hearing.

*Recommendation: The County must provide, as needed, an effective warning system for persons who are deaf and hard of hearing. The County should explore all options and select the one that is effective.*

References from: US Department of Justice, US Patient and Trade Make Office and the California Department of Rehabilitation

## **ADA Self-Evaluation Questions Regarding Employment**

A review of employment programs, services and activities is important so an employer can determine where improvements might be necessary to ensure compliance with The Fair Employment and Housing Act (FEHA), the Americans with Disabilities Act (ADA), ADAA and the Rehabilitation Act of 1973.

It is necessary for the reviewer to identify any employment impact that comes about or may come about due to an applicant or employee's disability.

- 1. Are Kings County openings advertised through organizations, which have a disability constituency, i.e. the Department of Rehabilitation, Independent Living Centers and other community based disability organization? If yes, please describe how this occurs. If it does not occur, please make recommendations, which would put this practice in place.**

Our recruitments are distributed to our local Job Training Office, and they disseminate to other external agencies as described above.

- 2. If Kings County has a telephone job line how can persons who are deaf or hard of hearing obtain the same information? If yes, how?**

There is no telephone job line.

- 3. Are essential and marginal functions of each position identified before advertising for the position? If yes, by whom?**

Yes. HR, in consultation with supervisors, has prepared a Position Analysis Questionnaire (PAQ) for each County position, which identifies the essential functions of the job. Job specs in turn are tethered to the PAQs, and are included in all recruitment notices.

- 4. Have requirements been checked to ensure that they are job related and consistent with business necessity? For example, requiring a driver's license for a position where the incumbent does not drive might disqualify an otherwise qualified person with a disability. Please make recommendations as appropriate to improve this process.**

HR lacks resources to review/update PAQs according to some set schedule, but the need to update/reconsider requirements sometimes arises when a position opens or during the interactive process, and supervisors are asked to update the PAQs as appropriate.

5. **Please describe how information about testing and openings are made available in alternative format for persons who request it, due to their disability related needs. Are improvements needed to this system? If yes, please describe.**

A request for information about testing and openings in an alternative format has not arisen within the institutional memory of County staff. The request would be handled the same way any request for materials in an alternate format would be handled.

**Finding:** It is not explicitly stated in job opening announcements that information concerning the vacancy is available in alternative format as needed by persons with disabilities.

*Recommendation: A clear statement should be included in all testing, and job vacancy notices noting that employment information can be made available in alternative format as needed for persons with disabilities.*

6. **Do job bulletins announcing openings contain statements regarding the County's nondiscrimination policy concerning persons with disabilities? Yes  No .**
7. **Do job announcements inform candidates that reasonable accommodations are available as appropriate during the selection process? Yes  No .**
8. **How is the process discussed in number 7 carried out?**

Job announcements state: "Essential duties may vary from position to position within classifications. Reasonable accommodation will be made when requested and determined by the Agency to be appropriate under applicable law."

Job applications state: "ACCOMMODATION - By clicking the 'I Accept' button below, you understand that if you feel you need special testing accommodation for an examination due to a qualifying physical or mental disability, you must contact Human Resources at (559) 852-2510 at least three (3) working days prior to the date of your test, interview or any other step in the hiring process. You may be required to submit valid medical or other documentation of the specific need for accommodation at least one working day before the scheduled event. If you do not provide advanced notice and/or valid documentation, the County may not be able to provide accommodation for a scheduled examination."

**9. How are selection activities, i.e. interview questions, writing exercises, reference checks, etc., coordinated with the essential functions of the position?**

All points of assessment are based upon the requirements contained in the particular job specification for the position being recruited for.

It is appropriate to use specifications because they are tethered to PAQs, which enumerate essential functions, and that use of PAQs would be impracticable.

**10. What recommendations do you have for improvement of this process?**

N/A.

**11. Do candidates know in advance of the types of activities they will need to engage in during the selection process? Yes   x   No      If yes, how are they informed? Please share any recommendations you have to enhance this process.**

Information is included in the particular job flyer for any given position being recruited for.

**12. How are selection panelist trained in disability etiquette and legal question formation?**

Oral Board panelists are provided questions developed by HR with occupational input from the department with the vacancy being recruited for. Each panel is oriented prior to the first interview.

A standard email goes out to all panelists prior to the interview, which *inter alia* states the following:

**“EQUAL EMPLOYMENT OPPORTUNITY**

Kings County is an Affirmative Action/Equal Opportunity Employer. To assist us in making our oral exam non-discriminatory, please accept and abide by the following:

\* \* \* \* \*

\*Don't ask questions about HEALTH or weight problems, handicaps, illnesses or injuries. Decisions in these areas require expert medical judgment and are best

left to the County Health Officials as part of the pre-employment medical examination.

\* \* \* \* \*

Don't permit superficial impressions to influence your attitude or your judgment. Neat grooming provides no assurance of efficient performance. Your evaluation should not automatically eliminate those candidates whose speech, dress or personal habits differ from those of the predominant working group.

If information on any of these points is volunteered by the applicant, further discussions should be discouraged at once and shall not be considered in the evaluation process.”

**Finding:** The instructions noted immediately above contain the derogatory term “handicaps”.

*Recommendations: The instructions should be updated to eliminate outdated language. Also, to ensure that similar language is not used at interviews, training should be provided to interview panels and other impacted staff regarding person-first language and disability etiquette.*

**13. Who ensures that selections are conducted in accessible locations?**

Existing County facilities for all interviews are used, typically at the HR office. Interviews locations are accessible to the extent that County facilities are accessible.

**14. Is there a policy requiring that selection sites be adjacent to accessible public transportation? Yes \_\_\_ No x\_\_.**

There is not a policy per se, but it is our practice since all County facilities used for interviews are readily accessible to public transit.

**15. Is the County's reasonable accommodation policy posted and readily available to employees and candidates for employment? Yes x No \_\_\_**

A publication available at the HR Department's website and in the HR Department describes the County's employment process, and states the following: “County policy provides for reasonable accommodation, when needed, for otherwise qualified applicants with disabilities. Please advise the Human Resources Office of any special testing site needs at least three working days in advance of the examination.” Please note that in the public employment context, the term

“examination” usually refers to the oral interview, but can in some cases refer to an actual written examination.

Job announcements also state: “Essential duties may vary from position to position within classifications. Reasonable accommodation will be made when requested and determined by the Agency to be appropriate under applicable law.”

Job applications state: “ACCOMMODATION - By clicking the 'I Accept' button below, you understand that if you feel you need special testing accommodation for an examination due to a qualifying physical or mental disability, you must contact Human Resources at (559) 852-2510 at least three (3) working days prior to the date of your test, interview or any other step in the hiring process. You may be required to submit valid medical or other documentation of the specific need for accommodation at least one working day before the scheduled event. If you do not provide advanced notice and/or valid documentation, the County may not be able to provide accommodation for a scheduled examination.”

**16. Is assistance in completing forms regarding the reasonable accommodation process available as needed by persons with disabilities? Yes  No .**

**17. Have state and federal laws been compared to determine which provides the greatest access and are the most inclusive requirements used as a basis for employment policy/practice? Yes  No .**

By virtue of the Supremacy Clause, state law necessarily is more restrictive. FEHA has been reviewed and is implemented by the County.

**18. Does the reasonable accommodation policy require an interactive process, which includes: disability disclosure, interactive problem solving, accommodation selection, accommodation implementation and ongoing follow to ensure effectiveness? Yes  No .**

Please see description of our interactive process below.

**19. Describe the interactive process that you implement.**

It is the County’s policy to implement 2 C.C.R. § 11069. Our HR professionals regularly attend trainings in the interactive process and other HR issues hosted by Liebert Cassidy Whitmore and other providers, and are familiar with the legal requirements of the process. County Counsel is involved as necessary.

Referrals for the interactive process come from a variety of sources. An employee might contact HR orally or in writing, or might make a request to a supervisor that is referred to HR. A supervisor might refer an employee to HR when an employee's performance is lagging, which might trigger the interactive process whether or not the supervisor suspects a disability. People trying to come back from workers' comp may be referred for the interactive process, and the fact that an employee takes an extended leave and/or has exhausted or nearly exhausted FMLA will typically also trigger the interactive process.

Typically, a referral can be resolved informally. HR will ask the supervisor if an accommodation can be made, and typically except for public safety jobs (for which physical ability is usually an essential function), the supervisor, HR, and the employee can work out a simple solution. For example, this may involve allowing an employee to put his or her feet up at work or take extra bathroom breaks, or a slight reworking of job assignments. In one instance the County had an employee whose job required part-time contact with the public and part-time filing in addition to a variety of other duties. Because the employee was hard of hearing, public contact was difficult for her. As an accommodation, she agreed to take on extra filing duties from co-workers in exchange for them taking on her public contact duties. In another example, an employee was stationed at a public service counter near a door to the office. One of her minor responsibilities was to open the door in the event that someone other than an employee of the office needed into the office. After returning to work from an operation, standing up and sitting down several times a day to get the door was too difficult for her so the task of opening the door was reassigned to an employee with a desk near the customer service counter. Frequently, a solution to a request for accommodation is to do an ergonomic evaluation of the employee's workspace and purchase of new furniture or rearrange the work environment, as necessary.

