

# *County of Tuolumne*



## **American's with Disabilities Act Policy Manual**

**Title I   Employment Provisions**  
**Title II   Facilities Accessibility**

It was moved by Supervisor Holman and seconded by Supervisor DeBernardi to approve the proposed amendment to the grant application for Transportation Enhancement Activities to identify the County's in-lieu recreation fund as the source of the required cash match; change the category for consideration of the application from Landscaping and Other Scenic Beautification, to Historic Preservation; directing the Department of Public Works to prepare and submit the revised application to Caltrans.

Ms. Shane responded to questions from the Board.

Gary Danielson addressed the Board, supporting the project.

The motion carried by unanimous vote.

Closed Session

The Board recessed to Closed Session - Litigation (Authority: GC Sec. 54956.9), at 10:09 a.m., reconvening to Open Session at 10:36 a.m.

Americans w/  
Disabilities Act  
Policy Manual

Mr. Mitton presented the County of Tuolumne Americans with Disabilities Act Policy Manual, requesting the Board consider implementation of the recommendations under Title I - Employment Provisions and Title II - Facilities Accessibility.

Gary Danielson, member of the ADA Committee, and Dominic Salluce, Senior Administrative Analyst, addressed the Board.

It was moved by Supervisor Holman, seconded by Supervisor Rotelli, and carried by unanimous vote, to approve the County of Tuolumne Americans with Disabilities Act Policy Manual, and direct staff to implement the recommendations.

Standard Park-  
Concession Operate.

Supervisor Rotelli declared a possible conflict of interest and announced that he would refrain from voting on the following matter, and left the dais at 10:48 a.m.

Mr. Mitton requested consideration of two proposals received for the operation of Standard Park, recommending the proposal from Acor.

Delbert Rotelli, Acor; Ed Kisling, Tuolumne County Soccer Association, Jim Baldrige, President, Standard Little League; Mike Russell, Interim Director of Recreation and Library Services; Tim Johnson, Auditor-Controller; and Sam Taylor, Director, Senior/Youth Partnership, addressed the Board.

## Index of Subjects

### Title I:     Employment Provisions

|                         |                                                          |              |                |
|-------------------------|----------------------------------------------------------|--------------|----------------|
| <b>Section 1 .....</b>  | <b>Definitions</b>                                       | <b>.....</b> | <b>Page 01</b> |
| <b>Section 2 .....</b>  | <b>Equal Employment Opportunity Policy Statement</b>     | <b>.....</b> | <b>Page 02</b> |
| <b>Section 3 .....</b>  | <b>Employment Provisions</b>                             | <b>.....</b> | <b>Page 02</b> |
|                         | 3.1    ADA Task Force                                    | .....        | Page 03        |
|                         | 3.2    Dual Classification Specification System          | .....        | Page 03        |
|                         | 3.3    Application Process                               | .....        | Page 03        |
|                         | 3.4    Employment Tests and Selection Criteria           | .....        | Page 04        |
|                         | 3.5    Medical Examination Procedures                    | .....        | Page 05        |
|                         | 3.6    Personnel Policies                                | .....        | Page 06        |
|                         | 3.7    Reasonable Accommodation Procedures               | .....        | Page 06        |
|                         | 3.8    Training of Managers & Supervisors                | .....        | Page 06        |
|                         | 3.9    Workplace Display of Act Requirements             | .....        | Page 07        |
| <b>Section 4 .....</b>  | <b>Injured Workers, Temporary Disabilities</b>           |              |                |
|                         | & Modified Duty                                          | .....        | Page 07        |
|                         | 4.1    Temporary Disability Determination                | .....        | Page 08        |
|                         | 4.2    Regarded as Disabled                              | .....        | Page 08        |
|                         | 4.3    Workers' Compensation and the Act                 | .....        | Page 08        |
|                         | 4.4    Workers' Compensation Confidentiality             | .....        | Page 08        |
|                         | 4.5    Modified Duty Policy                              | .....        | Page 09        |
| <b>Section 5 .....</b>  | <b>Grievance Procedure</b>                               | <b>.....</b> | <b>Page 10</b> |
|                         | 5.1    Definition                                        | .....        | Page 10        |
|                         | 5.2    Jurisdiction                                      | .....        | Page 10        |
| <b>Appendix I-A ...</b> | <b>Supervisory Questions Regarding the ADA</b>           | <b>.....</b> | <b>Page A1</b> |
|                         | • ADA's Impact on Employment                             | .....        | Page A1        |
|                         | • ADA Protection                                         | .....        | Page A1        |
|                         | • Not Protected by the ADA                               | .....        | Page A2        |
|                         | • Interviewing and Selection                             | .....        | Page A3        |
|                         | • Reasonable Accommodation                               | .....        | Page A4        |
|                         | • Accessibility                                          | .....        | Page A7        |
| <b>Appendix I-B ...</b> | <b>Supervisory Interview and Accommodation Flowchart</b> | <b>.....</b> | <b>Page B1</b> |

### Title II:     Facilities Accessibility

|                         |                                           |              |                |
|-------------------------|-------------------------------------------|--------------|----------------|
| <b>Section 1 .....</b>  | <b>Background</b>                         | <b>.....</b> | <b>Page 12</b> |
| <b>Section 2 .....</b>  | <b>Accessible Facilities Survey</b>       | <b>.....</b> | <b>Page 12</b> |
| <b>Section 3 .....</b>  | <b>Implementation/Transition Plan</b>     | <b>.....</b> | <b>Page 13</b> |
|                         | 3.1    Fiscal Year 1993-94                | .....        | Page 13        |
|                         | 3.2    Fiscal Year 1994-95                | .....        | Page 14        |
| <b>Section 4 .....</b>  | <b>Exceptions and Program Changes</b>     | <b>.....</b> | <b>Page 14</b> |
|                         | 4.1    Exceptions                         | .....        | Page 14        |
|                         | 4.2    Program Changes                    | .....        | Page 14        |
| <b>Section 5 .....</b>  | <b>Reasonable Accommodation Procedure</b> | <b>.....</b> | <b>Page 14</b> |
| <b>Section 6 .....</b>  | <b>Grievance Procedure</b>                | <b>.....</b> | <b>Page 15</b> |
|                         | 6.1    Definition                         | .....        | Page 16        |
|                         | 6.2    Jurisdiction                       | .....        | Page 16        |
| <b>Appendix II-A ..</b> | <b>Facility Modifications</b>             | <b>.....</b> | <b>Page A1</b> |

