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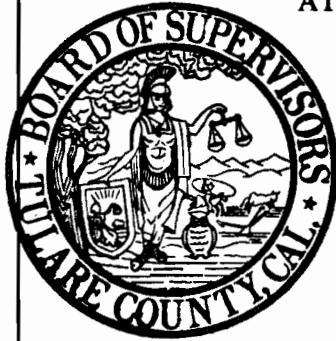
**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF)
AMERICANS WITH DISABILITIES/) RESOLUTION NO. 92-0889
504 REHABILITATION) AGREEMENT NO.
COMPLIANCE PLAN)
)

UPON MOTION OF SUPERVISOR Maples , SECONDED BY
SUPERVISOR Johnson , THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD July 30 , 1992,
BY THE FOLLOWING VOTE:

AYES: Supervisors Gould, Magoon, Johnson, Harness and Maples
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST: LOUIS J. FERNANDEZ, COUNTY EXECUTIVE/CLERK
BOARD OF SUPERVISORS



BY: Diane Alonzo
Deputy Clerk

Adopt the attached Americans with Disabilities/504 Rehabilitation Compliance Plan.

#Distrib.:
Co.Exec.
Co.Cnsl.
Personnel
Aud
FN 8422

7/30/92

**AGENDA ITEM
BEFORE THE BOARD OF SUPERVISORS**

Agenda Date: July 28, 1992

Item No. 20

Subject: Americans with Disabilities/504 Rehabilitation Compliance Plan

Recommendation(s): Your board adopt the attached Americans with Disabilities/504 Rehabilitation Compliance Plan

Summary: The American with Disabilities Act of 1990 requires the development of a transition plan by July 26, 1992 and the completion of a self-evaluation by January 1993. The adoption of Americans with Disabilities/504 Rehabilitation Compliance Plan would meet the requirements of the Act.

Financing: Section IV of the attached Compliance Plan lists the structural changes necessary to ensure accessibility to County facilities. The ADA compliance review process will result in recommendations to your board. Funding for reasonable accommodations within County employment, services, programs and activities will normally be considered on a case by case basis as capital projects during the annual budget cycle, however, you may determine that it is necessary to fund emergency/urgent items mid year.

Justification: In 1988, the Board of Supervisors adopted an updated Handicap Compliance Plan in compliance with Section 504 of the Rehabilitation Act of 1973. The plan's major components included a policy of non-discrimination towards disabled individuals, a grievance procedure whereby County officials are apprised of complaints from disabled individuals alleging lack of access, a transition plan for addressing limited access to County buildings, and a review and identification of policies and practices that limit access so that deficiencies can be corrected.

In 1990, the Americans with Disabilities Act was enacted. The Act prohibits discrimination against qualified people with disabilities in employment, public services and transportation, public accommodations and telecommunication services. The Act requires that each covered entity conduct a self evaluation to ensure all services and programs are accessible to disabled persons and develop a transition plan to address the methods for correcting accessibility concerns.

The underlying principle of both Acts is to ensure that disabled members of our communities are afforded the same level of participation in employment, services and programs as every other member of our community. The purpose of the attached Americans with Disabilities/504 Rehabilitation Compliance Plan is to ensure a policy of non-discrimination within County employment, services and

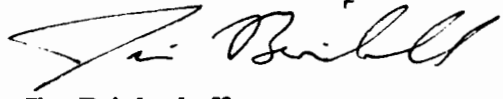
programs.

Alternatives: N/A

Involvement of other Departments or Agencies: N/A

Signature Requirements: N/A

Sincerely,



Jim Brinkerhoff
Personnel Director

cc: Each Board Member
County Executive
County Counsel

TULARE COUNTY

COMPLIANCE PLAN

NON-DISCRIMINATION ON THE BASIS OF DISABILITY

In accordance with the American with Disabilities Act of 1990

and

In accordance with Office of Revenue Sharing Regulations
Implementing Section 504 of the
Rehabilitation Act of 1973

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I.
PURPOSE AND OBJECTIVES

PURPOSE

The purpose of this document is to set forth a plan for assuring that all services and programs offered by Tulare County government are accessible to all qualified disabled persons.

BACKGROUND

Rehabilitation Act of 1973 - Section 504

This Act provides that "no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." This regulation applies to all recipients of Office of Revenue Sharing funds and requires that all County programs and services must conform to the above quoted non-discrimination requirements. As a provider of services, the County is required to make programs operated in existing facilities accessible to disabled persons, to ensure that new facilities are constructed so as to be fully accessible to disabled persons, and to operate programs in a non-discriminatory manner. As an employer, the County must make reasonable accommodation to the disability of applicants and employees unless the accommodation would cause the County undue hardship.

Americans With Disabilities Act

The Americans with Disabilities Act of 1990 prohibits discrimination against qualified people with disabilities in employment, public services and transportation, public accommodations and telecommunications services. It contains five major sections, one dealing with each of these areas and a miscellaneous section covering such things as exemptions, attorney's fees, and amendments to the Rehabilitation Act of 1973.

Although the Americans With Disabilities Act was signed into law in 1990, requirements for nondiscrimination in employment become effective for employers on July 26, 1992. Specific requirements of the Act require that each covered entity conduct a self evaluation to review its programs, services and facilities to ensure compliance with the Act, where discrepancies exist a transition plan must be developed which details the accommodations required to ensure accessibility by disabled individuals.

OBJECTIVES

The objectives of the ADA/504 Compliance Plan are:

1. To assure that qualified disabled persons have access to programs, service and activities operated by the County.

Each operating department will be responsible for implementing the objectives and action steps outlined in this plan that are within their jurisdiction. The ADA/504 Compliance Coordinator and Committee will coordinate county wide efforts to achieve compliance.

2. To assure equal employment opportunity to qualified handicapped persons and to make reasonable accommodations in order that disabled applicants for employment may realize their highest job potential.

The Personnel Department will be the lead department in ensuring that the essential duties of each job classification are clearly identified and that reasonable accommodation considerations are addressed by the hiring departments with respect to the medical assessment of individual applicants' fitness for employment.

3. To make those physical improvements to buildings as may be necessary to assure disabled persons access to county facilities.

The Transition Plan identifies the schedule of building modifications necessary to achieve physical accessibility to major programs and services.

II.

AMERICANS WITH DISABILITIES ACT OF 1990

AMERICANS WITH DISABILITIES ACT OF 1990

The ADA definition of an individual with a disability is very specific. A person with a "disability" is defined as a individual who:

- has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Title I - Employment

This section of the act prohibits covered employers from discriminating against a "qualified individual with a disability" in terms, conditions, or privileges of employment. This prohibition covers all aspects of the employment process, including:

- | | |
|------------------------|-----------------------|
| - application | - promotion |
| - testing | - medical examination |
| - hiring | - layoff/recall |
| - assignments | - termination |
| - evaluation | - compensation |
| - disciplinary actions | - leave |
| - training | - benefits. |

The Personnel Department has completed a comprehensive review of all facets of the employment practices listed above. The following areas have been identified as needing additional attention in order to fully comply with ADA and 504 regulations.

- **Application**
Employment application materials will be revised to delete reference to disabilities. Applicants will be asked to describe any accommodation which may be required.
- **Job Descriptions/Class Specifications**
All class specifications have been reviewed to ensure job relatedness specifically with physical requirements and the identification of essential job duties.
- **Training**
The Personnel Department will provide training to supervisory staff to ensure their understanding of the provisions of the ADA. In addition, the Personnel Department will serve as a resource to departments in determining reasonable accommodation.

Title II - Public Services

This section of the Act prohibits discrimination against or exclusion of qualified individuals with disabilities from participation in services, programs, or activities of a public entity. Title II requires that public entities take several steps designed to achieve compliance. This includes conducting a self-evaluation.

A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies those policies and practices that are inconsistent with Title II requirements. As part of the self-evaluation, a public entity should:

1. Identify all of the public entity's programs, activities, and services; and
2. Review all the policies and practices that govern the administration of the public entity's programs, activities, and services.

In addition, public entities are required to:

1. Develop a grievance procedure;
2. Designate an individual to oversee Title II compliance;
3. Develop a transition plan if structural changes are necessary for achieving program accessibility; and
4. Retain the self-evaluation for three years.

Areas requiring careful examination and review include the following:

- physical barriers to accessibility,
- program policies and practices to ensure they do not exclude or limit the participation of individuals with disabilities,
- methods of communicating with applicants, participants, and members of the public with disabilities,
- provisions for readers, interpreters, and amanuenses,
- evacuation procedures for individuals with disabilities,
- written and audio-visual materials,
- policies to ensure that decisions concerning alterations in the nature of a program, activity, or service, or a decision that undue financial and administrative burden will be imposed by Title II, are made properly and expeditiously.
- building and construction policies to ensure conformance to standards designated under Title II regulations,
- employee familiarity with the policies and practices assuring the full participation of individuals with disabilities.

Each operating department was required to complete a self-evaluation survey requiring a comprehensive review of the programs, activities and services within the department. A copy of the survey utilized is attached as Appendix A . The results of the survey are incorporated into Section III - Self Evaluation. Completed departmental surveys are maintained in the Personnel Department. Structural changes identified in the self-evaluation survey are included in Section IV - Transition Plan.

Title III - Public Accommodation

This section of the act prohibits discrimination against individuals with disabilities in the full and equal enjoyment of the goods, services, facilities privileges, advantages or accommodations of any place of public accommodation, requiring that these be offered "in the most integrated setting appropriate to the needs of the individual".

In 1988, all departments participated in a self evaluation which resulted in the development of a transition plan. In order to comply with both the ADA and 504 Acts, a self evaluation was once again completed. The findings of the self evaluation survey have been incorporated into those presented in the revised 504 plan adopted in 1988. In addition, the staff of the Risk Management Division of the Personnel Department and staff from the Building Services and Parks Department will jointly conduct a survey to review primary accessibility to County facilities. The findings of this survey are not yet available and will be incorporated into Section IV at a later date.