Sometimes, particularly where the employee works in a public safety position, but also because either the supervisor or the employee refuses consent to an informal resolution or for other unique reasons, the employee may be provided a questionnaire to take to the employee's physician. The questionnaire typically will match the content of the Position Analysis Questionnaire (PAQ) for the employee's job, but sometimes a PAQ is outdated, and HR will have to ask the supervisor to create a new one. When expediency requires, HR will create a questionnaire based on job specs. If the physician's responses show that the employee can perform the essential functions of the job, then the employee is held to the standards of the job. Otherwise, if the employee can perform all of the essential functions with reasonable adjustments to job responsibilities, options are explored and implemented. If the

employee simply can't perform the job, then HR explores other options with the employee, including open positions, lateral transfers, and voluntary demotions.

HR will continue to search for vacant positions so long as the employee has available paid or unpaid leave pursuant to state and federal law and County leave policies. With department head approval, the employee may be reassigned, laterally or by voluntary demotion, within his or her department to any vacant position for which he or she is qualified without engaging in the competitive process. Otherwise, the employee will be required to compete for vacant positions in accordance with the County's Personnel Rules, but will be given reasonable assistance in applying for the position, and shall be entitled to preference in the competitive process consistent with 2 C.C.R. sec. 11068(d)(5). This is the County's past practice, which will continue subject to the following caveats: Unless noncompetitive reassignment would violate other employees' established seniority, layoff, or collectively bargained rights, or would otherwise violate the right of eligible employees to compete in a promotional recruitment, an employee will not be required to compete for a vacant position for which she or he is qualified if either of the following is true: (1) reassignment is the only available accommodation, or (2) based upon unique circumstances, reassignment is the most reasonable accommodation available. If either of these circumstances is present, a noncompetitive reassignment may still be made even if other employees' established rights would be violated if the employee requesting an accommodation can demonstrate unique facts that warrant an exception to the general rule. (See *U.S. Airways, Inc. v. Barnett* (2002) 535 U.S. 391, 405-406.) The determination that unique circumstances warrant such an exception should be made by HR in consultation with County Counsel. Even where noncompetitive reassignment is used to accommodate an employee, the employee must still comply with the County's lateral transfer, promotion, or voluntary demotion rules, as applicable, including any requirement therein that the employee be subject to a new probationary period.

Throughout the interactive process, all meetings with the employee (or applicant, as the process is also used to accommodate applicants) are recorded electronically with the individual's knowledge and consent. The employee is also made aware (sometimes repeatedly) that the employee does not need to share any diagnosis or protected health information, but need only describe the nature of the work that s/he can or cannot do. HR also works with employees to educate them on how to advocate for themselves. Informing a co-worker/supervisor that one cannot perform certain tasks and has been granted an exemption from performing those tasks can be difficult sometimes without divulging protected health information. HR explains to the employee how to work around this problem.



Sometimes an employee poses a direct threat to the health or safety of others in his/her position or otherwise can't perform the essential functions of the job, and either making an accommodation or reassigning the employee is not possible or the employee is unwilling to accept an accommodation or possible alternative positions. In that case, it becomes necessary to terminate. The employee will be served with a termination notice that documents the reasons for the termination. The decision to terminate is made by HR in consultation with the relevant department head, and County Counsel reviews the termination notice and is involved in the decision making process. The termination is not deemed disciplinary, but the employee has the same personnel appeals rights as employees being terminated for job performance reasons.

NOTE: While an employee is going through the interactive process, the employee will not be terminated even if s/he has exhausted all leave and FMLA rights. Most employees also qualify for SDI and/or have employee or employer provided disability insurance, and additional leave is granted routinely at the department head's direction.

**20. Have persons responsible for the reasonable accommodation process been trained regarding the legal requirements in this area? Yes  No .**

**21. Are medical inquiries based upon need that is job related and consistent with business necessity? Yes  No .**

**22. When making a medical inquiry, does Kings County inform the medical provider that genetic information is not being requested as mandated by the Genetic Information Nondiscrimination Act and the FEHA?**

We do not inform that it is not being requested, but we do not ask that it be included as part of the criteria for screening.

*Comment: Although not required, it may be prudent for the County to affirmatively state to medical providers that genetic information is not being requested as part of any medical report.*

**23. Are Workers Compensation medical records kept separate from medical records obtained to facilitate reasonable accommodations? Yes  No .**

Note: Workers' comp claims are handled by Risk Management, and the interactive process is implemented by HR.

24. Is a policy in place prohibiting the practice of asking employees or applicants to sign release of information forms, which have blank fields to be filled in at a later date? Yes\_\_\_ No\_x\_\_.

We do not have blank releases signed in our office. However, there is no known written policy to this effect.

25. Are all medical records kept in a separate secure file and excluded from the personnel file? Yes\_x\_\_ No\_\_\_.

26. When drug testing is used, are testing labs asked not to report the use and types of medication used in a legal manner? Yes\_x\_\_ No\_\_\_.

27. Is a policy in place that prohibits the use of information regarding existing leave balances in the selection process? Yes\_\_\_ No\_x\_\_.

No policy exists yet, but this is not the County's practice.

**Finding:** No policy is in place prohibiting the use of leave balances as a factor in the selection process.

*Recommendation: To avoid actions that could be viewed as discriminatory in nature, it is recommended that the County prohibit the use of leave balances as a factor in the selection process.*

28. Are supervisors trained that it is unlawful to ask questions about disability or questions that might lead to information about a disability during selection interviews or reference checks?

Please see response to No. 12, above.

29. How do HR staff, supervisors and managers obtain information regarding the legal requirements to which Kings County is held?

Internal policies, internal training, and external training.

30. If you have recommendations for improvements in this area, please note them.

N/A.

**31. What outside resources have been identified to assist in the reasonable accommodation process when additional information is needed?**

N/A. The Jobs Accommodation Network (JAN) website has been provided to our HR Director.

**Finding:** No system is in place to ensure that credible and free resources are being incorporated into the reasonable accommodation process.

*Recommendation: The internal staff level committee charged with overseeing the implementation of this self-evaluation (see Self-Evaluation Workplan) should periodically examine functioning to determine whether free and appropriate resources such as the Job Accommodation Network are being utilized by County staff.*

**32. Is there a system in place to reassign employees with disabilities into a vacant position County wide if effective accommodation is not possible in their current position? Yes  No .****33. What is the process to determine that an employee is not able to be accommodated in their current position?**

Please see response to Question No. 19, above.

**34. Is this decision reviewed before the transfer is effected? Yes  No  If yes, by whom?**

Please see response to Question No. 19, above. A transfer would be by agreement between the employee, HR, and department head if within the same department, or per existing County policy for lateral transfer, open recruitment, or voluntary demotion.

**35. How long does the County seek a vacant position for an employee needing reassignment as a form of reasonable accommodation?**

Options for reassignment are presented at the appropriate point in an interactive process and decisions are based upon availability. It is collaborative. This search

does not go on indefinitely, but will go on so long as the employee has paid or unpaid leave time remaining. This varies with each case.

**36. The reassigned employee must be able to perform the essential functions of the new position with or without reasonable accommodation. How is the reasonable accommodation process handled during reassignment?**

See No. 19 above.

**37. Does the County have a policy prohibiting reassigned staff from competing for the position they are being assigned to? Yes \_\_\_ No .**

See No. 19 above.

**County Finding:** In certain circumstances, the County may be required to make noncompetitive reassignments.

*County's Proposed Action: County's written policies will be updated to reflect practices outlined above in Item, No. 19, with respect to noncompetitive reassignments.*

**38. Have emergency management teams in all facilities been trained regarding the needs for employees with disabilities during an emergency? Yes \_\_\_ No .**

See those parts of the survey relating to emergencies.

*Recommendation: Safety Committee needs to be reconvened, Members need to be trained and as appropriate assigned to assist persons with disabilities in the event of emergency.*

**39. Has the guidance for employers' issued by the EEOC, concerning identifying staff with disabilities that may need assistance in an emergency been used? Yes \_\_\_ No  If yes, how often is it used?**

See Question No. 1 under Site Specific Emergencies, above.

**40. Is a statement disseminated to all staff annually putting them on notice that Kings County has prohibited disability discrimination or harassment including jokes or inappropriate language?**

See response to Question No. 4 under Coordinator survey, above.

**41. What is the process for determining undue hardship regarding a reasonable accommodation process?**

See response to Question No. 19, above.

**42. What is the process for determining direct threat?**

The County uses the interactive process for this purpose.

**43. Is the Kings County Notice of ADA Compliance posted in all work sites?**

Yes.

**44. Is the Kings County ADA grievance system posted in all work sites?**

No.

**Finding:** The 1992 resolution has not been posted on Website.

*Recommendation: Update grievance system and post on the Website.*

## **Using this Self-Evaluation as a Living Document**

Title II of the ADA required that covered entities with more than 50 employees conduct a Self-Evaluation. It was to be vetted with stakeholders and retained for 3 years. During that time, it was to be available to the public upon request.