# ***Title I***

## ***Employment Provisions***



## ***County of Tuolumne***

### **American's with Disabilities Act Policy Manual**

The County of Tuolumne, being aware of its obligations under Title I and II of the American's with Disabilities Act of 1990, Public Law 101-336, 42 U.S.C. Section 12101 et. seq., (hereafter referred to as the "Act"), has prepared this ADA policy manual declaring its intent to fully comply, in all good faith, with the requirements of that Act. Final rules established by the Equal Employment Opportunity Commission (EEOC) and the Department of Labor (DOL) will serve to clarify elements of the Act's intent, beyond that which is provided in this policy manual.

### **Title I: Employment Provisions**

Title I of the Act became effective on July 26, 1992. Title I prohibits the discrimination of a qualified person with a disability in any condition or aspect of employment, including hiring, firing, promotions, and recruitment. The County is primarily concerned with meeting the provisions of the Act which, in summary, state that:

- the Act prohibits discrimination against workers and job applicants with disabilities.
- the Act requires equal opportunity in selection, testing, and hiring of qualified applicants with disabilities.
- the Act requires equal treatment in promotion and benefits similar to other civil rights legislation.
- the Act requires that all public programs, services, and activities offered be accessible on a reasonable basis to persons with disabilities.

#### **Section 1. Definitions**

The Act defines a disability as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Substantially limits means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities.

The Act defines a qualified individual with a disability as an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

The Act defines essential functions as those functions of a particular job which, if removed, would fundamentally change the job.

The Act defines a reasonable accommodation to include job restructuring, part-time or modified work schedules, reassignment to a vacant position, or any other reasonable modification that will allow a person with a disability to perform the essential functions of a job.

The Act defines a direct threat as a significant risk of substantial harm that cannot be eliminated or reduced by a reasonable accommodation.

The County has given responsibility for Act compliance to the County Administrative Officer, hereafter referred to as the EEO Coordinator.

## **Section 2. Equal Employment Opportunity Policy Statement**

On March 3, 1992, the County of Tuolumne Board of Supervisor's reaffirmed its position on the concept of equal employment opportunity in the following policy statement (emphasis added):

*The County of Tuolumne is an equal opportunity employer, committed to an active and effective Equal Employment Opportunity Program (EEO). It is the stated policy of the County of Tuolumne that all employees and applicants for employment shall receive equal consideration and treatment in employment, without regard to race, color, religious creed, ancestry, national origin, age, sex, marital status, medical condition, or disability.*

*All recruitment, appointments, transfers and promotions will be on the basis of individual skills, knowledges and abilities, and the feasibility of reasonable accommodations, regardless of the above identified bases. All other personnel actions will be administered without unlawful discrimination. Equal employment opportunity will be promoted through a continual and progressive EEO.*

*The objective of the County's EEO is to ensure nondiscrimination in employment and, wherever possible, to actively recruit and include for consideration for employment all minorities, women, and disabled persons.*

*The County Administrative Officer is designated as the EEO Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to the EEO Coordinator. The EEO Coordinator is responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure the adherence of this policy. Regular annual reports are submitted to appropriate compliance agencies for review and evaluation of progress.*

*To achieve the goals of our EEO, it is necessary that each member of this organization understand the importance of the program and be responsible to contribute toward its maximum fulfillment.*

The County will continue to consider its efforts toward compliance with the Act as an extension of the County's overall EEO.

## **Section 3. Employment Provisions**

The County of Tuolumne, in an effort to ensure compliance with Title I of the Act, developed a review and action plan. That plan is outlined in the following narrative.

**3.1 ADA Task Force:** the Human Resources Department has been charged with coordinating the County's efforts toward compliance with Title I of the Act. The County Administrative Officer has been designated as EEO Coordinator. A task force was formed with County personnel, representing employee relations, medical/health promotion, benefits, safety, senior line management, and employee assistance functions. Because implementation of all compliance actions was expected to be time-consuming and comprehensive, a strategy paper was developed in March of 1993 to outline the actions expected to be taken.

**3.2 Dual Classification Specification System:** while the Act does not mandate establishing or revising job descriptions, regulations advise that job descriptions will be a prime document of defense, in order to identify the "essential functions" of a position. The law requires that the employer's definition of these functions in a job description, or advertisement, must be considered and that only persons who can perform such essential functions are qualified. Essential functions are identified by asking:

- are incumbents of this position actually required to perform this duty statement?
- would removing this duty from this position fundamentally change the job?
- are there a limited number of other employees available to perform the duty?
- is the duty highly specialized and is the incumbent hired due to their special expertise in this area?

It is the County's contention that accurately analyzing the essential functions of each local government job would be extremely time-consuming and may be unduly cumbersome if each position description (as opposed to classification specification) is revised. Therefore, the County has established a dual system of Class Specifications, in which only core duties are provided, with marginal duties, when included, identified by key words such as "may", "occasionally", "in the absence of", etc. This will be supplemented by a working conditions statement formed from a Working Conditions Analysis form.

The County will make both the class spec and the Working Conditions Analysis form available to applicants and/or employees during the recruitment or accommodation process, for the purpose of outlining what abilities the job presently requires. It is the applicant's or employee's obligation to notify the EEO Coordinator which duty statement or working condition will require some accommodation for them to be able to perform.

**3.3 Application Process:** the Human Resources staff has reviewed and revised the County's application form to ensure that it includes no questions of any kind about an

applicant's disability status, health, past medical problems, or worker's compensation claims. The County's advertising flier prominently notifies applicants that:

***"If you have a physical or mental condition which requires us to make a reasonable accommodation for the testing process, please contact the Human Resources Office immediately."***

Beyond that point, the County makes available and accepts applications either at its Human Resources Office, a location which is fully accessible, or by mail. In addition to the applicant available job flier, all relevant application information is also available over the phone through the County's Job Hotline, or by calling the office's listed number.