Title IV - Telecommunications

This section requires that within three years after ADA's enactment telephone companies must provide "telecommunications relay services" throughout their service areas.

Title V- Miscellaneous Provisions

This section generally deals with the relationship of the ADA and the Rehabilitation Act of 1973, as well as conflicts with other laws.

III.
SELF-EVALUATION REPORT:
DISABLED COMPLIANCE STATUS

County departments were required to conduct a self-evaluation of their policies and practices which govern the provision of services to:

- ascertain whether they were effective in providing the full benefits of their programs to qualified disabled applicants for services, beneficiaries, clients and employees;
- determine what additional measures may be needed to ensure full participation by qualified disabled persons and, if additional measures are needed, to identify them and outline a schedule for implementing any changes.

The guidelines used in the self-evaluation is the questionnaire included in this document as "Appendix A".

It is the responsibility of each department to implement its own procedures for modifying any program or practice where needed to ensure that qualified disabled persons have the equal opportunity to obtain the same result from a program as non-disabled individuals.

COMPLIANCE STATUS

| <u>ORS Regulatory Requirement</u> | <u>Compliance Status</u> | <u>Comments</u> |
|---|---------------------------------|-----------------------------------|
| <u>General prohibitions with respect to discrimination against a qualified disabled individual.</u> | | |
| A recipient government shall: | | |
| 1. Not exclude a qualified disabled individual from participation in programs or activities open to the general public. | In Compliance | |
| 2. Administer programs and activities in the most integrated setting appropriate to the needs of qualified disabled individuals. | In Compliance | |
| 3. Take appropriate steps to ensure that communications with applicants, employees, beneficiaries, and the general public are available to persons with impaired vision or hearing. | In Process | S e e Implemen- tation Plan |
| 4. Take appropriate steps to ensure that the public hearings on proposed use of entitlement funds are accessible to qualified disabled individuals and that notice of such hearings is made available to individuals with impaired vision or hearing. | In Process | S e e Implemen- tation Plan |
| 5. Provide a qualified disabled individual with an aid, benefit, or service that is 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. | In Compliance | |
| 6. Not aid or perpetuate discrimination against a qualified disabled individual by funding or contracting with an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the program or activity. | In Compliance | |

ORS Regulatory Requirement

Compliance Status

Comments

7. Provide appropriate auxiliary aids to qualified disabled individuals with impaired sensory, manual or speaking skills at their request and in consultation with them where necessary to prevent them from being denied the benefits of, excluded from participation in or subjected to discrimination under a program or activity.

In Process

On a case-by-case basis. See implementation Plan.

Self-evaluation:

A recipient government shall, within one year of the effective date of this section, with the assistance of interested individuals including disabled individuals and organizations representing them:

8. Evaluate its current policies and practices and their effects which do not meet the requirements of this section.

In Compliance

Completed as part of this Compliance Plan.

9. Modify any policies and practices that do not meet the requirements of these regulations, and take appropriate steps to eliminate the effects of any discrimination.

In Process

See Implementation Plan.

10. Maintain on file for at least three years following completion of the self-evaluation, make available for public inspection, and provide to ORS upon request: (a) a list of the interested individuals consulted, (b) a description of policies and practices examined and problems identified, and (c) a description of modifications made and remedial steps taken.

In Compliance

On file in Personnel Department

ORS Regulatory Requirement

Compliance Status Comments

Designation of responsible employee and adoption of grievance procedures.

11. Designate at least one person to coordinate its efforts to comply with this section.

In Compliance

County Affirmative Action Officer is the designated person.

12. Adopt a grievance procedure that incorporates appropriate due process standards and that provides for the prompt and equitable resolution of complaints alleging any action prohibited by this section.

In Compliance

See Grievance Procedure.

Notice.

A recipient government shall:

In Compliance

13. Take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, that it does not discriminate on the basis of disability. The notification shall include an identification of the responsible employee designated. Methods of initial and continuing notification shall ensure that the information is communicated to the visually or hearing impaired.

See Implementation Plan.

14. Include in recruitment materials or general information publications, a policy statement that it does not discriminate against the disabled in employment or the provision of services.

In Compliance

**ORS Regulatory
Requirement**

**Compliance
Status**

Comments

Employment discrimination against a qualified disabled individual.

A recipient government shall:

- | | | |
|-----|--|---------------|
| 15. | Not discriminate against qualified disabled individuals in employment in any program or activity. | In Compliance |
| 16. | Not participate in a contractual or other relationship that has the effect of subjecting a qualified disabled applicant or employee to discrimination. | In Compliance |
| 17. | Make all decisions concerning employment under any program or activity in a manner which ensures that discrimination on the basis of disability does not occur and not limit, segregate, nor classify applicants or employees in any way that adversely affects their opportunities or status because of disability. | In Compliance |
| 18. | Take appropriate steps to ensure that communications with its applicants and employees are available to persons with impaired vision and hearing. | In Compliance |
| 19. | Not discriminate against a qualified disabled individual in the following specific activities: | In Compliance |
| | A. Recruitment, advertising, and the processing of applications for employment. | |
| | B. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring. | |
| | C. Setting rates of pay or any other form of compensation and changes in compensation. | |

| <u>ORS Regulatory Requirement</u> | <u>Compliance Status</u> | <u>Comments</u> |
|---|--------------------------|---|
| D. Job assignment, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists. | | |
| E. Granting leaves of absence, sick leave, or any other leave. | | |
| F. Providing fringe benefits available by virtue of employment, whether or not administered by the recipient government. | | |
| G. Selection and financial support for training. | | |
| H. Employer sponsored activities, including social or recreational programs. | | |
| I. Any other term, condition, or privilege of employment. | | |
| <u>Reasonable accommodation.</u> | | |
| 20. A recipient government shall make reasonable accommodation to the known physical or mental limitations of a qualified disabled applicant or employee unless the recipient government can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity. | In Compliance | On a case-by-case basis. See Implementation Plan. |
| 21. A recipient government may not use any employment test, selection criterion or policy, that screens out, or tends to screen out from consideration for employment, a disabled individual or any class of disabled individual unless: the test, selection criterion or policy is shown to be directly related to the essential functions of the position in question, and alternative job-related tests, criteria or policies that do not screen out, or tend to screen out as many handicapped individuals are shown not to be available. | In Compliance | On a case-by-case basis. See Implementation Plan. |

ORS Regulatory Requirement

Compliance Status

Comments

22. Select and administer tests using procedures that accommodate the special problems of disabled individuals to the fullest extent consistent with the objectives of the test. The test results shall accurately reflect the applicant's or employee's ability to perform the essential functions of the job in question, rather than the applicant's or employee's impaired sensory, manual or speaking skills, except where such skills are essential requirements of the job.

In Compliance

On a case-by-case basis. See Implementation Plan.

Employment criteria and policies.

23. If a test, selection criterion or policy that explicitly or implicitly screens out, or tends to screen out, a class of disabled individuals from a particular job, and it cannot be established that the class as a whole is unqualified to perform the job, the recipient government shall evaluate each such individual who applies for the job to determine whether the applicant can perform the essential functions of the job in question despite the disability. As part of the determination, the recipient government shall also decide whether such applicant would be qualified to perform the essential functions of the job in question through reasonable accommodation with undue hardship.

In Compliance

On a case-by-case basis. See implementation Plan.

ORS Regulatory Requirement

Compliance Status

Comments

Pre-employment inquiries.

24. A recipient government may not conduct a pre-employment medical examination inquiry of an applicant as to whether the applicant is a handicapped individual or as to the nature of the severity of a handicap except to make pre-employment inquiry into an applicant's ability to perform the essential functions of the job. A recipient government may condition an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that: (a) all entering employees are subjected to such an examination regardless of disability, and (b) the results of such an examination are used only in accordance with the requirements of these regulations.

In Compliance

See Implementation Plan.

Program accessibility. Discrimination prohibited.

A recipient government shall:

25. Operate each program or activity in existing facilities owned or leased by it, so that the program or activity when viewed in its entirety, is readily accessible to and usable by disabled individuals.

In Compliance

26. Adopt and implement procedures to require that interested individuals, including individuals with impaired vision or hearing, can obtain information as to the existence and location of particular services, activities and facilities that are accessible to and usable by disabled individuals.