Twenty years later many covered entities are revisiting their Self-Evaluation. This is being done even though there is not a requirement to take such an action. The rationale for these new studies often consists of a number of factors. They include, but are not limited to:

- Program changes within the entity since the first Self-Evaluation;
- The impact of case law on disability civil rights;
- The impact of both state and federal legislation;
- Impact of state and federal regulations;
- Change in program staffing;
- Increased awareness of the needs of persons with disabilities;
- Improved understanding of the Self-Evaluation process; and
- Recognition of the value of a current Self-Evaluation to:
  - Serve as a basis for documenting a good faith effort,
  - Function as a work plan to track progress and accountability,
  - Enhance communication with stakeholders, and
  - Increase staff awareness and enhanced customer service.

Consideration of these factors leads to the design of a report that may be used as a living document. As such, it should save the cost of conducting a new full Self-Evaluation in years to come. It should serve as a record for new staff, giving them information and context regarding actions taken to date.

### **How to Use This Report as a Living Document**

As issues develop that make it advisable to revisit the Self-Evaluation, the following steps are recommended:

1. Clearly identify the issues and its impact on the delivery of programs, services and activities.
2. The ADA Coordinator or designee should determine if policy modification, training or action is advisable.
3. The “Findings and Recommendations” section of this report should be amended, in draft form, to document the issues and evaluation.
4. This process should be vetted with stakeholders.
5. If action is needed, it should be noted and tracked on the excel speed sheet.

## **Vetting with Stakeholders**

On January 14, 2016, two public meetings were held in Kings County at which time the consultants were available to provide an overview of this Self-Evaluation Plan and to accept public feedback. One meeting was held at 1 p.m. at the County's Government Center in Hanford, and the other meeting was held at 7 p.m. at the Kettleman City Public Library. This was done to assure one meeting near the County's population center and one near its geographic center, as well as to provide opportunities to attend both before dark and after the close of the workday. Notice of the public meetings was published in the Hanford Sentinel on January 5, 2016. Agenda were posted at the Government Center and online. Members of the Board of Supervisors were notified of the meetings, and agenda and meeting notices were delivered to the grand jury and mailed approximately two weeks in advance to the following organizations:

Kings County Commission on Aging  
680 N. Campus Drive, #D  
Hanford, CA 93230

Resources for Independence  
3435 S. Demaree Street, Suite D  
Visalia, CA 93277

Valley Center for the Blind  
3417 W. Shaw Avenue  
Fresno, CA 93710

Deaf & Hard of Hearing Service Center, Inc.  
2333 W. Whitendale Avenue  
Visalia, CA 93277  
(Returned undeliverable and resent 1/5/16 to Fresno office)

Access & Ability Center  
College of the Sequoias  
North Sequoia Bldg., Room 10  
915 S. Mooney Blvd.  
Visalia, CA 93277

Lataria Hall, Director  
Disabled Students program and Services  
West Hills Community College District  
9900 Cody Street  
Coalinga, CA 93210

Central Valley Regional Center  
5441 W. Cyprus Avenue  
Visalia, CA 93277

Despite attempts to notify the public of the January 14, 2016 meetings, no member of the public attended either meeting. However, approximately one week before the meeting, Veronica Hernandez of the Valley Center for the Blind contacted staff to request copies of the agenda in an alternative format. An electronic copy of the agenda was provided, which was screen readable, and the agenda was posted on the County's website in the "community calendar," which automatically feeds to the County's homepage in the few days immediately preceding an event. Ms. Hernandez tested the version posted in the community calendar, and reported back to staff that: "The information on the site is completely accessible for those with the most common screen reader for the blind/vision impaired." Ms. Hernandez also discussed in a phone call with staff the importance of making materials available in Braille since many older persons who are blind or vision impaired are not comfortable using technology. Ms. Hernandez acknowledged that Braille can be cost prohibitive, but explained that her organization *may* be amenable occasionally to printing materials for the County at cost using a Braille printer if the need ever arises. She also explained that having a recording callers can use to hear agenda read aloud before Board meeting, or even to hear synopses read aloud following meetings, is an option to consider.

This Self-Evaluation was presented to the Board of Supervisors for final approval. At that time, members of the public had the opportunity to present comments to the Board on the document.

If material changes need to be made in the future to the Self-Evaluation workplan, those will be brought before the Board of Supervisors, and notice of the Board meeting will be provided by posting agenda prior to any such meeting. As with all issues pending before the Board of Supervisors, individuals and organizations that request notice of Board meetings regarding changes to the Self-Evaluation will receive agenda in advance of such meetings.



## **Self-Evaluation Implementation Work Plan**

A matrix of the consultants' recommendations, as described throughout this document, will be maintained with this document by staff. An internal staff committee will meet quarterly to review that matrix, as well as the Transition Plan being prepared at the same time as this document. The committee will ensure that the recommendations stated in the matrix are carried out as expeditiously as possible, and will document progress in implementing specific recommendations.

Kings County						
Policy Recommendations	Action by the County	Staff Assigned	Due Date(s)	Reviewed by	Date	Notes
General Communication Documents: The County should have a simply worded statement on all outgoing documents to the public offering other formats of communication should the person receiving a notification be unable, due to a disability to use the standard format.						
Article II, Section 3 h : Disability should be added to the list of protected statuses within County Civil Rights Policy.						
Article II, Section 6-7: Negotiate with bargaining units to insert a statement mandating that all election activities must be accessible.						
Article III: Admin. To the extent allowable under St & Fed labor law & MOUs w/bargaining units, as w/other entities using Co resources, bargaining units should be held to comply w/all St & Fed civil rights laws while using Co property or other Co resources.						
Temporary Assignment Reimbursement Policy: See findings/recommendations under travel and expense policy.						
Travel and Expense Policy for officers and employees: Create a policy that would fairly compensate Co staff in the event that it is necessary for them to use a personal modified vehicle on Co business. A policy should also be created to compensate employees for necessary personal attendant services while on travel status.						
Safety Policy statement: establish a policy for determining Direct Threat. See proposed language at Appendix I of S-E document.						
Kings County Service Awards Program: Leaves related to FMLA, CFMLA or ADA/FEHA should be addressed within Section 2 of this policy to avoid confusion and promote consistency.						
Public Works Dept Functions: Section II and III: As recommended in the staff Questionnaire section of this report, policy should be put in place for maintaining accessible features, and staff should be trained regarding their role in this process. See 28 C.F.R. § 35.133. Note: There should be a process whereby minor items could be repaired on the spot, more serious items could be reported to management for action, and impacted staff would be trained to identify items that impact access and safety.						

<p>Road Closure Policy: The Co should 1) create and disseminate guidance and a list of resources to be used by event producers using public rights of way for their events, and 2) include within that guidance a notice to the event producers that they are required under state and federal law to comply with ADA. See Appx. L to S-E document.</p>					
<p>Purchasing: The use of Public funds to purchase items or services under contract that violate State or Federal disability civil rights laws should be prohibited. County purchasing staff should also receive training and/or guidance to help ensure that procurement activities comply with ADA mandates.</p>					
<p>Purchasing: It is recommended that all designers be held to delivering projects that at a minimum meet the most stringent access standard in place. Also, review county standard design drawings and details for accessibility compliance.</p>					
<p>Purchasing: Creating policy to ensure appropriate action is taken to maintain accessible features. This recommendation may be advisable to implement in conjunction with training for impacted staff. See 28 C.F.R. § 35.133. Note: There should be a process whereby minor items could be repaired on the spot, more serious items could be reported to management for action, and impacted staff would be trained to identify items that impact access and safety.</p>					
<p>Purchasing: Prior to entering into a lease agreement it is recommended that the property in question be surveyed by a CASp certified access specialist and that the County not acquire facilities that would result in barriers to programs, services or activities of the County.</p>					
<p>Purchasing: It is recommended that Contract language be placed in all contracts which authorize programs, services or activities on behalf of the County that is to be provided by a third party. Said language should hold the contractor to compliance with all disability civil rights mandates and provide a grievance process for persons who are alleging that their civil rights have been violated. See Appx. K to S-E document.</p>					
<p>Ambulance Service: Ensure that ambulances are required to carry equipment to remove persons from a second floor.</p>					

<p>Travel &amp; Expense Policy for officers and employees - Dept of Fin. Re the need for personal services attendant: It is recommended that policy be created regarding the use of PSAs to ensure that matters related to this need could be addressed smoothly should the need arise.</p>						
<p>Kings County Equal Employment Opportunity Plan: Policy Statement: Replace any reference in this or other policy statements the term "handicap" or "handicapped person" with "persons with a disability".</p>						
<p>Principle Legislation and Guidelines: Under Federal law add the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Amendments Act of 2008 (ADAAA) and the Genetic Information Nondiscrimination Act of 2008 (GINA). Under state law replace "Government Code 111555 with California Government Code 11135 and 12926, the Fair Employment and Housing Act</p>						
<p>Dissemination: Train managers and supervisors regarding state and federal disability employment civil rights requirements that Kings County is held to.</p>						
<p>Dissemination: Include the California Department of Rehabilitation and local independent living Centers in the Kings County outreach plan.</p>						
<p>Workforce &amp; Community Labor statistics: On a voluntary basis for respondents, Kings County may ask about disability status. This data would be useful in managing the County employment program.</p>						
<p>County of Kings Reasonable Accommodation Policy (Draft) 06-30-09: In lieu of the 2009 draft policy, adopt as County policy the simply stated reasonable accommodation policy provided in p. 16 of the S-E document, train impacted staff to implement the policy as appropriate, and incorporate the policy into the County's employee handbook, on the County's HR website, and in literature describing the County's job selection process.</p>						
<p>A Summary of Employment Benefits Services and Policies for Kings County Employees: Include a statement offering documents in alternative format as needed.</p>						