For the visually impaired, recruitment information can be made available in large print or a reader can be made available at the individual's request. It is the full responsibility of the individual seeking such assistance to notify the Human Resources Department.

For the hearing impaired, application and recruitment information can also be obtained through the California telecommunication relay service. This service allows telephone communication to be possible between people who do not have TDD devices and people who do. When using the service, a trained relay operator, or communications assistant, transmits conversation between a person using a TDD and a person using a voice telephone. The number to use in California is:

- TDD number = (800) 735-2929
- Voice number = (800) 735-2922

**3.4 Employment Tests and Selection Criteria:** the Act has not amended the *1978 Uniform Guidelines on Employee Selection Procedures*, of which the County's written and oral examinations are in compliance. As an extension of the guidelines, however, the Act does require that tests do not screen out an individual with a disability or a class of such individuals on the basis of a disability unless it is job-related and consistent with business necessity. The Act also requires that tests given to people who have impaired sensory, speaking, or manual skills be given in a format and manner that does not require use of the impaired skill, unless the test is designed to measure that skill.

In addition to the County's aforementioned flier statement of intent to provide reasonable accommodation where appropriate in all testing processes, the County also notifies all applicants who have, through application review, met minimum qualifications and are invited to the testing process that:

***"If you have a physical or mental condition which requires us to make a reasonable accommodation for the testing process, please contact the Human Resources Office immediately. It is the applicant's responsibility to notify us in a reasonable timeframe if such assistance is needed. Simply call us at (209) 533-5566."***

In addition to written and oral examinations, the County also uses job sampling tests in specific situations (e.g. agility tests for Deputy Sheriffs or typing tests for Office Assistants). Because job sampling tests are designed to measure specific job-related skills, these forms of tests also comply with the Act. The EEO Coordinator has reviewed, and will continue to review on an on-going basis, all selection criteria to ensure continued compliance.

The County's merit system will continue to require that individuals meet skill, experience, education, and other "job-related requirements" for any position. The County's classification system will continue to be reviewed and, as necessary, revised to make sure that all relevant qualification standards are included. This maintenance will reduce potential discriminatory charges of the County asserting a qualification standard after a disabled individual lacking the qualification standard applied for a position.

The County will continue, as is allowed under the Act, to prohibit the hiring or continuation of employment of an individual who poses a direct threat, or a "significant risk of substantial harm to the health and safety of the individual or others that can not be eliminated or reduced by reasonable accommodation". This standard will only be applied after an individualized assessment of the individual's present ability to safely perform the essential functions of the job based upon a medical judgment relying on objective evidence. Factors to be considered will include:

- the duration of the risk.
- the nature and severity of the potential harm.
- the likelihood that the potential harm will occur.
- the imminence of the potential harm.

If a reasonable accommodation will eliminate the risk, or reduce it to an acceptable level, the County will provide that accommodation. However, the request for this accommodation is the full responsibility of the person seeking it.

**3.5 Medical Examination Procedures:** after the County has offered an applicant a job, it is County policy that the individual undergo a job-related medical examination, and for specific job categories, to undergo a drug screening. The Act does not interfere with either of these policies.

However, the Act does recommend that the medical exam be based upon relevant job-related criteria. To ensure that this continues to be done, the Working Conditions Analysis form will become a section of the County's medical exam form, so that examining physicians can base their recommendations on the applicant's ability to perform the duties of the job.

The Act also suggests that medical information should not be kept in an employee's personnel file, for confidentiality reasons. Due to limited filing capacity, however, the County has elected to seal the information in the personnel file and then remove it prior to any file review.

**3.6 Personnel Policies:** the County retained the services of a consultant to review its Personnel Rules and Regulations. This was advisable due to the deemed necessity of a removed, knowledgeable viewpoint of this working document. Suggested alterations were few and will be presented to the Board of Supervisors, along with other recommended changes, as the 1994 Revised Personnel Rules and Regulations.

**3.7 Reasonable Accommodation Procedures:** Requests for reasonable accommodation are the full responsibility of those who are seeking the accommodation. All requests will be entertained and evaluated, based upon the Act's definition of reasonable, to determine whether or not the request will be granted. Factors to be evaluated include:

- would the request place an undue hardship on the County in terms of:
  1. the nature and cost of the accommodation needed.
  2. the overall financial resources available to the County.
  3. the size (number of employees) of the department in question.
  4. the effect the accommodation will have on the County's expenses and resources.
  5. the type of operation and the impact that the accommodation will have on it and on the work force.

Requests for accommodation must be made to the EEO Coordinator, either verbally or in writing, at the following address:

EEO Coordinator  
Administrative Office  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370

Appendix I-A of this policy will be a Supervisory Guideline which will provide answers to many commonly asked questions about the Act, and also provide a reasonable accommodation procedure/flow chart. The policy manual will be routed to all departments and divisions of the County, with recommendation to include the manual in each department's Personnel Policies Manual.

**3.8 Training of Managers, Supervisors, and Others as Needed:** In May of 1993, training on the Act and its impact on supervision and interviewing was provided to all supervisory staff of the County. This training focused on reasonable accommodation and interviewer responsibility. Subsequent training has been planned for February of 1994, with further focus on interviewing and accommodation responsibility. A video training tape about the Act and its workplace implications will be purchased by the Human Resources Department and made available as a resource to all departments and divisions.

**3.9 Workplace Display of Act Requirements:** the County prominently displays in all primary County facilities the following information:

*The American's with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.*

*If you believe that you have been discriminated against under any of the above laws, you immediately should contact: The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free 800-669-EEOC. For individuals with hearing impairments, EEOC's toll free TDD number is 800-800-3302.*

As previously stated, a copy of this policy manual will be routed to all County departments and divisions with recommendation that it be included in that department's Personnel Policies Manual. This manual is available to all County employees.

**Section 4. Injured Workers, Temporary Disabilities and Modified Duty Assignments**

The Act, as previously mentioned, protects both applicants and current employees from discrimination in employment practices based upon disabilities. It is believed that the majority of Act related complaints will be generated from existing employees who are now or may become persons with disabilities. Of these, the most significant group will be injured workers. To date, nationwide, less than 20% of Act complaints involve the hiring process.