In Process

See Implementation Plan.

| <u>ORS Regulatory Requirement</u> | <u>Compliance Status</u> | <u>Comments</u> |
|---|---------------------------------|---|
| 27. Make non-structural changes identified in the self-evaluation as necessary to make its programs and activities readily accessible to and usable by the disabled. Those changes shall be made as soon as possible but no later than three years from the effective date of this section. | In Compliance | See Implementation Plan. |
| 28. Make structural changes in facilities identified in the self-evaluation as necessary to make its programs and activities readily accessible to and usable by the disabled. Those changes shall be made as soon as possible but no later than three years from the effective date of this section. | In Process | See Implementation Plan. |
| 29. Transportation systems shall be made accessible to qualified disabled individuals in the same manner and within the time periods prescribed by the Department of Transportation. | In Compliance | |
| <u>Transition plan.</u> | | |
| 30. In the event that structural changes to facilities are necessary a recipient government shall develop, within one year of the effective date of this section, a transition plan setting forth the steps necessary to complete such changes. The plan shall be prepared as part of the self-evaluation and developed with the assistance of interested individuals, including handicapped individuals or organizations representing handicapped individuals. | In Compliance | Completed as part of this Compliance Plan. |
| 31. A recipient government shall make a copy of the transition plan available for public inspection for a period of three years and furnish it to the ORS upon request. | In Compliance | On file with the Personnel and Building Services and Parks Depts. |

| <u>ORS Regulatory Requirement</u> | <u>Compliance Status</u> | <u>Comments</u> |
|--|---------------------------------|--|
| 132. The plan shall indicate the person responsible for implementation of the plan. | In Compliance | The Building Services and Parks Dir. is the designated person. |
| 33. New construction. The construction of facilities by a recipient government financed in whole or in part with entitlement funds or the construction of a facility pursuant to a contract for the recipient government to lease the building facility in its entirety, on or after January 1, 1977, shall be accomplished so as to be readily accessible to and usable by disabled individuals. | In Compliance | Provisions incorporated in Transition Plan. |
| 34. Alterations. Alterations to existing facilities owned, or leased by a recipient government, which alterations are funded with entitlement funds and commenced on or after January 1, 1977, shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by disabled individuals. | In Compliance | Provisions incorporated in Transition Plan. |
| 35. Design, construction, or alteration of facilities shall be in conformance with the "American National Standards Specifications for Making Buildings and Facilities Accessible to, and able by, the Physically Handicapped", (ANSI A 117.1-1961 [1971]). | In Compliance | Identified in Self-evaluation and provided for in Transition Plan. |
| 36. Buildings or construction projects, including those funded with revenue sharing funds, commenced prior to January 1, 1977, including those funded with revenue sharing funds, are exempted unless it is determined that programs or activities funded in whole or in part with revenue sharing funds are conducted within or make use of such facilities, in which case, those programs and activities must be readily accessible to and usable by disabled individuals. | In Compliance | Identified in Self-evaluation and provide for in Transition Plan. |

IV.

IMPLEMENTATION PLAN FOR PROGRAM ACCESSIBILITY

A. Administrative (Non-structural) Changes Involving General Policies and Practices

1. Development and Implementation of Policy of Non-Discrimination
2. Grievance Procedures
3. Employment Practices
4. General Provisions - Notice of Accessible Services and Communication with Hearing Impaired and Visually Impaired Individuals

| <u>Activity</u> | <u>Responsible Party</u> |
|---|--|
| 1. Development and Implementation of Non-discrimination Policy | |
| a. Development and Implementation of Policy | |
| • Affirm a policy of non-discrimination on the basis of handicap in the delivery or provision of services that is applicable to all County departments. | Board of Supervisors, Co. Executive |
| • Designate an authorized official to coordinate compliance with mandates. | Affirmative Action Officer |
| • Implement procedures including program monitoring provisions that eliminate barriers: | |
| - provide for a county-wide review of programs, services and facilities; | |
| - develop and adopt grievance procedures; | |
| - centralize compliance monitoring; | |
| - provide adequate funding for removal of barriers. | |
| b. Communication of Policy (Initial and Continuing Notification) | |
| • Public Service Announcements or advertisements in County newspapers | Affirmative Action Officer |
| • Public service announcements on radio and television | Affirmative Action Officer |
| • Notices to disabled groups, or agencies working with the disabled | Affirmative Action Officer |
| • Post notices in County offices | Departments |
| • Recruitment notices | Personnel |
| • New employee literature | Personnel |

**NOTICE TO ALL APPLICANTS,
EMPLOYEES AND RECIPIENTS
OF COUNTY SERVICES**

THE COUNTY OF TULARE HEREBY DECLARES THAT NO OTHERWISE QUALIFIED HANDICAPPED INDIVIDUAL SHALL, SOLELY BY REASON OF HANDICAP, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY PROVIDED BY THE COUNTY. THE COUNTY DOES NOT DISCRIMINATE AGAINST QUALIFIED HANDICAPPED PERSONS IN THE ADMISSION OR ACCESS TO, OR TO TREATMENT OR EMPLOYMENT IN, ITS PROGRAMS AND ACTIVITIES.

IF YOU NEED ADDITIONAL INFORMATION, ASSISTANCE OR GUIDANCE OR FEEL THAT YOU HAVE BEEN DISCRIMINATED AGAINST ON THE BASIS OF YOUR HANDICAP IN ANY PROGRAM PROVIDED BY THE COUNTY,

PLEASE CONTACT THE COUNTY AFFIRMATIVE ACTION OFFICER AT:

**TULARE COUNTY PERSONNEL DEPARTMENT
COUNTY COUNSEL/PERSONNEL BUILDING
2900 WEST BURREL
VISALIA, CA 93291
(209) 733-6266**

Activity

**Responsible
Party**

2. **Grievance Procedures (See Appendix "B")**

Grievance procedures should include a provision for grievance submission by participants, beneficiaries and employees.

Board of Supervisors,
C o . E x e c . ,
D e p a r t m e n t s ,
A f f i r m a t i v e A c t i o n
O f f i c e r

An adequate procedure would provide:

- a. Options for resolution;
- b. An initial review and an appellate review;
- c. A uniform time schedule for filing of complaints; and
- d. Recordkeeping of grievances processed.

The grievance procedure should make a distinction between allegations of discrimination in employment and discrimination in the provision of services. The County already has a procedure (Personnel Rule 13) to deal with employment grievances.

3. **Employment Practices**

Reasonable accommodations: Tulare County makes reasonable accommodations to the known physical or mental limitations of a qualified disabled applicant or employee unless the accommodation would impose an undue hardship on the operation of its programs or activities. This is done on a case-by-case basis.

- a. Administrative provisions have been included in the medical resolution to provide for a thorough review of an individual's medical condition in relation to the medical standards for the position and the possibility of reasonable accommodation. Appeal procedures are available for individuals rejected on the pre-placement physical. (See Appendix "C".)

Risk Mgt., Health,
Hiring Depts.

| <u>Activity</u> | <u>Responsible Party</u> |
|---|--|
| <ul style="list-style-type: none"> b. Continue with the review of the Medical Standards to ensure that they are compatible with the physical characteristics required on the job. | <p>Risk Mgt., Personnel, Health, Co. Counsel</p> |
| <p><u>Pre-employment Inquiries:</u> Tulare County does not make pre-employment inquiry as to whether the applicant is a disabled individual or as to the nature or severity of a disability.</p> | |
| <ul style="list-style-type: none"> a. Tulare County does, however, make pre-employment inquiry into an applicant's ability to perform the essential functions of the job. | <p>Personnel, Risk Mgt.</p> |
| <ul style="list-style-type: none"> b. Tulare County does condition offers of employment on the results of a preplacement medical examination. This is done for all applicants for employment regardless of handicap, as required by the Medical Resolution. | <p>Risk Mgt., Health Svs. Dept.</p> |
| <ul style="list-style-type: none"> c. Tulare County does inquire whether an individual may need special accommodations to ensure access to employment tests and interviews. | <p>Personnel, AA Officer</p> |
| <p><u>Employment Criteria:</u> Employment tests and selection criteria are evaluated to ensure that test results accurately reflect the applicant's ability to perform the essential functions of the job in question rather than the applicant's impaired sensory, manual or speaking skills except where such skills are essential requirements of the job.</p> | |
| <ul style="list-style-type: none"> a. The job analysis is updated as recruitments arise to ensure that essential vs. non-essential duties are identified and that the significant knowledge, skills and abilities are utilized for selection purposes. | <p>Personnel</p> |
| <p>4. General Provisions</p> | |
| <p><u>Notice of Accessible Services:</u> Adopt and implement procedures whereby interested individuals can obtain information as to the existence and location of County programs and facilities that are accessible to and usable by the disabled.</p> | |

| <u>Activity</u> | <u>Responsible Party</u> |
|---|-----------------------------|
| a. Departments will establish procedures to immediately identify disabled individuals requiring assistance to ensure full participation in department's services and activities. Such assistance can and should include providing staff assistance, making home visits where appropriate, re-arranging office furniture to improve access, and relocating a particular service to a more accessible area. | All Departments |
| b. Departments will publicize in brochures or publications that are made available to participants and the general public information describing the existence and location of accessible services. | All Departments |
| c. Additional directional signs indicating the location of accessible entrances and other accommodations for the disabled both outside and inside the building should be added. | Building Services and Parks |
| d. A listing of accessible programs and services or means of obtaining access to those services will be prepared and disseminated to disabled groups, agencies and organizations serving the disabled. | Affirmative Action Officer |
| e. Program heads and individuals with significant public contact will receive training in awareness of and sensitivity to the special needs of disabled persons. | All Departments, Personnel |
| <u>Improve the ability of County departments to communicate with hearing impaired and visually impaired clients, applicants for services or the general public in providing services.</u> | |
| a. Informational materials will be prepared in large print. Radio and television captioned messages will be utilized. Arrangements will be made to acquire audio cassettes or staff can serve as readers when necessary. | All Departments |

Activity

**Responsible
Party**

- | | | |
|----|--|---|
| b. | A listing of qualified and certified sign language interpreters will be maintained. Staff personnel with sign language capabilities should be identified and utilized. Auxiliary aids will be provided to sensory impaired individuals at their request when necessary to ensure full participation. | All Departments, Affirmative Action Officer |
| c. | Departments with major services such as health, social and employment programs will obtain and centrally install tele-communication devices for the deaf (TDD's). | All Departments |

General Background and Status

1. Section 504 of the Rehabilitation Act of 1973 does not prohibit architectural barriers. It does prohibit exclusion of disabled people from federally assisted programs and activities by virtue of such barriers. Where County Departments are located in existing buildings with architectural barriers, the Departments use alternatives to structural changes to provide handicapped access to their programs.
2. There are, however, cases where alternatives are not practical. Also, uses of County facilities, programs, personnel and clientele change. The most satisfactory solution for providing access to County programs is for County facilities to be substantially barrier-free.
3. Over the past few years the County has made important progress toward this goal and in large measure has achieved primary access to most programs and activities.

There are those areas, however, where structural barriers still exist. These should be identified in a schedule that outlines the areas where prioritized efforts will be taken to make structural changes where practical and to the extent of the allocated funding.