<p>A Summary of Employment Benefits Services &amp; Policies for Kings Co. Employees: Extend the chain of command exemption, which now is in place regarding sexual harassment, to persons who bring issues regarding disability harassment. This would better ensure these matters can be successfully addressed within County Government, if they should arise.</p>						
<p>A Summary of Employment Benefits Services &amp; Policies for Kings Co. Employees: Incorporate state laws into the employee information.</p>						
<p>A Summary of Employment Benefits Services &amp; Policies for Kings Co. Employees: If not already done, it would be advisable, except where circumstances warrant otherwise, for the County to instruct testing labs not to report lawfully used prescription medication. For situations where use of prescription medications could have a nexus to the ability of an employee or potential employee to perform the essential functions of his or her job, e.g., by impacting an employee's ability to operate vehicles or other heavy equipment safely, it is recommended that the County develop a policy whereby it will communicate to the lab the parameters of information that is in fact job related and consistent with business necessity. It would also be productive to amend the information regarding employee benefits, informing impacted parties that their privacy is protected.</p>						
<p>A Summary of Employment Benefits Services &amp; Policies for Kings Co Employees: Ensure that Job announcements are available in a variety of formats, both audio and visual to make them accessible to all parties, including persons who are deaf, blind, or have learning disabilities.</p>						
<p>Appendix A Kings County Grievance Procedure: Set up and communicate that the County has a system to address disability harassment outside the chain of command if appropriate.</p>						
<p>Employer-Employee Relations Policy: Negotiate with bargaining units to state that all activities, including voting will be accessible to all impacted parties.</p>						
<p>Personnel Rules: The County should review the HR Disability Policy Guidance document contained in Appendix H of the SE to ensure that the Personnel Rules are consistent with that guidance.</p>						
<p><b>ADA COORDINATOR</b></p>						

<p>The ADA grievance system should include information regarding how a complainant may obtain assistance as needed due to a disability in completing the grievance process. The grievance procedure should list the ADA Coordinator by name. The grievance system must be made available in alternative format as needed. Notice of such availability needs to be included in the grievance information. #2e</p>						
<p>The ADA Notice of Compliance relating to Title II program, services and activities should be broadly disseminated, which would include a presence on the County's website. #3</p>						
<p>Create and implement a plan for dissemination of the ADA Notice of Compliance. #5</p>						
<p>An anti-surcharge policy should be in place and published County-wide addressing all accommodations made pursuant to disability civil rights. #11</p>						
<p>Adopt the aforementioned policy concerning access considerations being made for purchases under \$1000. #15</p>						
<p>It is advisable to disseminate guidance for all staff on the subject of service animal policy. Sample guidance is provided at Appendix J to the S-E document. Further it is suggested that an incident report system be established to document any event which could result in a complaint being brought against the County. See sample report at Appx. J. #16</p>						
<p>Develop and implement a training program to address disability etiquette and awareness for all County personnel, having public contact. Said training should also cover the basic disability civil rights mandates that the County is held to by state and fed law. #21</p>						
<p>Ensure that disability issues are addressed within harassment training. #23</p>						
<p>Ensure that maintenance staff receives training concerning the maintenance of accessible features and safety. The Risk Management Committee when activated can serve as a valuable resource in identifying learning objectives or ongoing County maintenance training and guidance documents. #29</p>						
<p>The County should continue to study training opportunities. #34</p>						

<p>If the County determines that motorized mobility devices need to be controlled in certain settings it would be advisable to create policy addressing this need. Examples of issues that could become determining factors include, but are not limited to: mobility devices traveling at a high speed in areas populated by numerous pedestrians or issues related to motorized mobility device storage in County facilities. #35</p>						
<p>Provide training and or guidance regarding the impact of inaccessible items on County programs, services and activities. Also include resources for determining the accessibility of items being considered for purchase. #36</p>						
<p>The County continues to explore ongoing training for law enforcement relative to disability civil rights and to use the USDOJ training material. #38</p>						
<p>Incorporate 28 CFR 35.131 into the County drug abuse policy. #43</p>						
<p>Ensure that policy is in place that establishes a system to provide accommodation as needed for County volunteers. #44</p>						
<p>The County should move forward developing a brochure to define and address disability harassment and disseminate to all County staff. #45</p>						
<p><b>LAW ENFORCEMENT</b></p>						
<p>Conduct an access survey on all Correction sites. #2</p>						
<p>Officers may need the support of interpreting services in the field. It is recommended that interpreters and/or technological resources be explored to provide an appropriate level of support. There may be some technology that can assist. #9</p>						
<p>Identify local resources and establish a system for getting accommodation in place as needed. Devices and/or sign language interpreters may be needed. Ensure staff does not use family or friends for communication assistance. #9</p>						
<p><b>SITE SPECIFIC EMERGENCIES</b></p>						

<p>It is advisable for the County to use the EEOC Guidance regarding the voluntary identification of staff with disabilities that may need special assistance during an emergency event. This guidance provides three action items which are acceptable to the EEOC. 1) Ask employees at the time of hire, on a voluntary basis if they would need special assistance due to a disability during an emergency. 2) Periodically query all staff, asking them to respond on a voluntary basis, if they would need assistance due to a disability during an emergency. 3) Train management staff to ask County employees who have clearly and obviously come into a disability that is visible if they would need assistance during an emergency. If any employee indicates that emergency assistance is desirable an interactive process to provide an appropriate reasonable accommodation must begin. #1</p>						
<p>As noted above, it is advisable for the safety committee to be reactivated. It may be necessary for safety committee members to have an active role in carrying out the accommodations agreed to within the interactive process for impacted employees. Redundancies to the implementation of these accommodations are frequently necessary. Safety committee members are required to hold as confidential information pertaining to such accommodations #3.</p>						
<p>Safety committee members need to be trained. #3</p>						
<p>Identify means to build redundancies into emergency response planning coordinated by the Safety Committee. #4</p>						
<p>As considerable amount of time has passed since the last update of the Emergency Evacuation Plan, and it is likely that staff turnover has occurred, an update is prudent. #5</p>						
<p>Establish a system for HVAC shut down with staff redundancies. #6</p>						
<p>A system should be established County wide for periodic emergency drills which include the participation of persons with disabilities. Each drill should be debriefed upon completion and emergency plans should be revised as necessary to ensure continuous improvement. #8</p>						
<p>Recruit and train safety committee members. #9</p>						



Discuss emergency assembly areas and path of travel to them with first responders. The purpose here is to ensure appropriate separation of activities and accessible assembly areas. An example of an issue in this area would be fire hoses blocking an escape path for a wheelchair user. #11						
The County may wish to consider the safety of an emergency evacuation area before its utilization. #12						
Establish a communication system that will be functional from the safe area of refuge for persons who are deaf or hard of hearing. #20						
Within emergency planning consider how each section of the community could be evacuated if necessary. Plan should include addressing the needs of persons with disabilities in terms of communication and mobility, as well as other issues as needed. #26						
Ensure that emergency information released or broadcast to the community is accessible to all members of the community, so that impacted individuals are informed and have an opportunity to act as needed. #27						
Review facilities which have been designated as emergency shelters for code compliance, back-up power and access to basic resources such as food, water, and medical assistance. #37						
New employees should be instructed during orientation to obtain emergency safety information that is site specific from their manager. #41						
When drills are held, continue to include the participation of persons with a variety of disabilities and consider the effectiveness of the emergency plan in responding to their needs when the drills are debriefed.						
<b>MEDICAL SERVICES</b>						
Disability Awareness training should include information regarding appropriate interactions with persons who are deaf and hard of hearing. #4						
Confirm that policy is in place which supports appropriate access to services. #5						
If not already done, create and disseminate a notice informing Behavioral Health Clients that if sign language interpreting services are needed they should be requested at the time the appointment for services are made. #6						