It is only when an injured worker meets the criteria to be considered a qualified individual with a disability that the person has rights under the Act. The County's typical responsibilities to a qualified injured worker would be to:

- reasonably accommodate the worker in his or her current job, or
- reassign the worker to a vacant position if necessary.

The County will consider all requests or inquires about return to work or reasonable accommodation very seriously. Requests for reasonable accommodation are the full responsibility of those who are seeking the accommodation. All requests will be entertained and evaluated, based upon the Act's definition of reasonable, to determine whether or not the request will be granted.

An attempt will first be made to enable the employee to perform the essential functions of his or her regular job through accommodation efforts. When an injured worker cannot be accommodated in his or her old job, however, the County will endeavor to transfer the employee to any vacant positions for which he/she is qualified

and can perform with or without an accommodation. This reassignment is noncompetitive and limited to lateral transfers or to demotions. The Act does not require an employer to promote as a form of accommodation.

**4.1 Temporary Disability Determination:** Temporary disabilities are not covered by the Act. Under the Act, however, it is not the name of an impairment or a condition that determines whether a person is protected, but rather the effect of an impairment or condition on the life of a particular person. Although how long an impairment lasts is a factor to be considered, then, it does not by itself determine whether a person has a disability under the Act. The basic question is whether an impairment "substantially limits" one or more major life activities. This question is answered by looking at the extent, duration, and impact of the impairment. The Human Resources Department, in consultation with appropriate resources, will be charged with making such determinations on a case-by-case basis.

**4.2 Regarded as Disabled:** The Act also protects persons who are perceived to have an impairment. By this the Act is addressing "myths, fears, and stereotypes" that lead employers to treat certain impairments that do not substantially limit a major life activity as though they do. For example, if an employee has controlled high blood pressure which does not substantially limit any major life activity and the employer reassigns this individual to a less strenuous job because of an unsubstantiated fear that the person may suffer a heart attack, the employer has regarded this person as disabled and they would be protected as such by the Act. All reassignment and accommodation efforts must first be cleared through the EEO Coordinator to ensure proper application of this policy and avoid unnecessary liability.

**4.3 Workers' Compensation and the Act:** An injured worker may be considered to be an individual with a disability before his or her workers' compensation claim is closed or settled. Therefore, the responsibility to reasonably accommodate may not necessarily start with the closure of the claim, or end there. For general purposes, however, the Act can be said to apply to an injured worker once that worker has reached permanent and stationary status.

Workers' compensation fraud is a crime and will be treated as such by the County. Fraud is not a disability. If the County terminates an employee for fraud or chooses not to hire him or her because of a history of filing fraudulent claims, it would not be an issue under the Act whether or not the person was otherwise considered disabled.

**4.4 Workers' Compensation Confidentiality:** When an injured worker is brought back to a job with medical restrictions, the supervisor may have a need to know the nature of those restrictions and possible reasonable accommodations, but not necessarily the medical diagnosis nor information about conditions unrelated to work limitations or the need for a reasonable accommodation. There is no inherent "right to know" simply because the injury is work related. The Human Resources Department maintains

secure workers' compensation files that protect this confidentiality, and will release only information determined relevant under this policy.

**4.5 Modified Duty Policy:** The creation of modified duty positions is not required under the Act. However, the County seeks to accommodate employees and also to keep them productive, orientated to the workplace, and skilled. In cases of a current permanent employee's request for a medical leave of absence, the County requires Departments to explore the possibility of providing such employees with the option of either:

- an intermittent schedule (i.e. week on, week off), and/or
- a reduced hours schedule (i.e. less days or hours per week), and/or
- a flexible schedule (i.e. adjusted work hours), and/or
- a modified duty assignment (i.e. transfer to temporary position better suited to their needs)

before granting a leave request. In such situations, the County can require the employee to transfer temporarily, at the employee's current pay, to an available position which better accommodates recurring periods of leave or work restrictions. Accommodations will be based upon medical restrictions provided to the department by the employee's treating physician or another health care provider. No accommodation will be approved that jeopardizes the employee's recovery, brings employees back to their regular work prematurely, increases the possibility of reinjury, or that poses a direct threat to the health and safety of the individual or others in the workplace.

It is a common misconception that the Act requires an employer to allow a person with a disability, or potentially someone who has had a serious on-the-job injury, to work permanently on a reduced productivity basis. This is not required by the Act.

The maximum duration of a modified duty assignment is set at forty-five (45) calendar days. Thirty (30) calendar days following the first day of modified duty the employee shall be medically re-evaluated by their treating physician for the purpose of determining fitness-for-duty. Continued need for modified duty will only be granted for an additional fifteen (15) calendar days from that re-evaluation date. Further extensions can only be granted by the County Administrative Officer from a written request of the department head. If the employee continues to be unfit-for-duty after forty-five (45) calendar days they will be placed on compulsory leave, as is outlined in the various Memorandums of Understanding between the County and its employee associations.

Agreed upon accommodations must be written out, with the dates specified, and signed by both supervisor and employee. This form is then to be routed to the Human Resources Department for approval.

In cases of medical treatment the employee is asked to make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations.

The County can require proof from the employee that a leave is necessary, including certification by a health care provider stating the date the condition commenced, the probable duration of the condition, and any appropriate medical facts regarding the condition. Certification must estimate the expected schedule and duration of the leave.

## **Section 5. Grievance Procedure**

It is the intent of the County of Tuolumne to internally review and resolve all Act related grievances made on behalf of either current employees or members of the public. The goal of this policy is to provide for the resolution of grievances at a level which will allow for the least disruption of County functions or services. This procedure will function independently of any other resolution method appropriately sought by the grieving party, however, the County encourages all parties to utilize this procedure prior to seeking resolution through any other administrative sources. The EEO Coordinator will coordinate compliance efforts and is assigned to investigate complaints. Grievances should be addressed to the:

EEO Coordinator  
Administrative Office  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370

**5.1 Definition:** For purposes of this procedure, a grievance is a disagreement between the County and an employee, group of employees, or member of the general public concerning the interpretation, application, or violation of the Act.