Such a Schedule/Transition Plan should:

- identify physical obstacles in facilities;
 - describe the methods used to make facilities accessible;
 - specify the time frame for taking the steps necessary to achieve structural accessibility; and,
 - identify the official responsible for implementation of the plan.
4. In addition, the Transition Plan should indicate:
 - that new construction as well as future major modifications to buildings will incorporate handicap accessibility provisions into the plans; and,
 - that new lease or renewed lease arrangements for buildings to house county programs and services will not be entered into until efforts have been made to locate accessible buildings or the leaser agrees to modify the building(s).

**FACILITIES INSPECTIONS FOR PRIMARY ACCESS
FINDINGS AND DETERMINATIONS
UPDATED JULY 1992**

**FIRST PRIORITY STRUCTURAL MODIFICATIONS:
COUNTY CIVIC CENTER IN VISALIA
(This is the principal administrative center
for Tulare County Government)**

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|--|
| <p data-bbox="453 379 789 442"><u>Courthouse - County Civic Center, Visalia</u></p> <p data-bbox="453 477 705 540">Houses the following departments:</p> <p data-bbox="453 575 705 667"><u>Floor 3rd:</u> Superior Courts & Court Administration</p> <p data-bbox="453 703 730 863"><u>Floor 2nd:</u> District Attorney County Clerk/Elections Probation Municipal Courts</p> <p data-bbox="453 899 751 1154"><u>Floor 1st:</u> Assessor Auditor Treasurer-Tax Collector General Services & Purchasing Div. Planning & Development Marshall</p> <p data-bbox="453 1190 737 1576"><u>Basement:</u> Public Works & Refuse Data Processing Special Services Law Library Grand Jury PA Stores Duplicating Mail Svs. Assessor's Div. County Clerk-Elections Cafeteria</p> | <p data-bbox="877 379 1209 572"><u>Parking:</u> 2 spaces in public lot south of bldg, 1 at loading zone, 1 space in employee lot north of bldg; Appropriately signed.</p> <p data-bbox="877 608 1136 700"><u>Walks:</u> Have appropriate curb cutdowns.</p> <p data-bbox="877 736 1209 958"><u>Ramp:</u> 1 specific handicap ramp south of bldg, with guide-rail, leading to main entrance at Breezeway. General ramp for all persons same location.</p> <p data-bbox="877 994 1209 1115"><u>Restrooms:</u> Male and female restrooms equipped for handicap on 1st floor.</p> <p data-bbox="877 1151 1209 1314"><u>Elevators:</u> Public elevators equipped with call buttons at wheelchair height and braille signage</p> <p data-bbox="877 1350 1188 1472"><u>Telephones:</u> 1 phone booth on 1st floor accommodates wheelchair access.</p> <p data-bbox="877 1507 1209 1638"><u>Stairwells:</u> Warning strips are placed on the top and bottom risers of each flight.</p> | <p data-bbox="1297 379 1623 507"><u>Parking:</u> Paint pedestrian crosswalk between employee lot and north side of bldg.</p> <p data-bbox="1297 543 1623 928"><u>Signage:</u> <ul style="list-style-type: none"> . Designate primary bldg. entrance with appropriate handicap signage. . Place directional signs regarding location of accessible 1st floor restroom on 3rd, 2nd and basement levels. . Explore appropriate type of signage and location to identify various depts. </p> <p data-bbox="1297 964 1623 1056"><u>Entrances:</u> Decrease the tension on the doors at the main entrances.</p> <p data-bbox="1297 1121 1623 1314"><u>Telephones:</u> Where phone banks exist on other floors, provide 1 phone for handicap access. Phone booth on 1st floor needs amplification device.</p> <p data-bbox="1297 1350 1623 1507"><u>Restrooms:</u> Upon future major modifications to Courthouse add handicap restrooms to 3rd floor.</p> |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|--|
| <u>Courthouse - Continued</u> | | <u>Hazard Alarm:</u> The audible signal alarm should be accompanied by simultaneous visual signal. |
| <u>Sheriff Building - County Civic Center, Visalia</u> Sheriff Administration and Jail. | <u>Parking:</u> 2 spaces in East lot, appropriately signed with curb ramp to primary walk. <u>Ramp:</u> 1 specific ramp adjacent to stairs at primary entrance. <u>TDD:</u> Telecommunication Device for the deaf for emergency calls. | <u>Counters:</u> Where counters exist, provide cutdown at wheelchair height or make available side tables where individuals can apply for services. <u>Stairwells:</u> Install knurled door handles to stairwell doors to alert visually impaired persons. <u>City Transit:</u> Pathway to transit loading area needs continuous curb cutdowns where necessary to establish clear path to facilities and parking. <u>Restrooms:</u> <ul style="list-style-type: none"> . Provide male and female restroom facilities at lobby for disabled clients/visitors. . Cells: If disabled subject is to remain in custody for upward of six hours, it is recommended that they be sent to accessible Sequoia Field Facility. <u>Telephones:</u> Provide 1 telephone at appropriate height for disabled clients/visitors. |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|--|
| <u>Agriculture Building</u> | <u>Parking:</u> 1 space adjacent to curb at entrance with appropriate signage. | <u>Parking:</u> The existing space is located on a sloped area requiring ambulation into main drive. |
| Departments: | <u>Ramp:</u> Existing ramp. | <u>Restrooms:</u> Provide toilet facilities accommodation at Bldg. Svs. Dept. in the basement for employees and visitors. |
| Ag Commissioner Cooperative Extension Building Services Parks - Basement | <u>Restrooms:</u> Main lobby restrooms for both male and female are handicap equipped. These are also used by employees because the employee restrooms in the Ag. Com & Coop. Ext. Offices are not accessible to wheelchairs although they are equipped with grab bars. | <u>Ramp:</u> Provide handrail on at least one side of existing entrance ramp that is 32 inches in height. |
| <u>Administration Bldg.</u> | <u>Parking:</u> 2 spaces with signage. | <u>Counter:</u> Provide a cutdown or fold-down counter for wheelchair height. |
| Departments: | <u>Ramp:</u> Specific ramp leading to primary entrance. | <u>Seating in Chambers:</u> Remove one seat at 1st or 2nd row near chamber doors for use by wheelchair. |
| Board of Supervisors County Executive Clerk, of Supervisors | <u>Entrance:</u> Automatic doors, identified with sign. | |
| | <u>Restrooms:</u> Male & female restroom equipped for handicap. | |
| | <u>Board Chambers:</u> Microphones for Board members and public use; Action taken by Board visible on visual display monitor. | |
| <u>County Counsel/ Personnel Building</u> | <u>Parking:</u> 2 spaces with signage and curb cutdown to primary path. | |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|---|--|
| County Counsel/ Personnel Bldg (cont.) | <p><u>Restrooms:</u> In lobby and adjacent to break room are handicap accessible.</p> <p><u>Recruitment Hotline:</u> Can be used by visually impaired persons.</p> <p><u>TDD:</u> For use by deaf & hearing impaired persons; also linkage with the Relay Service is available.</p> | |
| <u>Education Building:</u> Dept. of Education Administration & supportive svcs. | <p><u>Parking:</u> 3 spaces with signage and 1 employee space with signage.</p> <p><u>Restrooms:</u> Male & female restrooms equipped for handicap.</p> | <u>Entrance:</u> The path to entrance is sloped with no landing at the entrance itself for opening the doors. |
| <u>Health Clinic- Visalia Branch</u> | <p><u>Parking:</u> 2 spaces with signage and curb cutdown/ramp to primary path.</p> <p><u>Restrooms:</u> One restroom on employee side is accessible, however clinic lobby restroom is not.</p> | <u>Restrooms:</u> At such time as building is remodeled, retrofit restrooms for handicap access. |

**SECOND PRIORITY MODIFICATIONS:
OTHER COUNTY FACILITIES IN
VISALIA**

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|---|
| <u>113 N. Church</u> Dept: DPSS - Administration & Visalia Branch | <u>Parking:</u> 2 spaces in main lot north of bldg. with signage and direct access to rear entrance so individuals need not ambulate around bldg. to main public entrance. <u>Restrooms:</u> Male & female restrooms equipped with accessible toilet stalls and handrails. | <u>Telephones:</u> Equip one telephone in lobby for use by wheelchair bound individual. <u>Elevator:</u> Access from new annex bldg. to older multistoried section is hindered because floor levels do not meet. Dept. has policy of holding conferences in accessible wing when necessary, but need to identify alternatives whereby employees in older bldg. have access. |
| <u>210 N. Church</u> Dept: Juvenile Court | <u>Parking:</u> 1 space with signage at north side of bldg. with access ramp to entrance. | <u>Restrooms:</u> Equip both male and female restrooms with handicap facilities accessible to wheelchair. (Note: This is particularly needed as handicapped individuals are referred to this bldg. from inaccessible traffic court. Also, restrooms in jury rooms are not accessible.) Note: The above is an interim recommendation. After completion of courthouse bldg remodeling at Civic Center, the Municipal Court will be located there and accessibility will no longer be a problem. |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|--|
| <u>3346 W. Mineral King</u> Dept: DPSS - Foster Care Div. | <u>Parking:</u> 1 space with signage and curb cutdown leading to primary path. <u>Restrooms:</u> Male & female restrooms each equipped with one accessible stall and handrails. | |
| <u>2530 S. Mooney Blvd.</u> Dept: Family Support Division, District Attorney | <u>Parking:</u> 1 space with signage immediately adjacent to primary walkway and entrance. <u>Restrooms:</u> Male and female restrooms have accessible stalls and handrails. | |
| <u>15520 Ivanhoe Drive</u> Dept: Cutler Park-division of Bldg. Svs. & Parks | <u>Parking:</u> Common parking at central and NW restrooms with adjacent walks to entrances. <u>Restrooms:</u> 3 restroom facilities have handicap stalls and toilets with adjacent access walk-NW facility newest and most accessible. | <u>Walks:</u> Ensure that walks blend to a common level where they abut with bldg. entrances, parking lots or grass areas so that abrupt changes greater than 1" in elevation do not occur. <u>Water Fountains:</u> Equip and appropriately sign water fountains for access by wheelchair. <u>Picnic Area:</u> Consider making at least one general area complete with arbor totally accessible, usable and identifiable by handicapped public. This includes hard surface paths to parking and restrooms from picnic area. |

Facility

**Existing
Accommodations**

**Prob./Recom. for Possible
Inclusion in Transition
Plan Element**

Mooney Grove Park

Parks: Cutler
Elk Bayou
Bartlett
Balch
Pixley
Ledbetter
Alpaugh
Dept. Division of Bldg. Svcs.
and Parks.