Although it is not mandated in access standards, the provision of furniture that may be used by large persons or persons with mobility impairments serves to enhance the level of customer services. Therefore, it is recommended that the County consider providing such furniture on a limited basis to better serve these elements of the County's constituent base. #11						
Behavioral health and public health must have a system in place to ensure that accessible training materials can be made available on an as needed basis to accommodate persons with disabilities. #14						
Adopt the policy as described in #15 of SE document for video purchasing.						
<b>PERSONS MANAGING FACILITIES &amp; SPACE LEASED TO THIRD PARTIES</b>						
The actions described in item one of the SE document, concerning leased space, are appropriate. It is also recommended that County maintenance staff be trained to enhance their effectiveness in identifying and mitigating barriers within County facilities. #1						
It is critical that barrier mitigation be documented in the database contained within the ADA Transition Plan. Failing this, the database will rapidly become outdated and the county will not be able to document and take credit for its good faith effort to implement ADA mandates. Further, it could lead to the necessity of having to recreate the County's ADA Transition Plan. #8						
Conduct follow up surveys of polling places, do quality checks concerning how polling places are set up and administered on Election Day, and ensure polling place staff receives information concerning the County's legal obligation relative to accessible polling activities. (Supplemental Info regarding polling places)						
<b>PURCHASING &amp; SERVICE CONTRACTS</b>						
Ensure that Notice is provided to all recipients of bidding documents informing them that said documents are available in alternative format upon request. #1						
Where feasible encourage design professionals to design in construction tolerances where technical feasible and which do not result in material budget impacts. #2						

To ensure appropriate management of construction projects, it is advisable to have periodic CASp inspections during construction. The California Commission on Disability Access has a free checklist which may be used to facilitate this process. #3						
Ensure that County staff making purchases on behalf of the County has access to basic information concerning accessibility and the impact of certain items on persons with disabilities. Doing so may avoid the use of public funds resulting in the introduction of an access barrier. (General Purchases #1)						
<b>MEETING AND EVENT PLANNERS</b>						
The Consultant will provide the meeting and event planning access checklists which will cover the pertinent items noted above. See Appx. M to S-E doc. #26						
<b>WEBMASTER</b>						
Confirm that County webpages meet WCGA2.0 standards to the extent feasible, and install a jump page to notify end users when they are leaving County websites. Have persons with disabilities, particularly visual impairments test websites for usability. #1						
Ensure a review is complete regarding access to all County Websites. #2						
Ensure that all graphics and photographs used on websites have an alt tag with a brief description (i.e. "County Seal" or "Photograph of County Administration Building"). Please note users should not have to contact County Staff for an explanation of website content. #3						
Ensure that all files intended for the public are accessible. #9						
Establish policies as described in #9 to ensure that posted documents are accessible and conform to applicable standards. #10						
Confirm that row and data tables conform to applicable standards. #11						
Ensure policy is in place that facilitates change to accessible content when main files are being updated. #15						
Ensure that uniform policy is in place for updating all County Websites. #16						
Research to determine whether applicable standards are met. #17.						
Review form field labels for all County websites, and ensure that labels are user friendly for users of screen reader technology. #19						
End users should test form field labels. #20						

Initiate testing by screen reader users for the purpose of providing the County information and feedback concerning the effectiveness of the webpage for this population. #21						
The County must provide, as needed, an effective warning system for persons who are deaf and hard of hearing. The County should explore all options and select the one that is effective. (Supplemental Info provided by IT)						
<b>EMPLOYMENT</b>						
A clear statement should be included in all testing, and job vacancy notices that employment information can be made available in alternative format as needed for persons with disabilities. #5						
The instructions should be updated to eliminate outdated and offensive language. Also, to ensure similar language is not used at interviews, training should be provided to interview panelists and other impacted staff regarding person first language and disability etiquette. #12						
To avoid actions that could be viewed as discriminatory in nature, it is recommended that the County prohibit the use of leave balances as a factor in the selection process. #27						
The internal staff level committee charged with overseeing the implementation of this self evaluation (see Self-Evaluation Workplan) should periodically examine functioning to determine whether free and appropriate resources such as the Job Accommodation Network are being utilized by County Staff. #31						
Safety Committee needs to be reconvened, members need to be trained and as appropriate assigned to assist persons with disabilities in the event of an emergency. #38						
Update grievance system and post on the Website. #44						

**Appendix A.****28 CFR 35.105 Self-Evaluation.**

- (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:
  - (1) A list of the interested persons consulted;
  - (2) A description of areas examined and any problems identified;  
and
  - (3) A description of any modifications made.
- (d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

**Appendix B.**

California Government code section 11135

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

**Appendix C.****California Government Code Section 12926***Cal Gov Code § 12926 (2010)***§ 12926. Definitions regarding unlawful practices**

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

- (A) The employer's judgment as to which functions are essential.
- (B) Written job descriptions prepared before advertising or interviewing applicants for the job.
- (C) The amount of time spent on the job performing the function.
- (D) The consequences of not requiring the incumbent to perform the function.
- (E) The terms of a collective bargaining agreement.
- (F) The work experiences of past incumbents in the job.
- (G) The current work experience of incumbents in similar jobs.
- (g) (1) "Genetic information" means, with respect to any individual, information about any of the following:
  - (A) The individual's genetic tests.
  - (B) The genetic tests of family members of the individual.
  - (C) The manifestation of a disease or disorder in family members of the individual.
  - (2) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.
  - (3) "Genetic information" does not include information about the sex or age of any individual.
- (h) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.
- (i) "Medical condition" means either of the following:
  - (1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
  - (2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
    - (A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
    - (B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- (j) "Mental disability" includes, but is not limited to, all of the following:
  - (1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
    - (A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
    - (B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
    - (C) "Major life activities" shall be broadly construed and shall



include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "Military and veteran status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status.

(m) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity

covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of "disability" used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(p) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. "Religious dress practice" shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed. "Religious grooming practice" shall be construed broadly to include all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed.

(r) (1) "Sex" includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(2) "Sex" also includes, but is not limited to, a person's gender. "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(s) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(t) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off,

recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) "National origin" discrimination includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code.

## Appendix D.

### Kings County Notice of ADA Compliance

#### NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), **and California Government Code section 11135, Kings County** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Kings County 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 **and California Government Code sections 11135 and 12926, the Fair Employment and Housing Act.**

**Effective Communication:** Kings 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 programs, services, and activities, including qualified sign language interpreters and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** Kings County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Kings County offices, even where pets are generally prohibited.

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 Kings County, should contact the office of Kevin McAlister **(559) 852-2700, California Relay 711**, as soon as possible but no later than **72** hours before the scheduled event.

The ADA does not require Kings County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Kings County is not accessible to persons with disabilities should be directed Kevin McAlister, County Government Center, 1400 W. Lacey, Blvd., Hanford, CA, (559) 852-2700 or California Relay 711.

Kings County will not place a surcharge on 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, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**Appendix E.****Kings County ADA Grievance Procedure****Kings County  
Grievance Procedure under ADA or  
California State Disability Civil Rights Laws**

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), the Americans with Disabilities Amendments Act (ADAAA) and California State law. Except as otherwise indicated, it may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Kings County. The procedure should also be used to address all complaints regarding barriers to physical access to any County facility.

**NOTE:** Discrimination complaints by applicants for, and recipients of, public benefits administered by the County are handled by the Human Services Agency, pursuant to state law and the Human Services Agency's Administrative Policy and Procedure No. 23. Notice of this fact is provided to all applicants and recipients. For more information, please contact the Program Manager/Civil Rights Coordinator for the Human Services Agency at (559) 852-2201. If you submit a complaint to the ADA Coordinator that should be directed to the Human Services Agency, your complaint will be forwarded to the Human Services Agency, and will be deemed received by the Human Services Agency upon actual receipt by it for purposes of the filing and response deadlines stated in Policy and Procedure No. 23. Please also note that the County's Personnel Rules govern employment related complaints of disability discrimination. Please refer to sections 10200 to 10250 of the Personnel Rules regarding the County's grievance procedure, as well as Chapter 14 of the Personnel Rules regarding discrimination complaints. The process described in either part may be relied upon to make a complaint of disability discrimination.

A complaint using this procedure should be in writing and should contain information about the alleged discrimination such as name, address, and phone number of the complainant and location, date and a description of the problem(s). If you are viewing these instructions online at the County's website, please find the form for making a complaint below. Copies of the complaint form are also available from the Public Works Department or County Administration Office, County Government Center, 1400 West Lacey, Hanford, CA 93230. Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, are available to persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

**Kevin McAlister/  
ADA Coordinator  
County Government Center  
1400 West Lacey Blvd**

Hanford CA 93230

TEL (559) 852-2690  
or California Relay 711

FAX (559) 584-0865

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his designee will schedule a meeting with the complainant to discuss the complaint and possible resolutions. After an investigation and review the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant. The response will explain the County's position on the issue and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator does not resolve the issue to the satisfaction of the complainant, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Administrator.

After receiving the appeal, the County Administrator or his/her designee will review the appeal and the ADA Coordinator's findings. Within a reasonable period after a review, the County Administrator or his/her designee will respond with a final resolution to the complaint in writing and, where appropriate, in a format that is accessible to the complainant.

All written complaints received by ADA Coordinator or his/her designee, appeals to the County Administrator or his/her designee, and responses from these two offices will be retained by the County for at least three years.

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**Grievance Form: Allegations of Violations of  
the Americans with Disabilities Act or  
California State Disability Civil Rights Laws**

My name is:

I am making this complaint on behalf of:

- Myself
- Another individual (Name: \_\_\_\_\_ )

My address is:

My phone number is:

I prefer to be contacted via email:

- Yes (Email address: \_\_\_\_\_ )
- No

If this complaint is being made on behalf of someone other than me, that person's contact information is:

My complaint relates to circumstances that occurred:

- On the following date:
- At the following location:

My complaint is as follows:

(Please be as specific as possible, and include the names and contact information of anyone who might have knowledge of the facts giving rise to your complaint. To help us to address your concerns promptly, please stick to the facts: who, what, when, where, and how. Please attach additional pages if necessary.)