**5.2 Jurisdiction:** A grievance may be filed either verbally or in writing. In either case, however, the grievance must contain the name and address of the person filing it and must briefly describe the alleged violation of County policy or Act regulation. A grievance must be filed within thirty (30) calendar days after the grievant becomes aware, or should have become aware, of the alleged violation.

An investigation, as may be appropriate, shall follow the filing of a grievance. A written determination as to the validity of the grievance and a description of the proposed resolution, if any, shall be issued by the person performing the investigation with a copy forwarded to the EEO Coordinator for review. After the Coordinator reviews the findings for sufficiency and consistency with policy/business necessity, a copy will be forwarded to the grievant from the County Administrative Office by no later than thirty (30) calendar days after the initial filing.

A hearing may be requested if the grievant is dissatisfied with the resolution. Such request shall be filed with the County Administrative Office within fifteen (15) calendar days of receipt by the grievant of the resolution. The request for hearing shall state the specific objections of the grievant to the County's proposed resolution.

**By no later than five (5) working days after receipt of the Request for Hearing, the EEO Coordinator shall schedule the matter for hearing before the Board of Supervisors.**

**Appendix I-A**  
**County of Tuolumne**  
**Supervisory Questions Concerning the**  
***American's with Disabilities Act (ADA)***

**ADA's Impact on Employment**

**Question: What employment practices are covered by the ADA?**

The ADA makes it unlawful to discriminate in all employment practices, including:

- |                   |                                           |          |
|-------------------|-------------------------------------------|----------|
| ● recruitment     | ● pay                                     | ● hiring |
| ● job assignments | ● promotion                               | ● firing |
| ● training        | ● leave                                   | ● layoff |
| ● benefits        | ● all other employment related activities |          |

The ADA prohibits the County from retaliating against an applicant or employee for asserting his/her rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

**ADA Protection**

**Question: Who is protected by the ADA?**

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment.

To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or employee must:

- satisfy the County's job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

**Question: How are essential functions determined?**

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully re-examine each job to determine which functions or tasks are essential to performance. (This is particularly important before requesting recruitment).

The factors we consider in determining if a function is essential include:

- whether the reason the position exists is to perform that function,
- the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- the degree of expertise or skill required to perform the function.

The County's judgment as to which functions are essential, the class specification, and the working analysis form will all be considered by the Equal Employment Opportunity Commission (EEOC), the regulatory arm for the ADA, as evidence of essential functions. Other kinds of evidence that the EEOC will consider include:

- the actual work experience of present or past employees in the job,
- the time spent performing a function,
- the consequences of not requiring that an employee perform a function, and
- the terms of a collective bargaining agreement.

**Question: One of my employees is a diabetic, but takes insulin daily to control his diabetes. As a result, the diabetes has no significant impact on his employment. Is he protected by the ADA?**

Yes. The determination as to whether a person has a disability under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.

**Question: Does the ADA cover people with AIDS?**

Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

**Not Protected by the ADA**

**Question: Do individuals who use drugs illegally have rights under the ADA?**

No. Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use,

or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and we will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize or prohibit drug tests, and therefore does not interfere with the County's Drug and Alcohol Abuse Policy.

**Question: Under the ADA, can an employer refuse to hire an individual or fire a current employee who uses drugs illegally?**

Yes. Individuals who currently use drugs illegally are specifically excluded from the ADA's protection. However, the ADA does not exclude:

- persons who have successfully completed or are currently in a rehabilitation program and are no longer illegally using drugs; or
- persons erroneously regarded as engaging in the illegal use of drugs.

**Question: Are temporary disabilities like a broken arm or common cold covered by the ADA?**

Temporary, non-chronic impairments that do not last for a long time and that have little or no long term impact usually are not disabilities. Determinations of what is and is not a disability are based not upon the impairment but upon how the impairment affects an individual's ability to function, how long the impairment will last, and how the impairment is treated by the employer. For example, a broken limb, sprain, concussion, or common cold would not be considered disabilities under the Act. However, in the case of a broken limb, if the limb did not heal properly, resulting in a permanent impairment significantly restricting walking or some other major life activity, then that person would be considered to have a disability. Due to the complexity, questions about impairment determination should be referred to the Human Resources Department.

## Interviewing and Selection

**Question: Can I require medical examinations or ask questions about an individual's disability?**

It is unlawful to:

- ask an applicant whether he/she is disabled or about the nature or severity of a disability, or
- to require the applicant to take a medical examination before making a job offer.

You can ask an applicant questions about ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. You can also ask an

applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, the County requires that an applicant take a medical examination. You should condition the job offer on the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, we must be able to show that the reasons for exclusion are job related and necessary for conduct of County business. We also must be able to show there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and therefore are maintained in the Human Resources Department's separate medical files.

**Question: If I have several qualified applicants for a job, does the ADA require that I hire the applicant with the disability?**

No. You may hire the most qualified applicant. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of disability.

**Question: Can I consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?**

The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the work-place. A direct threat means a significant risk of substantial harm. You cannot refuse to hire or fire an individual because of a slightly increased, speculative, or remote risk of harm to himself or others. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, you must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation. Consult with the Human Resources Department if you believe one of your staff poses such a risk.

### **Reasonable Accommodation**

**Question: What are my obligations to provide reasonable accommodations?**

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without

disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process, and enjoy the benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the County's operations. Undue hardship means that the accommodation would require significant difficulty or expense.

**Question: What is the best way to identify a reasonable accommodation?**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, you must make a reasonable effort to identify one. The best way to do this is to consult informally with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job. If this consultation does not identify an appropriate accommodation, we can contact the EEOC, State or local vocational rehabilitation agencies, or State or local organizations representing or providing services to individuals with disabilities. Another resource is the Job Accommodation Network (JAN). JAN is a free consultant service that helps employers make individualized accommodations. The telephone number is 1-800-526-7234. Accommodation requests must be documented and then discussed with the Human Resources Department prior to implementation.

**Question: When does a reasonable accommodation become an undue hardship?**

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, the County must try to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, we must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. We must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship. Again, accommodation requests should first be discussed with the Human Resources Department before claiming that a request is an undue hardship.