Restrooms:
1 facility at central East boundary of Park has handicap accommodations, is appropriately signed, has common parking and level walk to entrances.

2nd facility at the Community Service Groups area has handicap restrooms also but there is not common walk or path to it and during sprinkling activities area gets inundated with water.

Information:
Maps identifying location of accessible restrooms made available at park entrance booth.

Restrooms:
Ensure that accessible restrooms are not impeded by uneven terrain or other barriers.

Picnic Area:
Consider making at least one general area complete with arbor totally accessible, usable and identifiable by handicapped public. This includes hard surface paths to parking and restrooms from picnic area.

Information:
Maps identifying location of accessible restrooms made available at park entrance booth.

**THIRD PRIORITY MODIFICATIONS:
COUNTY FACILITIES IN
SURROUNDING COMMUNITIES
(LIBRARY BRANCHES GROUPED SEPARATELY)**

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|---|
| <p>COMMUNITY: DINUBA</p> <p>1451 El Monte Way Dinuba, CA Dept: Dinuba Hlth. Care Center</p> | <p><u>Parking:</u> 2 marked spaces, 1 at main entrance, the other at west corner of Building.</p> <p><u>Ramp:</u> The building's primary walkway is a ramp with appropriate slope.</p> <p><u>Restrooms:</u> Are equipped and accessible to the handicapped.</p> | <p><u>Parking:</u> Move 2nd stall presently at its corner location, over to the entrance so that clients need not ambulate behind parked cars other than their own.</p> <p><u>Signage:</u> Install a directional sign for restrooms at lobby door.</p> <p><u>Parking:</u> Provide 1 marked space.</p> |
| <p>920 So. College Ave. Dinuba, CA Dept: Dinuba Justice Court Constable</p> | | <p><u>Curb:</u> Provide curb cutdown or ramp so client can gain access from parking to primary walkway.</p> <p><u>Restrooms:</u> Are presently inaccessible evaluate means of retrofitting.</p> |
| <p>148 So. L Dinuba, CA Dept: Dinuba DPSS</p> | | <p><u>Parking:</u> Bldg. is at middle of a business block where street parking access to sidewalk is impeded by high curb. Recommend designating rear lot as handicap parking and utilizing rear door entrance.</p> <p><u>Restrooms:</u> Both men's and women's restrooms can be made accessible by installing hand rails and rearranging partitions.</p> |

| <u>Facility</u> | <u>Existing Accommodation</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|---|
| <u>COMMUNITY: OROSI</u> | | |
| 41412 Road 128, Orosi Dept: Orosi Health Clinic | <p><u>Parking:</u> General public parking, in lot in rear, curb cutdown to primary path.</p> <p><u>Ramp:</u> None needed.</p> <p><u>Restroom:</u> 1 unisex restroom with 1 toilet.</p> | <p><u>Parking:</u> Designated 1 stall for handicap adjacent to entrance pathway.</p> <p><u>Restroom:</u> Lower grab bar behind toilet to 33". Entry door has very tight spring action release tension.</p> |
| <u>COMMUNITY: TULARE</u> | | |
| 458 E. O'Neal Tulare, CA Dept: DPSS & Specialty Health Clinics | <p><u>Parking:</u> 4 public parking spaces with signage in front. 2 employee spaces (in rear).</p> <p><u>Restrooms:</u> Lobby serving both DPSS & Health branches is equipped with male and female restrooms accessible to the disabled.</p> <p>Employee restrooms on DPSS side are also accessible; Health employees use lobby restrooms.</p> | <p><u>Telephone:</u> The public use telephone outside front entrance should be equipped with amplification device for hearing impaired.</p> <p><u>Signage:</u> Primary entrances should be identified.</p> |
| 425 E. Kern Tulare, CA Dept: Tulare-Pixley Municipal Court, Marshal, Sheriff, District Attorney, Basement: Probation, Assessor, Public Defender | <p><u>Parking:</u> 1 marked space at side street adjacent to corner cutdown to sidewalk; 2 marked spaces in rear lot.</p> <p><u>Ramp:</u> At west side of building leading downward to basement level.</p> | <p><u>Entrance:</u> Because front entrances have stairs, the rear 1st floor entrance has been designated as primary handicap entrance. Therefore, it should be marked and a directional sign installed at front. In addition, a buzzer system needs to be installed</p> |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|---|---|
| 1062 South K Tulare, CA Dept.: Hillman Health Center | <u>Restrooms:</u> First floor and basement restrooms are equipped and accessible to the handicapped. | whereby a client at rear door can alert staff to open the locked door. NOTE: It is preferable to install a ramp at front entrance leading from side street parking unless hardship exists. |
| <u>COMMUNITY: LINDSAY</u> | Building (Administration and Clinic) has been completely remodeled providing access to parking, entrance, and restrooms for clients and employees. | <u>Ramp:</u> The ramp leading to basement is steeper than 1:12. Explore alternatives and establish hardship if necessary. At minimum should be equipped with hand rails as the slope is steeper than 1:12. Also, middle rest stop landing is not entirely level. |
| 755 N. Sequoia Dept: Health Center | <u>Parking:</u> General public parking in entrance lot. <u>Ramp:</u> None needed; primary path and entrance level. <u>Restroom:</u> 1 unisex restroom. | <u>Parking:</u> 1 of the rear stalls should be provided near ramp entrance so clients do not have to ambulate behind parked cars other than their own. <u>Parking:</u> Designate 1 stall for handicap, adjacent to entrance pathway. |

| <u>Facility</u> | <u>Existing Accommodate</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|--|
| 251 E. Honolulu Dept: Justice Court (Housed in City Hall Building) | <p><u>Parking:</u> 1 designated stall at front street with blue curb and sign; curb cutdown to sidewalk and pri-mary path.</p> <p><u>Ramp:</u> 4 feet wide ramp with rails leading to open corridor. Ramp is 36 feet long with level resting platform at halfway point.</p> | <p><u>Restrooms:</u> Doorways to restrooms are 31 inches wide; doors at toilet stalls are 25 inches wide.</p> |
| <u>COMMUNITY:</u> <u>WOODLAKE</u> | | |
| 350 N. Valencia Dept: Justice Court, Constable | <p><u>Parking:</u> General parking in rear. Side entrance can access wheelchair bound individuals, but this is an employee entrance.</p> | <p><u>Parking:</u> Designate and mark 1 space for handicap in rear lot adjacent to driveway entrance.</p> <p>Provide rail from parking to side entrance walk due to sloping driveway entrance to lot.</p> <p>Add directional signage identifying location of parking and side entrance.</p> <p>Install a buzzer system on side door if it is going to remain locked. At any rate, a sign informing client to knock or buzz is needed.</p> <p><u>Restrooms:</u> Women's restrooms are on 1st level lobby, men's restrooms are downstairs. Convert both restrooms by removing 1st partition and toilet to allow for wheelchair access.</p> |

| Facility | Existing Accommodation | Prob./Recom. for Possible Inclusion in Transition Plan Element |
|---|--|--|
| <u>COMMUNITY: EXETER</u> | | |
| 125 S. "B" Street Dept: Exeter/Farmersville Justice Court | <u>Ramp:</u> None needed. <u>Parking:</u> General public parking in rear lot, leading to pathway around building to primary entrance. | <u>Restrooms:</u> Doorways to restrooms are 27" wide; doors at toilet stalls are 22" wide. |
| <u>COMMUNITY: PORTERVILLE</u> | | |
| 755 N. Sequoia Dept: Health Clinic | <u>Parking:</u> General parking. | <u>Parking:</u> Designate 1 stall adjacent to entrance. <u>Restrooms:</u> Measure 54" by 65" with 1 toilet, no stalls, however entry door is 26" wide. <u>Ramp:</u> Existing ramp is short and steep - slope is 1:5; there is no landing at entrance door. Ramp needs to be extended out and landing provided at top. |
| 75 W. Olive Dept: DPSS | <u>Parking:</u> 3 designated handicapped stalls, blue curb, upright sign. <u>Ramp:</u> None needed. <u>Restrooms:</u> Public and employee men's and women's restrooms accessible and equipped for | |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|---|
| 25 S. Hockett Dept: Ag Comm. Plan. & Dev. | <u>Parking:</u> General parking with cutdown leading to entry pathway. <u>Ramp:</u> None needed. | <u>Parking:</u> Designate and sign 1 stall. |
| 379 N. 3rd Dept: Sheriff Substation | <u>Parking:</u> Street parking with driveway entrance to side pathway onto main landing. | <u>Signage:</u> Put directional sign about pathway at street driveway entrance. <u>Restrooms:</u> Entry doorways are 29" wide; Women's restroom has a vestibule. |
| 87 E. Morton Dept: Municipal Court, District Attorney Marshall, Public Defender | <u>Parking:</u> 1 designated handicap stall, with blue curb and upright sign. <u>Ramp:</u> None needed. <u>Elevator:</u> To 2nd floor department. | <u>Restrooms:</u> Doorways to restrooms are 24" wide; doors at toilet stalls are 24" wide also, while the partitioned stalls are 34" wide and 46" deep. <u>Telephone:</u> Public phone is in a booth remove the booth and install phone on wall. |