**Appendix F.**

**Contact Information for the Kings County ADA Coordinator:**

Kevin J. McAlister, P.E.

Director

Kings County Public Works Department

1400 W. Lacey Blvd

Hanford CA 93230

(559) 852.2700

(559) 582.2506 (fax)

California Relay 711

**Appendix G.****Roster of Those Who Helped Prepare Self-Evaluation**

ADA Coordinators:	Kevin McAlister, Director of Public Works Greg Borboa, Human Resources
Administration:	Deb West, Assistant CAO Sande Huddleston, Risk Manager
Counsel:	Colleen Carlson, County Counsel Erik Kaeding, Deputy
Law Enforcement:	Dave Robinson, Sheriff Kelly Zuniga, Chief Probation Officer Kim Pedreiro, Detentions Commander Robert Thayer, Assistant Sheriff
Public Health Department:	Keith Winkler, Health Director Debbie Grice, Deputy Health Director David Greer, Fiscal Analyst III
Fire Department:	Bill Lynch, Fire Chief Michelle Speer, OEM Coordinator
Human Resources:	Leslie McCormick-Wilson, Personnel Analyst Henie Ring, Personnel Analyst
IT Department:	Mark Dawson, CIO Sheldon Sullivan, Assistant CIO James Boyer, Program Analyst Nabil Karam, Sr. Office Systems Analyst
Behavioral Health: Director	Mary Anne Ford Sherman, Behavioral Health  Ahmadreza Bahrami, Program Manager
Human Services Agency: Hearing	Lupe Villa, Program Manager – Civil Rights/Fair

Community Development:  
Development

Greg Gatzka, Director of Community

Purchasing Division:

Dan Willhite, Purchasing Manager

Elections Division:  
Voters

Kristi Lee, Assessor, Clerk/Recorder, Registrar of

Kristina McKay, Assistant Assessor

Rachelle Simas, Elections Manager

## Appendix H.

### Human Resources Disability Policy Guidance

#### 1. How disability is legally defined?

As we examine protections under the Americans with Disabilities Act (“ADA”), we are required under 28 CFR § 35.103 to compare the ADA with state law.

The law providing the greatest degree of protection must be applied. California Government Code section 12926 (the Fair Employment and Housing Act, or “FEHA”) provides greater protection than does the ADA or the ADA Amendment Act (“ADAAA”).

The major prongs of eligibility under California state law define disability as:

1. A person with a mental or physical disability that limits a major life activity;
2. A person with a history of a mental or physical disability that limited a major life activity;
3. A person who is regarded as having a physical or mental disability;
4. A person who has received services from special education programming; or
5. A person who is a cancer survivor.

Major Life activities include a number of activities individuals engage in. There is no exhaustive list. Examples include, but are not limited to, seeing, hearing, walking, learning, working, sleeping, concentrating, etc.

When examining the impact of a disability on the performance of the major life activity one should determine whether the disability, in its unmitigated status, makes the activity “unusually difficult.” For many people with disabilities, the limitation is mitigated by such things as medications, devices or even in some instances personal habits. In determining a person standing as a person with a disability one would not consider the impact of these mitigating measures. Thus, for example, one would look at a person with the seizure disorder and ask how he or she would function without the medication that has controlled their seizures for the past several years.

#### 2. How does disability impact the hiring process?

Both state and federal law require covered employers to hire the candidate who is most qualified to perform the essential functions of the position with or without reasonable accommodation.

During the selection process it is unlawful for employers to ask candidates about their disabilities or to ask questions that may lead to information regarding their disabilities.

It is expected that selection panels will use appropriate language and disability etiquette while executing their responsibilities.

### **3. Why are essential functions important?**

Essential functions are an asset to the employer as follows:

1. Both the ADA and the FEHA require that during selection an employer hire the person who is most qualified to perform the essential functions of the job with or without reasonable accommodation.
2. Often, the reasonable accommodation the employer is providing is to facilitate the employee's ability to perform the essential functions of the position.
3. When the employer is obtaining medical information to be used in the reasonable accommodation process to support job performance, it is critical that the medical provider be provided an understanding of the essential functions. Failing that, it is difficult for the medical provider to address meaningfully the limitations of the disability on the performance of essential functions.
4. Many employers have found the essential functions of the job helpful in communicating performance expectations and evaluating staff at the conclusion of performance cycles.

### **4. How are essential and marginal functions defined?**

Essential functions are the essence of the job. They are those things the employee must be able to do with or without reasonable accommodation. Employers should not be expected to modify the essential functions or change them to accommodate an employee.

In identifying essential functions, we evaluate three key characteristics.

1. The function may be essential if the position exists to perform it.
2. The function may be essential if there are a limited number of employees available to distribute it to.
3. The function may be essential if the person performing it was hired because of a special skill or ability peculiar to the function in question.

There are several factors that the employer may consider when determining whether a function is essential or marginal.

1. Employer judgment. Here, employers evaluate the function and determine its relatedness to the job and business necessity of the operation.
2. Written duty statements prepared before advertising for the position.
3. The amount of time spent performing the function.
4. The consequence of not performing the function.
5. Terms and conditions of applicable collective-bargaining agreements.
6. The work experience of past incumbents in the job.
7. The current work experience of incumbents in similar positions.

Essential functions are intended to reflect the duties of a given position. It is not appropriate to have essential functions reflecting the entire range of positions functioning within one class specification. Such an identification of an essential function would not be appropriate in light of the rule that a function may be deemed essential if there is limited personnel available to perform it.

Marginal functions are those duties which do not rise to the level of essential functions. Employers are not expected to provide reasonable accommodation to enable an employee with a disability to perform the marginal functions of their position. Should an employee be unable to perform the marginal functions of their position because of a disability, it is expected that those functions would be exchanged with another employee's marginal functions. Ideally, this would be managed in a manner that would keep the workload fairly distributed.

## **5. What is reasonable accommodation?**

Reasonable accommodation is an adjustment within the employment relationship designed to create and maintain "a level playing field" for persons with disabilities in the employment setting. It is not designed to provide anyone with an advantage or favoritism. Rather, this is a reasonable accommodation to ensure that quality exists.

There are three main types of reasonable accommodation that may be provided.

1. An adjustment in how the essential functions of the job are performed to enable a person with a disability to perform those functions.

Examples of accommodation include, but are not limited to: acquiring or modifying equipment and devices, adjustments in work hours, policy modifications, making worksites accessible, modification of time base and, as a last resort, reassignment to a vacant position, provided that an employer is not expected to create a new position to accommodate an employee with a disability. While an effort must be made to keep the employee as whole as possible, if a reduction in earnings occurs due to the pay scale of the new position, the employee would be expected to take the pay reduction. An employer is not expected to promote an employee as a reasonable accommodation. In many situations, the reassigned employee may not be expected to compete for the reassignment.

2. A modification in testing, an auxiliary aid, or a service provided during the selection process to ensure that persons with disability are able to compete for employment.
3. An adjustment in the delivery of benefits and privileges of employment to ensure a quality exists in the employment relationship. **Note: This item also frequently relates to appropriate emergency evacuation procedures for persons with disabilities within the employment setting.**

## 6. How should the interactive process be conducted?

Federal case law and state law mandate an interactive process to facilitate reasonable accommodation. Frequently, employers have questions regarding how to engage in and document the interactive process.

The following steps are recommended to promote program continuity, effectiveness and serve as a form to document actions taken during the reasonable accommodation process:

1. The employer learns that a disability is impacting the employment relationship. This may concern the performance of essential functions, the employment selection process or the receipt of the benefits and privileges of the employment relationship.
2. A problem-solving discussion occurs between the employer and the employee/applicant. This discussion is designed to create a better understanding of the impact the disability is having on the employment relationship and what solutions may be available to mitigate it. During this problem-solving step other information may be needed. This might include information from medical

providers, consultation with the jobs accommodation network or the involvement of a consultant to facilitate the process.

3. After giving primary consideration to the input provided by the employee/applicant, the employer must make a decision regarding the provision of an effective accommodation if one exists that does not create an undue hardship.
4. Upon making the decision concerning the provision of a reasonable accommodation the employer must implement the decision as rapidly as possible. In many instances the reasonable accommodation is designed to enable the person to perform the essential functions of their job. Without the accommodation in place performance of the essential functions are unlikely to occur. This can have a negative impact on the employee and other staff in the employment setting.
5. After the implementation of the reasonable accommodation, follow up is desirable to confirm that it is working successfully. The reasonable accommodation process is an ongoing process that may last through the life of the employment relationship. Ensuring that the accommodations provided remain effective is critical. If for some reason the accommodation process needs to be revisited as the disability, the job or technology has changed the accommodation needs, it is prudent to revisit the process starting at step two.