**Question: Am I obligated to provide a reasonable accommodation for an individual if I am unaware of her physical or mental impairment?**

No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, this does not mean that an applicant or employee must always inform you of a disability. If a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.

**Question: How do I determine whether a reasonable accommodation is appropriate and the type of accommodation that should be made available?**

The requirement generally will be triggered by a request from an individual with a disability, who frequently can suggest an appropriate accommodation. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular type of accommodation is that of effectiveness, i.e., whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with the disability would prefer, although primary consideration should be given to the preference of the final discretion to choose between effective accommodations, and you may select one that is least expensive or easiest to provide.

**Question: When must I consider reassigning an employee with a disability to another job as a reasonable accommodation?**

When an employee with a disability is unable to perform his/her present job even with the provision of a reasonable accommodation, you must consider reassigning the employee to an existing position that he/she can perform with or without a reasonable accommodation. The requirement to consider reassignment applies only to employees and not to applicants. You are not required to create a position or to bump another employee in order to create a vacancy. Nor are you required to promote an employee with a disability to a higher level position.

**Question: What if an applicant or employee refuses to accept an accommodation that I offer?**

An employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified. The key is ensuring that the offered accommodation is truly "reasonable", or that the applicant/employee's opinion was sought and considered.

**Question: Do we have to pay for a needed reasonable accommodation?**

No. The ADA requires that the employer provide the accommodation unless to do so would impose an undue hardship on the operation of the employer's business. If the cost of providing the needed accommodation would be an undue hardship, the applicant or employee must be given the choice of providing the accommodation or paying for the portion of the accommodation that causes undue hardship.

**Question: Can the County lower an employee's salary or pay them less than other employees doing the same job because they need a reasonable accommodation?**

No. The County cannot make up the cost of providing a reasonable accommodation by lowering that employee's salary or paying them less than other employees in similar positions.

### Accessibility

**Question: If our department has an employee breakroom in the building, does the ADA require that it be accessible to employees with disabilities?**

Yes. Workers with disabilities must have equal access to all benefits and privileges of employment that are available to similarly situated employees without disabilities. The duty to provide reasonable accommodation applies to all non-work facilities provided or maintained by you for your staff. This includes cafeterias, lounges, department-provided transportation and counseling services. If making an existing facility accessible would be an undue hardship, we must provide a comparable facility that will enable a person with a disability to enjoy benefits/privileges of employment similar to those enjoyed by other employees, unless this is an undue hardship.

**Question: If I contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my staff, am I liable under the ADA?**

Yes. You would be required to provide a location that is readily accessible to, and usable by your employee with a disability unless to do so would create an undue hardship. An employer may not do through a contractual or other relationship what they are prohibited from doing directly.

## **Appendix I-B**

### **County of Tuolumne**

#### **Supervisory Interview and Accommodation Flowchart**

This flowchart is designed as a general guideline to assist the supervisor, who is interviewing candidates for a departmental or divisional position, in complying with the *American's with Disabilities Act*. Although this chart may answer the most common questions concerning the interview and accommodation process, not all circumstances can be addressed by this format. Please do not hesitate to call the Human Resources Department if you have any questions not addressed by this flowchart.

1. Have all the candidates completed the testing process for this position (i.e. written exam, structured oral exam, physical agility, etc.)?  
  
yes: continue  
no: refer candidate(s) to the Human Resources Department
2. Have all candidates been provided with a copy of the class specification and the working analysis form for this position prior to being interviewed?  
  
yes: continue  
no: along with sample letter #1, send copies of each item to each candidate to be interviewed.
3. Has a candidate voluntarily informed you of a physical/mental limitation?  
  
yes: continue  
no: ask each candidate, "Do you have any physical or mental condition that would limit your ability to perform any of the duties or working conditions listed on the specification or on the analysis form previously provided to you?"
4. Does the candidate meet the definition of a "person with a disability" (physical or mental impairment that substantially limits one or more of the major life activities (i.e. walking, seeing, speaking, hearing, learning, performing manual tasks, etc.) of that person as compared to an average person in the general population?)  
  
yes: continue  
no: notify candidate that the A.D.A. protects individuals whose disabilities substantially limit a major life activity, and that you question whether they do or do not meet this criteria. Arrange a meeting with the Human Resources Department.

5. Has the candidate requested that an accommodation be made in order for him/her to perform a particular function/duty?
- yes: continue  
no: base your selection decision on each candidate's knowledge, skills, and abilities as they relate to the position to be filled.
6. Is the function/duty in question an essential function of the job, determined by answering yes to one or more of the following questions:
- are incumbents of this position required to perform this duty?
  - would removing this duty from this position fundamentally change the job?
  - are there a limited number of other employees available to perform the duty?
  - is the duty highly specialized and is the incumbent hired due to their special expertise in this area?
- yes: continue  
no: then, as a marginal function that can be eliminated or re-assigned without fundamentally altering the job or the department's operations, this candidate should not be eliminated from the selection process.
7. Has this candidate voluntarily provided you with any ideas of what the needed accommodation should be?
- yes: continue  
no: ask this candidate, "What type of accommodation might we provide that would allow you to perform the function/duty in question?"
8. Tell the candidate that their request for accommodation will be evaluated, compile all relevant information generated from the above questions, and contact the Human Resources Department to discuss the issue. Make no selection decision until this has been done.



## County Administrative Office

Mark A. Mitton  
County Administration Officer

Tuolumne County Administration Center  
2 South Green Street  
Sonora, CA 95370  
Phone (209) 533-5511  
Fax (209) 533-5510

### **SAMPLE LETTER #1**

January 10, 1994

Jane Doe  
1234 Somewhere Lane  
Sonora, CA 95370

Dear Ms. Doe:

Congratulations, the Human Resources Department has forwarded your name to our department for consideration as a Senior Account Clerk. We have tentatively scheduled the oral interviews for this position for January 17th. You must call to confirm an interview time no later than January 14th.

Enclosed you will find a copy of both the Senior Account Clerk class specification and the working conditions form for this position. We hope these forms will provide you with a better understanding of this department's Senior Account Clerk position.