BRANCH LIBRARIES

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for possible Inclusion in Transition Plan Element</u> |
|--|---|--|
| Visalia: Main Branch and Administration | <u>Parking:</u> 3 designated spaces, blue curb and upright sign, level with primary path at Encina Street entrance. <u>Ramp:</u> None needed. <u>Entrance:</u> Accessible. <u>Restrooms:</u> Men's and women's restrooms each equipped with one accessible toilet stall and handrails. <u>Telephone:</u> Public phone at lowered height. | <u>Telephone:</u> Equip receiver with amplification device. |
| Dinuba Branch 150 South I | <u>Parking:</u> 1 designated space at side lot. <u>Ramp:</u> Primary path from sidewalk has gradual slope. <u>Restrooms:</u> Men's and women's restrooms each equipped with an accessible toilet. | |
| Exeter Branch 230 E. Chestnut | <u>Primary Pathway:</u> Level pathway to entrance curb cutdown at street corner. <u>Entrance:</u> Accessible. | <u>Parking:</u> Designate one street parking handicap space at D Street and Chestnut corner adjacent to curb cutdown. |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|---|--|---|
| Exeter Branch (cont.) | <u>Restrooms:</u> Men's and women's restrooms each equipped with an accessible stall. | |
| Orosi Branch 12662 Ave. 416 | | <u>Entrance:</u> Is presently inaccessible due to stairs at building entrance. <u>Pathway:</u> Is presently inaccessible from street, where parking takes place, as there are no curb cutdowns to sidewalk. <u>Restrooms:</u> Small and inaccessible primarily because of room size. |
| Ivanhoe Branch 15964 Heather | <u>Pathway and Entrance:</u> Curb cutdown at street parking to sidewalk and entrance pathway. | <u>Curb Cutdowns:</u> Cutdown at street is not flush with gutter - there is a 2" lip. <u>Restrooms:</u> Small and inaccessible primarily because of narrow doorway. |
| Lindsay Branch 165 N. Gale Hill Ave. | <u>Parking:</u> 1 designated diagonal stall. | <u>Pathway and Entrance:</u> No curb cutdown exists at street parking. Entrance is inaccessible due to stairs at bldg. entrance. <u>Restrooms:</u> Small and inaccessible primarily because of narrow doorways. |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom.for Possible Inclusion in Transition Plan Element</u> |
|--|--|---|
| Woodlake Branch 400 W. Whitney | <u>Entrance:</u> Accessible. | <u>Parking:</u> Designate 1 space at parking lot entrance adjacent to sidewalk. |
| * Tipton Branch 400 W. Whitney | <u>Pathway:</u> Accessible. | <u>Entrance:</u> Doorway is wide enough, but has 2" high threshold or ledge at door. <u>Parking:</u> Designate 1 space for handicap adjacent to side pathway. |
| * Earlimart Library 950 E. Washington (same plan as Tipton Branch) | <u>Pathway:</u> Accessible pathway from street sidewalk leading from parking. | <u>Entrance:</u> Wide enough doorway but has 1" threshold. <u>Parking:</u> Lot is open with no designated spaces. Recommend designating 1 space with decal near sidewalk. |
| * Alpaugh Branch 3816 Ave. 54 (same plan as Tipton Branch) | <u>Pathway:</u> From parking to entrance is level, however showing deterioration. | <u>Entrance:</u> Door is wide enough, but has 2" threshold. <u>Parking:</u> Lot is open and unpaved. A space with level hard surface reserved for handicap adjacent to walk at side of building may be needed. |
| * (NOTE: No restrooms in building - OK) | | |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|---|
| Pixley Branch 151 B. Pine (same building as Justice Court) | <u>Pathway:</u> Curb cutdown to pathway. <u>Ramp:</u> Broad ramp leading from street sidewalk to corridor landing. | <u>Parking:</u> Designate one space next to curb cutdown at sidewalk. <u>Ramp:</u> Install handrail to help present dropoff. |
| Ducor 23443 Ducor Ave. | <u>Pathway:</u> From parking to entrance is wide enough and level. | <u>Parking:</u> Designate one space next to curb cutdown at sidewalk. |
| Terra Bella 23656 Ducor Ave. (same plan as Tipton Branch) | <u>Entrance:</u> Is accessible. | <u>Entrance:</u> Doorway is wide enough, but entrance is presently inaccessible due to 6" high landing/porch at entrance from front path. <u>Pathway:</u> No curb cutdown to sidewalk. Sidewalk can be accessed from the driving entrance of the adjacent fire entrance but this is impractical. |
| Springville 35800 Hwy. 190 (at Sequoia Dawn) | | <u>Ramps:</u> Building is on a hillside. There is a general network of ramps up to building presently inaccessible for independent wheelchair user due to steepness. |

FOURTH PRIORITY MODIFICATIONS
SENIOR NUTRITION SITES
(Operating Under the Department of Aging)

Tulare County Department of Aging
Senior Nutrition Sites

The County's Senior Nutrition Sites are generally operated in leased or borrowed buildings. In small communities such buildings are generally older and not equipped for wheelchair access.

Under the ORS regulations it would be the responsibility of the lessor of the building to make structural changes to ensure access, however the County would not be required to revoke leases if the lessor refuses to make changes and no more accessible facility is available. This is a frequent problem in small communities where the number of available buildings to consider are scarce.

The County is required, however to undertake those activities that would ensure that the maximum possible accessibility is achieved.

One primary method utilized by the Department of Aging that is significant, is the delivery of meals to the homes of individuals who cannot come to the senior centers. This is done for a certain prescribed radius of homes surrounding the facility.

Other recommendations:

- 1) At time of lease renewal, the County should make alterations a pre-condition of renewal or find a more accessible site and change leases.
- 2) If the structural changes are not major, the County may consider making the changes.

**DEPARTMENT OF AGING
SENIOR NUTRITION PROGRAM
SENIOR NUTRITION SITES**

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|--|
| <p>Dept. of Aging (Administration) 1920 W. Princeton Dr. Visalia, CA</p> | <p><u>Entrance:</u> The primary pathway and entrance are accessible.</p> <p><u>Restrooms:</u> The unisex restroom can accommodate a wheelchair.</p> | <p><u>Parking:</u> Designate 1 parking space for handicapped at front entrance.</p> <p><u>Restrooms:</u> Designate the unisex restroom as the one accessible for handicapped and install handrails. NOTE: The separate men's and women's restrooms are not practical for this purpose without modification.</p> |
| <p><u>Senior Nutrition Sites</u> @ Dinuba Grange Hall</p> | <p>None</p> | <p><u>Entrance:</u> Bldg. has stairs at front and side entrances. A ramp would be required. If entrance is made accessible, then entrance can be marked with signage.</p> <p><u>Restrooms:</u> Restrooms are small and contain partitions. Widening of entry doorway and removal of partitions and rails installed would be necessary to allow wheelchair access.</p> <p><u>Parking:</u> Parking is along side street. A marked space is needed.</p> |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|---|
| <p>@Ivanhoe Activity Center 33051 Road 159</p> | <p><u>Pathway & Entrances:</u> General access, however difficult for independent wheelchair bound individual.</p> | <p><u>Parking:</u> Parking at front street can be facilitated by marking a space, paving an existing curb cutdown to sidewalk, and placing directional signs.</p> <p><u>Restrooms:</u> Restrooms are small and contain partitions. Retrofitting is necessary.</p> |
| <p>@ Woodlake Senior Center 175 E. Antelope St.</p> | <p><u>Pathway & Entrance:</u> General access, however difficult for independent wheelchair bound individual.</p> | <p><u>Parking:</u> Designate 1 space for handicap near entrance to lot.</p> <p><u>Ramp:</u> Provide 33" high handrails extending full length of L shaped ramp.</p> <p><u>Restrooms:</u> Provide handrails at 33" high at toilets. Doors are 27" wide. In men's restrooms, reverse direction so that they open outward. Inaccessible due primarily to narrow entry door otherwise room size is acceptable. No handrails.</p> |
| <p>@ Earlimart Senior Center 706 1/2 E. Washington</p> | <p>Fully accessible.</p> <p><u>Ramp:</u> 48" wide ramp with appropriate slope.</p> <p><u>Restrooms:</u> Men's and women's restrooms are accessible and equipped with handrails.</p> | <p><u>Parking:</u> Designate 1 stall for handicap usage.</p> <p><u>Ramp:</u> Install handrail at 33" high.</p> |

| <u>Facility</u> | <u>Existing Accommodations</u> | <u>Prob./Recom. for Possible Inclusion in Transition Plan Element</u> |
|--|---|--|
| @ Pixley Memorial 718 N. Park | <u>Entrance:</u> Accessible. <u>Parking:</u> At side of bldg. is accessible although no spaces are marked. | <u>Restrooms:</u> Entry door and stalls are narrow and inaccessible. |
| @ Teviston Community Center 12934 Ave. 80 Pixley | <u>Restrooms:</u> Men's and women's restrooms are accessible. | <u>Entrance:</u> Access is impeded by stairs that rise to 21 inches high platform. <u>Parking:</u> Parking area is unpaved and terrain is uneven. |
| @ Alpaugh Memorial Bldg. 5516 Road 38 | <u>Entrance & Pathway:</u> Accessible. | <u>Pathway & Parking:</u> Are deteriorated. <u>Restrooms:</u> Inaccessible due to narrow doorways and obstructing partitions. |
| @ United Presbyterian Church 9482 Road 238 Terra Bella | <u>Parking & Pathway:</u> Accessible. | <u>Entrance:</u> Inaccessible due 4inches high step. <u>Restrooms:</u> Inaccessible - small rooms, narrow doorways and have partitions. |

V.
APPENDICES

APPENDIX A
SELF EVALUATION SURVEY
AND
PRIMARY ACCESSIBILITY CHECKLIST

SELF-EVALUATION OF DEPARTMENTAL PROGRAMS AND ACTIVITIES
FOR AMERICANS WITH DISABILITIES ACT OF 1990

PROCESS

INITIAL WHEN
COMPLETED

1. Provide a description of the programs, services and activities operated by this Department.

Use Attachment 1 - Description of Programs to list the following:

- . the various programs your department operates,
- . the various offices the department operates,
- . hours during which services are provided at each site,
- . description of services provided
- . eligibility criteria for receipt of those services

2. Using a Self-evaluation Questionnaire as a guide, evaluate the departmental policies and practices that govern the delivery of services to determine if any program or activity is operated in such a way that it limits or excludes the opportunities of disabled persons from full and equal participation in programs and activities.