It is advisable to document each of the steps engaged in during the interactive process. Some employers create a form for this purpose. A record is evidence of a complete, good-faith effort to provide reasonable accommodation in an equitable manner, and should not be stored in the official employment file. Rather, it should be filed with medical records in a separate, secure location.

## **7. When is medical inquiry necessary?**

Generally, employers should refrain from making medical inquiries. However, there are times when medical inquiry is job related and consistent with business necessity.

At the point a conditional job offer is made it is permissible to obtain medical information from the applicant as long as all persons hired into that class are subject to the same medical inquiries. Many employers obtain a pre-employment medical exam for this purpose.

It is critical to note that, should the conditional job offer be withdrawn upon receipt of



the medical information, the employer has the burden of proving that the withdrawal of the offer was not discriminatory.

Agility tests and drug tests are not medical inquiries. If an employer is conducting drug tests, it typically is necessary that the lab conducting the tests be instructed not to report evidence of use of legal prescription medications.

When an employer is entertaining a reasonable accommodation request, it may be necessary to obtain medical information to ensure there is an appropriate understanding of the limitations presented by the disability.

Focusing the medical inquiry is critical. Before seeking medical information, one should ask: What do I have a necessity to know? Clearly, there is a need to know how the disability's limitations impact the employment relationship. Commonly, this is in the context of the employee performing their essential functions.

Thus, the medical provider will need to be supplied with information concerning the employee's duties. It is also necessary to understand whether the limitations posed by a disability are temporary or likely to have long-term consequences. Many employers feel that it is necessary to have diagnostic information relative to the disability. There is a split in legal authority on this matter. Those that argue against the receipt of diagnostic information argue that such information does not provide data to the employer concerning the limitations of the employee or applicant. They argue further that the employer needs to know specifically about the limitations rather than the medical terminology that defines them. For example, learning that someone has multiple sclerosis does not provide information concerning the status of the disease or the current functional limitations.

Medical information is also frequently obtained as an existing employee returns to work after an accident or illness. In applying the requirement that information be job related and consistent with business necessity, the employer would need to know when the employee is too ill to perform his or her duties and when he or she is medically released to return to employment. Again, the diagnosis will not produce useful information in this area. The employer becomes the custodian of, and responsible for, any medical information received relating to the employee, and must keep it confidential. Both FEHA and the federal Genetic Information Nondiscrimination Act prohibit employers from obtaining genetic information.

It is advisable when seeking information from a medical provider to state within the information request, "We are not seeking nor do we wish to receive information concerning this individual's Genetics."

Any medical information obtained by an employer must be stored in a secure setting. It should not be a part of the employee's official medical file. Access to this medical information must be strictly limited. Persons responsible for coordinating reasonable accommodation, safety personnel and persons investigating disability civil rights complaints may have access to information on an as needed basis only.

**8. What process is available if the medical provider does not submit an appropriate amount of medical information?**

When obtaining medical information to support a reasonable accommodation, it is the employee/applicant's responsibility to provide the necessary data. Priority is typically given to the medical provider of record. The rationale is that this medical provider will know the person seeking reasonable accommodation better than other providers may.

The employer is entitled to factual information relevant to the accommodation request. Factual information should be based on objective medical findings.

A report that contains information that is reported to the medical provider by the patient, and then restated to the employer, typically is not useful. Here for example, the report may state, "patient reports. . . ."

If the quality of the medical information is not sufficient to make an appropriate decision concerning the reasonable accommodation request, it is appropriate to submit follow-up questions to the medical provider. These questions should be tightly tailored to the limitations impacting the employment relationship. As discussed above, this may be the performance of essential functions, the receipt of benefits and privileges within the workplace, or participation in the selection process.

Occasionally an employer may find that the medical provider of record does not provide appropriate information. The employer may then pay for an evaluation from another medical provider.

Difficulties can arise in this situation if the primary medical provider and the contract medical provider submit conflicting information. In that case, it is advisable to consult legal counsel before proceeding.

**Assignment to a vacant position as a reasonable accommodation of last resort:**

As noted above, there are occasions when an employee cannot be accommodated to perform the essential functions of the position they hold.

It is expected that the employer will then conduct a search for vacant positions.

These are positions that are currently vacant or where an opening is anticipated to occur in the near future.

The accommodated employee must be able to perform the essential functions of the assigned position with or without reasonable accommodation. Currently, case law is silent as to whether or not this employee would serve a probationary period in the new position. If all employees entering this position serve a probationary period, then the reassigned employee serving such a period would be treated equitably. It is advisable for employers to have a specific timeframe set which will be used to seek vacant positions. Thus, as example, if the timeframe is 90 days, then the search would terminate at the end of that timeframe if no position was identified.

### **What actions are taken when an employee cannot be accommodated to perform the essential functions of the job?**

An employer is protected in that a qualified employee must be able to perform the essential functions of his or her job with or without reasonable accommodation. If an employee is unable to perform their essential functions and cannot be accommodated to do so, and no reassignment to a vacant position is available, then separation of the employee is appropriate.

It is expected that HR work with the parties involved in the situation to effect medical retirement or other form of separation that would be appropriate.

### **Undue hardship:**

An employer is not expected to provide a reasonable accommodation that would result in an undue hardship to the employer.

Extreme care should be exercised in reaching the determination that undue hardship exists. Undue hardship would exist if the accommodation would be extensive, disruptive, fundamentally alter the operation or be unduly expensive.

When determining that an undue hardship exists based on expense, a state or local government entity is expected to consider the entire budget of the entity. For example, if a person in an accounting section needed an accommodation, one would not look to the accounting section budget. Rather, one would examine the budget of the entire governmental entity.

### **Health and Safety of Others (Direct Threat)**

Under state law an employer would not be expected to provide a reasonable accommodation if such an accommodation resulted in a substantial degree of risk to others. Factors to consider include, but are not limited to:

1. The duration of the risk;
2. The nature and severity of the potential harm;
3. The likelihood that will occur;
4. The imminence of the potential harm; and
5. Consideration of relevant information about the employee's past work history.

The analysis of these factors should be based on a reasonable medical judgment that relies on the most current medical knowledge and/or the best available objective evidence.

**Appendix I.****Kings County Procedure for Determining and Addressing Direct Threat****28 CFR 35.139 Direct Threat**

- (a) This part does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.
- (b) In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

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1. Kings County managers and supervisors should be informed that if a member of the public appears to pose a direct threat while participating in County programs, services or activities that the situation in question should be reported to their department head.

**NOTE: An imminent threat involving behavior that is highly disruptive, potentially dangerous, or illegal, should be reported to law enforcement immediately.**

2. Except where immediate action is required to protect health and safety, the department head, in consultation with County Counsel, the ADA Coordinator, and other appropriate officials, shall evaluate the extent to which direct threat may or may not exist, as defined by 28 C.F.R. § 35.139).
3. If a direct threat is determined to exist, the threat should be mitigated to the extent feasible through the use of auxiliary aids and services. If the threat cannot be mitigated, the person posing the threat may be removed from the relevant program, activity, or service, and the decision to do so shall be documented.

**NOTE: An interactive process may be appropriate if accommodations are pursued as part of the resolution of the direct threat. Accommodations shall be deemed infeasible only if they would result in a fundamental alteration of a program, activity, or service, or in the extremely rare circumstance where the cost or administrative burdens posed by an accommodation are excessive.**

**Appendix J.****28 CFR 35.136 Service Animals**

- (a) *General.* Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- (b) *Exceptions.* A public entity may ask an individual with a disability to remove a service animal from the premises if—
  - (1) The animal is out of control and the animal's handler does not take effective action to control it; or
  - (2) The animal is not housebroken.
- (c) *If an animal is properly excluded.* If a public entity properly excludes a service animal under § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- (d) *Animal under handler's control.* A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- (e) *Care or supervision.* A public entity is not responsible for the care or supervision of a service animal.
- (f) *Inquiries.* A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- (g) *Access to areas of a public entity.* Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public

entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

- (h) *Surcharges*. A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.
- (i) *Miniature horses*.
  - (1) *Reasonable modifications*. A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
  - (2) *Assessment factors*. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider—
    - (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
    - (ii) Whether the handler has sufficient control of the miniature horse;
    - (iii) Whether the miniature horse is housebroken; and
    - (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
  - (3) *Other requirements*. Paragraphs 35.136 (c) through (h) of this section, which apply to service animals, shall also apply to miniature horses.

## Service Animal Guidance

There are two species of service animals, miniature horses and dogs. A service animal is allowed to go in the area open to the public.

Inquiries regarding the person with the disability for the service animal are limited. You can ask;

Is that a service animal?"

"What service does the animal perform for you?"

Any medical inquiry or request for a certification of the animal would be inappropriate. These animals must be housebroken and the owner is responsible for the animal's good conduct.

It is inappropriate to pet, distract or in any way interact with the service animal without the owner's permission in advance.

If the animal behaves inappropriately you may ask the owner to remove the animal. Documentation regarding such action is highly recommended.

For more information concerning service animal issues go to [ADA.GOV](http://ADA.GOV) or call your ADA coordinator.