If you have any physical or mental condition that would limit your ability to perform any of the duties or working conditions for this position and would require a job accommodation to meet the demands of the position, you should notify us at the interview. Accommodations needed for the interview process itself can be arranged by calling the number listed above.

Once again, congratulations, and we look forward to meeting with you on the 17th.

Sincerely;

So and So  
Job Title

enclosures

***Title II***

***Facilities  
Accessibility***



## ***County of Tuolumne***

### **American's with Disabilities Act Policy Manual**

#### **Title II: Facilities Accessibility**

All public entities covered by the Act's legislation are required by Title II to evaluate their current facilities, services, policies, and practices and modify them as necessary to meet the non-discrimination requirements of the Act. A survey of existing facilities in Tuolumne County was conducted to identify those barriers where structural solutions are possible or are likely to present an "undue burden" in obtaining access to goods and services. In the latter cases, other solutions will be explored to provide proper accessibility.

The purpose of this study was to provide the County of Tuolumne Board of Supervisors and Administration with an ADA Title II assessment of existing facility accessibility conditions and a timetable and set of preliminary cost estimates from which physical modification decisions can be made. Decisions about program modifications to avoid costly structural changes were also evaluated. A transition plan was generated and a grievance procedure established. The study results are included herein.

#### **Section 1. Background**

In April 1992 the Administration suggested that the Board of Supervisors establish an ad hoc committee to conduct a study of county facilities and to develop a plan for meeting the requirements of the Act in the most feasible way. Such a committee was established by the Board of Supervisors on April 21, 1992, and included a membership consisting of four public members and the County's Facilities Management Manager, Personnel/Risk Manager, Chief Building Official, and a representative of the County Administration Office. In October 1992 the Committee designed and conducted an ADA Facilities Survey of existing County operated facilities. After the Facilities Survey was conducted, the Committee requested that a consulting firm, who were already under contract to the County for development of a Title I implementation study, assist the Committee with interpretation and implementation of Title II facilities survey findings. The Committee met with these consultants on November 19, 1992.

#### **Section 2. Accessible Facilities Survey**

Structural changes needed for accessibility must be completed as soon as possible and no later than January 26, 1995. However, because of the monetary

scale often involved with this task, it is anticipated that structural changes will be phased in over the upcoming three year period. In order to guide the scheduling of modifications, the U.S. Justice Department has set priorities for removal of architectural barriers to accomplish accessibility in the following order:

- ✗ 1. Provide access from public sidewalks, parking, and transportation points to and through the entrance(s) of the facility.
2. Ensure that goods and services are available to the public.
3. Provide access to sanitary facilities.
4. Provide all other measures to facilitate access.

The County's Title II Committee established a subsequent ranking system to categorize the importance of the facilities. Each Committee Member ranked the facilities on the basis of:

- (1) importance of use (i.e., emergency);
- (2) frequency of use (i.e., how often it is used by the public); and
- (3) number of employees working there.

Using the U.S. Justice Department priorities listed above, the improvements identified in the facilities surveyed in October were divided into five categories: under \$500 in cost, over \$500 in cost, recreation facilities, libraries, and special situations. Facilities in each category were ranked, using the ratings arrived at by the Title II Committee Survey; the type of barrier that exists; and a cost estimate for removal or improvements. Cost estimates were based upon a study conducted for the Hesperia Unified School District. Public telephone access changes are normally the responsibility of the telephone company servicing the area.

Appendix II-A summarizes the individual ratings and the average rating for each facility.

The total cost of bringing County of Tuolumne facilities into minimum ADA compliance would be \$307,350. However, there are a number of program changes that the Committee feels could be instituted that will reduce, or in some cases eliminate, the need for major structural changes. Those changes are included in the following transition plan.

### **Section 3. Implementation/Transition Plan**

The Committee's recommended implementation/transition plan consists of two general elements: facilities improvements and program changes. A two-year plan is proposed for facilities improvements, and includes:

**3.1 Fiscal Year 1993-94:** For FY93-94, the Committee recommends that the County take the following steps toward Title II compliance:

- Undertake all work costing \$500 or less described in Appendix II-A. This will require approximately \$4,350.
- Undertake all work costing over \$500 with a priority rating of less than 2.0. This is estimated to cost approximately \$34,850.
- Undertake all other signage work for the balance of the facilities where the cost is less than \$500. The total cost of this work is estimated to be less than \$9,000.

The total estimated cost of work recommended for completion in Fiscal Year 93-94 is \$48,200.

**3.2 Fiscal Year 1994-95:** For FY94-95, the Committee recommends that the County complete the balance of work outlined in Appendix II-A, except for the changes noted otherwise in Section 4. Exceptions and Program Changes. The estimated cost of the remaining improvements is \$138,200. However, if before doing the work, a way is found to relocate the services provided in those facilities, the needed work may be deferred.

#### **Section 4. Exceptions and Program Changes**

**4.1 Exceptions:** Signage and minor improvements at the three branch libraries (Pinecrest, Mi-Wuk and Twain Harte) will be done in the first year. However, the remaining improvements may not be done at all for two reasons. First, accessible library facilities are available elsewhere for everyone to use. Second, the buildings are not owned by the County and operation of those library facilities may or may not continue in the future.

**4.2 Program Changes:** Two other facilities are recommended for only minor improvements: the County Courthouse and the Sonora Memorial Hall. No major work is recommended for the Courthouse because accessible facilities are available for courts on the first floor. Arrangements will need to be made to provide access to the District Attorney and Court Clerk personnel once a person has made his or her way to the first floor Clerk's office. As for the Sonora Memorial Hall, the County will be moving its court operations from there in the Spring of 1994 and no improvements will be necessary.

#### **Section 5. Reasonable Accommodation Procedure**

Section 35150(a) of the regulations implementing Title II of the Act require that a public entity operate each of its programs so that, when viewed as a whole, the program is readily accessible to and usable by individuals with disabilities. It is the policy of the County of Tuolumne that its programs and services be accessible to

qualified individuals on an equitable basis, and that no person be denied access to services solely on the basis of his/her disabling condition.