- . identify program areas where limitations may exist,
- . indicate whether the limitation may be due to program design (policies or practices in the deliver of service) or architectural barrier*.

3. If limitations are found that are due to program design, indicate what efforts can be taken to modify the program so as to make it more accessible. Use Attachment 2 - Program Modification Worksheet to describe these.

Program modifications can include, but are not limited to, providing staff assistance to disabled persons, home visits, the re-assignment of a program or activity to more accessible area, or the re-arrangement of office layout, furniture or equipment.

*NOTE: Structural barriers to accessibility where identified also need to be altered, however, this is necessary only if program modification is not successful or possible in ensuring accessibility.

SELF-EVALUATION QUESTIONNAIRE
ON POLICIES AND PRACTICES

Respond to the following questions. "NO" answers in most cases are a signal that special efforts may be necessary to ensure full participation by disabled individuals to departmental programs and activities.

GENERAL PROVISIONS

1. Are departmental staff especially those in decision-making positions and those with direct client/public interaction aware of the necessity of ensuring access to programs and services for people with disabilities? ____ YES ____ NO

____ a. Information on handicap accessibility requirements has been made available to such persons.

____ b. They have attended local or regional training workshops on handicap accessibility.

____ c. They have contacted persons or organizations to increase their awareness of issues related to disability.

____ d. Other (specify): _____

2. Provide the name, title and telephone number of the department's contact person for purposes of disability compliance activities.

Name: _____ Title: _____

Phone: _____ Extension: _____

PROVISION OF SERVICES

3. Does the department have a means of providing assistance or otherwise making accommodations to disabled clients/applicants/beneficiaries/public when necessary to ensure full receipt of services or admission or access to your programs? ____ YES ____ NO

Where assistance is provided in what form is it provided:

____ a. Staff assistance?

____ b. Escort service?

____ c. Home visits?

____ d. Service at alternative site?

____ e. Modified instrument or forms?

____ f. Readers, sign language interpreters?

____ g. Other modified form of service delivery (specify): _____

SELF-EVALUATION QUESTIONNAIRE
ON POLICIES AND PRACTICES
PAGE TWO

4. Does the department have a means of informing clients, recipients and/or the general public of its programs and services? _____ YES _____ NO

If yes, indicate which of the following methods are used:

- _____ a. Written information materials (brochures, program descriptions, etc.)
- _____ b. Outreach activities and networking relationships with other agencies.
- _____ c. Radio/television advertising.
- _____ d. Public presentations, hearing, workshops.
- _____ e. Other (specify): _____

4a. Does the department have a means of making this information available to individuals with impaired vision or hearing? _____ YES _____ NO

If yes, indicate the methods used:

- _____ a. Audio/visual equipment?
- _____ b. Materials in large print, cassette tape or braille?
- _____ c. Captioned advertising (TV) or radio broadcasts?
- _____ d. Readers for visually impaired?
- _____ e. Sign language interpreters?
- _____ f. Telecommunication device for the deaf (TDD)?
- _____ g. Other (specify): _____

COMPLAINT PROCESS

5. Does the department have established procedures under which clients, visitors, beneficiaries may file complaints regarding the denial of service, aide or benefit or the inaccessibility of a particular program? _____ YES _____ NO

If yes, attach a copy of your complaint resolution procedure.

SELF-EVALUATION QUESTIONNAIRE
ON POLICIES AND PRACTICES
PAGE THREE

- 5a. Which of the following methods does the department use to notify clients, patients, visitors, etc., of their right to file a complaint?
- a. Posted notice?
 - b. Orally by service provider?
 - c. Distribution of written grievance procedures?
 - d. Client/patient information packet?
 - e. Client/patient newsletter?
 - f. Other (specify): _____

- 5b. Which of the following methods does the department use to inform staff of the right of clients/patients/visitors, etc. to file complaints under the grievance procedure:
- a. Memo to staff?
 - b. Posted notice?
 - c. Employee newsletter, etc.?
 - d. In-service training?
 - e. New employee orientation?
 - f. Distribution of written complaint procedures?
 - g. Other (specify): _____

- 5c. Which of the following auxiliary aids are provided to disabled persons to ensure that they have equally effective access to the client/patient/visitor, etc. complaint process:
- a. Copies of the grievance procedure in:
 - _____ braille?
 - _____ cassette tape?
 - _____ large print?
 - b. Readers for visually-impaired or blind persons?
 - c. Sign language interpreters?
 - d. Assistance for persons with manual impairments or communication disorders?
 - e. Other (specify): _____

SELF-EVALUATION QUESTIONNAIRE
ON POLICIES AND PRACTICES
PAGE FOUR

BOARD PARTICIPATION

6. Are there any advisory and/or planning boards or commissions affiliated with this department? YES NO

If not, go on to Question #7.

If yes, list them:

6a. Do the eligibility criteria for board membership exclude, or in any way limit, participation by disabled persons? YES NO

If yes, on a separate page:

- a. Identify the eligibility criteria;
- b. List the type of disability affected; and
- c. Explain how the criteria affects person(s) with those disabilities.

6b. Does the method used to provide notification of board vacancies exclude, or in any way limit, the opportunity of disabled persons to participate as board members?
 YES NO

(If "YES", describe the steps which will be taken to ensure effective notification of board vacancies to disabled persons):

6c. Does the method used to provide notification of board vacancies exclude, or in any way limit, participation by disabled persons?
 YES NO

(If "YES", describe the steps which will be taken to ensure equal opportunity for board participation to disabled persons):

SELF-EVALUATION QUESTIONNAIRE
ON POLICIES AND PRACTICES
PAGE FIVE

6d. Does the department have a means of ensuring that disabled persons have equal opportunity to participate effectively as board members?
____ YES ____ NO

Indicate what means are utilized:

- ____ a. Written materials in:
 - ____ braille?
 - ____ cassette tape?
 - ____ large print?
- ____ b. Readers for visually impaired or blind persons?
- ____ c. Sign language interpreters?
- ____ d. Assistance for persons with manual impairments or communication disorders?
- ____ e. Staff assistance (in what manner) _____

6e. Are board meetings held in facilities which are accessible to disabled persons?
____ YES ____ NO

CONTRACTUAL RELATIONSHIPS

7. Does the department have formal or informal contractual relationships/agreements with any of the following:

- ____ a. Agencies providing supplementary related services?
- ____ b. Professional organizations?
- ____ c. Any other individuals or organization to which the department refers clients for services?
- ____ d. Any individual or organization to which the department provides significant assistance?
- ____ e. Other (specify) _____

7a. If yes to Question #7, has the department reviewed the elements of each contract/agreement for potential or actual discriminatory effect on disabled persons and modified them if appropriate?
____ YES ____ NO

CONFLICTS WITH EXISTING LAWS

8. In conducting this self-evaluation, has the department identified any state or local law or other requirement which conflicts with the requirements of Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 to provide full and equal participation of otherwise disabled persons to departmental programs, services or activities?
____ YES ____ NO

If "YES", explain: _____

SIGNATURE: _____
Department Head

DATE: _____

DEPARTMENT: _____

(ATTACHMENT 1

**SELF-EVALUATION DESCRIPTION
OF PROGRAMS/SERVICES ACTIVITIES**

| (a) Program/Services Activity (Description, location, hours) | (b) Currently Accessible? | | (c) If "NO", can be made accessible by: | | (d) Description of How Program Modification Will Achieve Accessibility (Detail on Program Modification Worksheet.) |
|---|---------------------------|----|---|------------------------|--|
| | YES | NO | Program Modification | Structural Altercation | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |

(MAKE ADDITIONAL COPIES OF THIS PAGE AS NEEDED TO FULLY DESCRIBE PROGRAMS.)

**SELF-EVALUATION
PROGRAM MODIFICATION WORKSHEET**

Use a copy of this worksheet for each program service or activity identified as having a potential discriminatory effect on participation by disabled persons.

SERVICE:

DISABILITIES AFFECTED:

Explain how the method of providing service affects person with those disabilities.

Which of the following steps have been/will be taken to ensure disabled people equal opportunity to participate:

| | YES | NO |
|---|-------|-------|
| a. Modify method? | _____ | _____ |
| Target date _____ | | |
| Explain: | | |
| b. Provide equally effective alternative method? | _____ | _____ |
| Target date _____ | | |
| Explain: | | |
| c. Retain method with modification? | _____ | _____ |
| Justification: | | |

APPENDIX B
GRIEVANCE RESOLUTION PROCESS

GRIEVANCE RESOLUTION PROCESS

ALLEGATIONS OF DISCRIMINATION ON THE
BASIS OF DISABILITY IN THE PROVISION
OF SERVICES

- I. A. Policy on Non-discrimination**
The County of Tulare does not discriminate on the basis of mental or physical disability in any program or activity provided by the County.
- B. Purpose**
The purpose described herein contemplates informal but thorough investigations affording all interested persons and their representatives, if any, an opportunity to submit evidence related to complaint.
- C. Scope**
A complaint of discrimination may be filed by any County employee, service recipient of (ultimate beneficiary), or applicant for services who seeks redress from an action, omission, decision, policy or condition which they believe discriminated against them on the basis of handicap status. However, allegations of discrimination in employment will be handled through the grievance procedure outlined in Personnel Administration Rule 13.
- D. Intent**
The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a pre-requisite to the pursuit of other remedies.
- These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Tulare County complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
- II. A. Filing of Complaints**
1. All County departments will advise individuals with complaints of alleged program discrimination to contact the County Affirmative Action Officer in the Personnel Department.
 2. Complaints must be submitted within 60 days of the occurrence or the date the individual learned of the occurrence.
 3. Aggrieved individuals may be accompanied or represented by a person of their choice.