### Service Animal Incident Report

1. Date and time of incident \_\_\_\_\_
2. Location of incident \_\_\_\_\_
3. Name and address of animal's owner  
\_\_\_\_\_  
\_\_\_\_\_
4. Species and breed (if applicable) of animal(s) \_\_\_\_\_
5. Did the owner identify the animal as a service animal? \_\_\_\_\_
6. Did the animal owner state what services the animal performs, which mitigates the impact of the owner's disability? If yes, please describe in detail. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Describe in detail animal behavior.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Did the animal have hygiene issues, such as an offensive odor?  
\_\_\_\_\_  
\_\_\_\_\_
9. Describe the demeanor of the animal's owner if applicable?  
\_\_\_\_\_  
\_\_\_\_\_



- 10. If there were any injuries, property damage or need for maintenance staff support, please describe in detail:  

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- 11. Describe the impact of animal's behavior on employees or site visitors.  

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- 12. If members of the public were involved, please state their name(s), contact information and the specifics of their involvement.  

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- 13. What was said to the animal's owner by Kings County staff?  

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- 14. Name and contact information of Kings County staff or vendor staff person involved in this incident  

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- 15. Name(s) of witnesses  

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- 16. Describe in detail what witnesses reported regarding the incident. (A statement report from each witness should be obtained.)  

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17. Outcome (How was the situation addressed and by whom?)

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18. Was the ADA Coordinator contacted during this incident? \_\_\_\_\_

Name of person submitting the report \_\_\_\_\_

Position \_\_\_\_\_

Date and time of report submission \_\_\_\_\_

**Submit this report to the ADA Coordinator within 24hours.**

## Appendix K.

### Contract Requirements

#### 28 CFR 35.103 Relationship to other laws.

- (a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 or the regulations issued by Federal agencies pursuant to that title.
- (b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

#### 28 CFR 35.130 General prohibitions against discrimination

- (a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
- (b)
  - (1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—
    - (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
    - (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
    - (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
    - (iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to

- others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
- (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
  - (vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
  - (vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.
- (2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.
  - (3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration—
    - (i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
    - (ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or
    - (iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.
  - (4) A public entity may not, in determining the site or location of a facility, make selections—
    - (i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

- (ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

## **Contract Language**

"All entities conducting business funded by Kings County shall comply with the Americans with Disabilities Act, Title II and applicable California state laws. The law providing the greatest degree of access to qualified persons with disabilities shall apply in all contracts and construction plans. Persons receiving programs, services or activities through contracts administered by Kings County shall have available to them the ADA grievance process to address complaints arising out of contract operations impacting them based on disability."

**Appendix L.****Informal Guidance Regarding Public Events on  
Kings County Property**

Kings County wishes you great success in your upcoming event. In producing the event we encourage you to ensure that it is accessible to members of the public with disabilities. Kings County does not enforce the Americans with Disabilities Act and is not responsible for the access issues that may develop as a result of your event. The County does wish to provide you with constructive suggestions concerning creating and maintaining an appropriate level of access.

Information contained within is not comprehensive or exhaustive concerning disability access standards and requirements. It is provided as informal guidance to assist you.

**Common Issues that Impact the Success of Public Events:**

1. Ensure that accessible parking is unencumbered. If it is necessary, temporary accessible parking can be established using the guidelines at [ADA.gov](http://ADA.gov).
2. Refrain from blocking the path of travel to and through your event activities.
3. Do not place power cords or other obstacles across the path of travel in and around the event as they create tripping hazards.
4. If portable restrooms are to be provided it is advisable to make sure there are an adequate number of accessible portable restrooms available.
5. It is advisable to identify a service animal relief area.
6. If your event includes exhibits, points of sale or other elements where the public will be approaching a temporary structure, consider clear space in front of the structure, place it on an accessible path of travel (The surface should be firm, stable and slip

resistant) and consider reach ranges (how far someone will need to reach to transact business or use the equipment).

7. If temporary seating will be used consider making spaces available without seating in a variety of locations that will be available for wheelchair users and their companions. In doing so, you will avoid segregating people with disabilities and event goers will have an appropriate choice of seating.

8. If your event involves buffet style food service, you may wish to staff the buffet table with an individual who would be available to assist individuals with mobility impairments, dexterity impairments or who are blind.

9. If you're anticipating persons with disabilities needing to use the public address equipment, be sure that it is accessible to them. Thus, lower podiums, portable microphones, assistive listening systems and accessible stages and platforms might be advisable.

10. If you're using sign language interpreters ensure that the interpreter is placed close to the speaker. You may also wish to have reserve seating close to the speaker for persons who are using sign language interpreters as an accommodation.

## **Resources**

For more information concerning accessible meetings and events visit:  
The California Department of Rehabilitation/Disability Access Services Section at <http://www.dor.ca.gov/DisabilityAccessInfo>; and  
The United States Department of Justice at <http://www.ada.gov>.

**Appendix M.****Checklist for Meeting and Event Planners****Yes    No    N/A**

1. Was the meeting site reviewed as part of the Kings County ADA Transition Plan? (Access barriers identified in the Transition Plan may be dealt with as part of the Plan. Access barriers at a site not reviewed as part of the Transition Plan are unacceptable unless those barriers can be mitigated with reasonable program access solutions, or unless no other more accessible venue is reasonably available, as documented in an attachment to this checklist.)
  
2. Is a notice provided within the meeting/event announcements that auxiliary aides and services (i.e., reasonable accommodations) are available as needed for person with disabilities?
  
3. Are persons administering the meeting trained regarding the County's disability civil rights responsibilities? (If no formal training has been provided, it is recommended that the event planner be familiar not only with this form, but also with the County's ADA Notice of Compliance and Grievance Policy. Questions may be directed to County Counsel.)
  
4. Are meetings held on public transportation routes? ("Yes," if the meeting will be held at the Government Center or the Hanford branch library. Otherwise, please double check KART website.)



5. Are meeting sites reviewed for physical accessibility before the meeting is calendared? (This must include arrival points, meeting room(s), supporting restrooms, drinking fountains, public phones, counters, etc. Is there accessible parking? At an absolute minimum: Is there an unobstructed, marked path of travel from accessible parking stalls to the entrance? Is the entrance wide enough to allow a wheelchair to pass, typically at least 32 inches? Is there a safe path of travel through the event to any assembly or exhibition areas? Are bathroom doors wide enough to allow a wheelchair to pass? Do bathrooms each contain an accessible stall? Are counters, fountains, telephones, etc., at appropriate heights to allow access to someone in a seated position, typically about 3 feet high? Are ramps and/or elevators available in lieu of stairs, where applicable? NOTE: If the event venue will be the Board Chamber, check "N/A," as access barriers will be dealt with as part of the Transition Plan.)
6. Are service animal relief areas identified before the meeting? ("Yes," for any event held at the Board Chamber or Administration Multipurpose Room.)
7. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible? ("N/A" if venue is the Board Chamber, as access barriers will be addressed as part of the Transition Plan. "Yes" if no podia or platforms will be used, and if either no microphones will not be used or a portable microphone is available for use by any speaker.)
8. If video is used, is it captioned?

9. If video is used does it contain audio descriptors? (If audio descriptors are not available, devise a way, if feasible, for a presenter or someone in charge of the event to describe any important imagery to the audience. As of February 2016, audio descriptors are not required under ADA regulations, but USDOJ currently is engaged in rulemaking.
10. Are speakers asked to read (or at least paraphrase) aloud all content on power points?
11. Is integrated seating made available with companion seating for wheelchair users? (“N/A” for Board Chamber, as this issue will be dealt with in the implementation of the Transition Plan/Self-Evaluation.)
12. If seating is at tables, is knee clearance space checked for wheelchairs? (“N/A” for Board Chamber.)
13. Is high seating available for persons who have difficulty getting in and out of low chairs? (“N/A” for Board Chamber.)
14. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals? (If not, please review the following website from the American Bar Association:  
[http://www.americanbar.org/content/dam/aba/administrative/mental\\_physical\\_disability/Accessible\\_Meetings\\_Toolkit.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit.authcheckdam.pdf).)
15. Are FM Loop systems available for persons who are hard of hearing? If FM Loop systems are being used, do meeting hosts ensure that

all comments made during the meeting are directed through the PA system?

16. If sign language interpreters or a real time captioner is used, is there reserved seating at the front of the room for persons needing these accommodations?
17. Are two sign language interpreters retained for meetings or event lasting more than two hours?
18. Are sign language interpreters and real time captioning screens positioned close to the speaker?
19. Are sign language interpreters under good lighting?
20. Are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?
21. If speaker cards are to be used, is staff available to assist persons with disabilities, as needed in completing the cards?
22. If public comment time is limited, is the time increased for persons who have speech impairments?
23. If events include displays, are the displays accessible and on an accessible route?
24. Are the indoor or outdoor surfaces where persons with disabilities will travel smooth, stable and slip resistant?

25. Have transaction points been reviewed for clear space, and elevation?

26. If parts of an exhibit are inaccessible due to technical infeasibility, is video with captioning used to display the exhibit?

Reviewer's Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Date: \_\_\_\_\_

(If "no" is checked for any item above, document reasons why the situation is not being remedied in advance of the event, and refer to the ADA Coordinator for remedying as part of the Self-Evaluation and Transition Plan implementation process.)