4. Complaints should contain the following points:
 - . complainant's name, home address, telephone number
 - . the nature of the discriminatory action
 - . the date(s) the discriminatory action occurred
 - . any additional background information useful in evaluating the complaint
 - . relief or resolution sought
5. The Personnel Department shall maintain the files and records of all complaints received.

B. Processing of Complaints

1. The Affirmative Action Officer will conduct an investigation into the complaint, coordinating with management officials as needed, and present a report within 15 days to the Department Head operating the program or activity where the complaint originated.
2. If sufficient evidence supporting the complaint is found, the report to the Department Head should recommend specific actions and timetables for resolving the complaint if possible and notification sent to the complainant.
3. If the report indicates that insufficient evidence supporting the complaint exists or if the department indicates it cannot modify its program or procedures, then the complainant will be notified and presented with the results of the inquiry.

C. Appeal

1. The complainant can request a formal hearing on the case in instances where he or she is dissatisfied with the resolution. The appeal request should be made in writing to the County Executive within 15 days from the mailing date of the first level decision notice sent to the complainant.
2. The Affirmative Action Officer will arrange for a hearing of the complaint before the 504 Ad Hoc Committee. The complainant and a management official representing the department operating the activity will each present a statement of the issues to the panel.
3. The Affirmative Action Officer will prepare a summary file of the hearing with an analysis of the issues involved including the 504 Committee's recommendation, and forward it to the County Executive within 10 working days.

Group IV: Work Experience Trainee/Senior. Classes requiring no more than a little physical exertion and stamina; these are persons hired under the Senior Community Service Employment Program (Older Americans Act, Title V). Those individuals being considered for appointment as Work Experience Trainee/Senior categorized under Group IV will receive pre-employment examination suitable comprehensive to evaluate their ability to perform the tasks of the position to which they have applied.

4. Eligibility Determination

- a. Risk Management shall review the examining physician's recommendation for employment. Where the prospective employee has satisfied the medical standards for the position in question he/she shall be found eligible for employment.
- b. Where the prospective employee does not satisfy the medical standards for the position in question because of a medical condition disclosed by a physical examination, Risk Management will consult with the reporting physician in order to determine what work restrictions the examining physician would recommend for the prospective employee if that person was employed in the position in question. Risk Management shall notify the appointing authority of the prospective employee's medical condition and the work restrictions recommended by the examining physician. The appointing authority will determine whether a reasonable accommodation can be made for the prospective employee which would enable him/her to perform the essential functions of the position in question. Where the appointing authority determines that a reasonable accommodation can be made the prospective employee will be found eligible for employment.
- c. Where the appointing authority determines that a reasonable accommodation cannot be made for the prospective employee, Risk Management shall issue a notice to the prospective employee that he/she has not satisfied the medical standards for the position in question and that a further examination of his/her medical condition will be conducted.

Risk Management shall select a physician to administer those additional tests of special examinations required at County expense to establish the medical condition of the prospective employee and to determine the following:

Given the medical condition of the prospective employee, would the employment of that person impose an imminent and substantial degree of risk to his/her health and safety because he/she cannot perform the essential functions of the position in question without endangering himself/herself?

Given the medical condition of the prospective employee, would the employment of that person endanger the health and safety of others to a greater extent than if a person without that medical condition performed the essential functions of the job in question?

MEDICAL RESOLUTION OF TULARE COUNTY

The following procedures shall apply to the conduct of physical examinations in order to determine the health condition of prospective employees and certain other employees.

1. Administration: Every individual being considered for employment with the County of Tulare shall meet prescribed job-related medical standards as a condition of employment. The physical examination shall be given by the County by a physician under contract to the County of Tulare at County expense, and shall establish the facts of any medical condition.

Prior to the appointment of a prospective employee, the appointing authority shall schedule a physical examination for the prospective employee. The Risk Management Division of the Personnel Department shall coordinate the physical examination program.

2. Physical Examination: The physical examination shall include the specific tests indicated on forms furnished by the County and the examining physical shall record the results of these tests.

If additional tests or special examinations are required to establish a medical condition, as hereinafter described, these shall be performed by a County or contract physician at County expense.

3. Medical Standards: All prospective employees shall have the physical and mental capacity adequate to ensure satisfactory performance of the duties of the position without danger to themselves or others.

The Board of Supervisors shall establish a schedule of classes by groups, indicating the physical standard required for each. The Risk Management Division shall maintain the schedule. Classes may be changed from one group to another group by Risk Management when justification can be shown or the change is in the best interest of the County. Present incumbents of the position in a class so changed shall not be affected.

Each class or position shall be categorized according to the physical exertion demanded by the duty assignment of the class. The following groups are hereby established:

Group I: Classes demanding the highest degree of physical stamina. Prospective employees must be free from any physical or mental abnormalities or deformities which would present a hazard to themselves or others on the job.

Group II: Classes requiring considerable physical exertion including lifting, climbing, walking, bending, or reaching. Prospective employees must have freedom from physical conditions which would prevent them from performing moderate to heavy physical work including lifting up to 100 pounds.

Group III: Classes requiring moderate to little physical exertion and stamina; these are principally clerical and administrative in nature. Those individuals being considered for appointment in a class or positions categorized under Group III of the Medical Standards shall not be required to undergo pre-placement physical examination.

4. Resolution of Formal Hearing. The County Executive will render a decision within 15 working days. A copy of the decision will be forwarded to the complainant. If the decision is that the relief requested cannot be granted, the reason for the denial will be specified.

The notification will also include information concerning the complainant's rights for further appeals under Section 504 of the Office of Civil Rights, Department of Health and Welfare (DH & HS). Section 504 does not require that agency grievance procedures be exhausted before recourse is sought from the Office for Civil Rights.

III. Accommodation

The County will make reasonable accommodations to an individual's handicapping conditions to assure that he/she has full access to the grievance procedure.

Such accommodations may include ensuring a barrier-free location for the hearings and, at the request of the handicapped individual, provision of auxiliary aids such as interpreters for the deaf or taped cassettes or readers for the blind. Each situation will be considered on an individual basis. The complainant will be consulted to determine the most appropriate means of making the process accessible.

IV. Notice

A copy of this policy will be posted on all agency bulletin boards for both employees and clients/beneficiaries to read.

SIGNATURE: _____ DATE: _____
County Executive

APPENDIX C
MEDICAL RESOLUTION OF TULARE COUNTY

Where a negative response is made to both of the above questions by the examining physician, the prospective employee shall be found eligible for employment in the position in question.

Where an affirmative response is made to either of these questions by the examining physician, the prospective employee shall be found ineligible for employment in the position in question.

Risk Management shall notify the appointing authority that the prospective employee is eligible or ineligible for employment. The appointing authority shall notify the prospective employee of the County's eligibility determination and of the right to appeal this determination.

5. Appeal Rights: A prospective employee shall have the right to appeal an eligibility determination. The prospective employee shall file a written notice with the County's Risk Management Division within 10 days after receiving notice of his/her eligibility determination.

The Appeals Board shall be comprised of the County of Tulare Pre-retirement Review Committee, two members of the Board of Supervisors, and a representative of the appointing authority.

The burden shall be on the prospective employee to demonstrate that the eligibility determination was in error. The prospective employee may be represented by counsel and may submit any medical evidence, reports or written statements to sustain the appeal.

The Appeals Board may, after reviewing the reports and interviewing the individual, request further medical information at the County's expense. The decision of the Appeals Board shall be final and there shall be no further appeal through the County Grievance Procedure.

6. Confidentiality of Medical Examination Report: The medical examination reports prepared by the physicians shall be maintained by the physician or the County Health Services Department. Medical examination reports shall be confidential in nature, available only for inspection by the employee. The physician's medical reports will not be copied or released to any other individual or organization without written authorization from the employee. However, when medical information is determined to be of value to the examinee's private physician to prevent progression of disease or disability, or to aid in definitive diagnosis, it will be made available to the private physician. Any claim or appeal filed by an employee, prospective employee or his/her heirs or assigns, or a claim on behalf of any such persons, against the County including claims for health insurance or retirement benefits shall constitute a waiver of the confidential nature and constitute consent to use the reports insofar as they are materials to such claim.

7. Medical Examinations on Promotion or Transfer: Upon promotion, demotion, transfer, or re-assignment to a class for which the medical standards are higher than those of the class formerly occupied by the employee, a new physical examination shall be required unless a County physical examination given within the previous 12 months shows the examinee to meet the higher medical standards for the group.

8. Deferring Examinations: Risk Manager is authorized to defer the physical examination date beyond the date of employment. It shall be the responsibility of the appointing authority to advise the employee that regular employment status is contingent upon the completion of a satisfactory physical examination.
9. Return to Duty: Any employee who has been separated from County service and is subsequently considered for re-employment or re-instatement, must, as a condition of re-employment or re-instatement, have an authorized medical examination if more than 12 months have elapsed since the last County medical examination.

Any employee returning to County duty following a paid or unpaid leave of absence is greater than 30 days, submit a written release from the attending physician and additionally, if deemed necessary by the County Health Services Director or Department Head, the employee may be required to have a medical examination by the County examining physician to determine if the medical standards for the class are met, and if the employee can safely perform the duties assigned to the class.