To assure that each of its programs, activities, or services is accessible to individuals with disabilities, the County will, once a barrier or impediment has been identified, consider accommodating the needs of qualified disabled individuals providing alternate means of service until the program, activity, or service is made accessible. Reasonable accommodation to assure accessibility may include, but will not necessarily be limited to:

- a) Acquisition or redesign of equipment,
- b) Reassignment of services to accessible buildings,
- c) Assignment to aides to assist individuals with mobility impairments,
- d) Delivery of services at alternative locations or in alternative modes,
- e) Alteration of existing facilities, provided that structural changes will only be considered when there is no other feasible way to make the program accessible,
- f) Any other method that results in making said programs, activities, or services accessible; provided that the proposed accommodation does not fundamentally alter the nature of the program; activities or services provided or impose an undue hardship on the County.

Requests for reasonable accommodation are the full responsibility of those who are seeking the accommodation. All requests will be entertained and evaluated, based upon the Act's definition of reasonable, to determine whether or not the request will be granted. Requests for accommodation must be made to the EEO Coordinator, either verbally or in writing, at the following address:

EEO Coordinator  
Administrative Office  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370

**Section 6. Grievance Procedure:** It is the intent of the County of Tuolumne to internally review and resolve all Act related grievances made on behalf of either current employees or members of the public. The goal of this policy is to provide for the resolution of grievances at a level which will allow for the least disruption of County functions or services. This procedure will function independently of any other resolution method appropriately sought by the grieving party, however, the County encourages all parties to utilize this procedure prior to seeking resolution through any other administrative sources. The EEO Coordinator will coordinate compliance efforts and is assigned to investigate complaints. Grievances should be addressed to the:

EEO Coordinator  
Administrative Office  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370

**6.1 Definition:** For purposes of this procedure, a grievance is a disagreement between the County and an employee, group of employees, or member of the general public concerning the interpretation, application, or violation of the Act.

**6.2 Jurisdiction:** A grievance may be filed either verbally or in writing. In either case, however, the grievance must contain the name and address of the person filing it and must briefly describe the alleged violation of County policy or Act regulation. A grievance must be filed within thirty (30) calendar days after the grievant becomes aware, or should have become aware, of the alleged violation.

An investigation, as may be appropriate, shall follow the filing of a grievance. A written determination as to the validity of the grievance and a description of the proposed resolution, if any, shall be issued by the person performing the investigation with a copy forwarded to the EEO Coordinator for review. After the Coordinator reviews the findings for sufficiency and consistency with policy/business necessity, a copy will be forwarded to the grievant from the County Administrative Office by no later than thirty (30) days after the initial filing.

A hearing may be requested if the grievant is dissatisfied with the resolution. Such request shall be filed with the County Administrative Office within fifteen (15) calendar days of receipt by the grievant of the resolution. The request for hearing shall state the specific objections of the grievant to the County's proposed resolution.

By no later than five (5) working days after receipt of the Request for Hearing, the EEO Coordinator shall schedule the matter for hearing before the Board of Supervisors.

## Appendix II-A

### County of Tuolumne

### Facility Modifications

**Note:** A "1" rating makes the property very important. A "5" rating makes it least important.

**Under \$500.** These facilities can be brought into compliance for \$500 or less and could be addressed as part of the 1993-94 operating budget for an estimated total cost of **\$4,350**.

| <u>Name</u>                    | <u>Rating</u> | <u>Priority Category</u>                                                 | <u>Cost Estimate</u>                |
|--------------------------------|---------------|--------------------------------------------------------------------------|-------------------------------------|
| 1. Administration              | 1.00          | 1. Van signage<br>2. Signage<br>3. Restroom fixtures<br>and hardware     | \$150<br>150<br><u>200</u><br>\$500 |
| 2. TGH Adult Health/<br>Therp. | 1.17          | 1. Signage<br>2. Signage<br>3. Public Phone                              | \$150<br>150<br><u>-0-</u><br>\$300 |
| 3. ANF Building                | 1.17          | 1. Van signage<br>2. Hardware                                            | \$150<br><u>200</u><br>\$350        |
| 4. Sonora Library              | 1.33          | 1. Van signage<br>and loading                                            | <u>\$300</u><br>\$300               |
| 5. Mental Health               | 1.33          | 1. Van signage<br>and loading<br>2. Signage at counters                  | \$300<br><u>150</u><br>\$450        |
| 6. Sonora Welfare              | 1.67          | 1. Signage and van<br>space loading<br>2. Fixture and<br>entrance change | \$150<br><u>350</u><br>\$500        |
| 7. Sonora Probation            | 2.00          | 1. Van space<br>2. Fire pulls                                            | \$150<br><u>350</u><br>\$500        |
| 8. Sonora Farm Advisor         | 2.83          | 1. Signage<br>2. Hardware                                                | \$150<br><u>350</u><br>\$500        |
| 9. PML Airport                 | 3.33          | 1. Signage                                                               | <u>\$350</u><br>\$350               |

| <u>Name</u>           | <u>Rating</u> | <u>Priority Category</u> | <u>Cost Estimate</u> |
|-----------------------|---------------|--------------------------|----------------------|
| 10. Mono Village Fire | 3.83          | 1. Van/car space signage | \$ 300<br>\$ 300     |
| 11. Sonora Ambulance  | 3.83          | 1. Van/car space signage | \$ 300<br>\$ 300     |

**Over \$500.** Administrative and program unit modifications in this category are estimated to cost \$96,200.

| <u>Name</u>                           | <u>Rating</u> | <u>Priority Category</u>                                                                       | <u>Cost Estimate</u>                              |
|---------------------------------------|---------------|------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 1. Senior Center                      | 1.00          | 1. Van space<br>2. Counters & hardware<br>3. Fixtures                                          | \$ 150<br>350<br>600<br>\$1,100                   |
| 2. TGH Long Term Care                 | 1.00          | 1. Signage & hardware<br>2. Signage & hardware<br>3. Counters/access<br>4. Phone               | \$ 500<br>650<br>1,600<br>-0-<br>\$2,750          |
| 3. TGH Health/WIC                     | 1.00          | 1. Car/van space<br>2. Load zone<br>3. Signage<br>4. Restroom<br>5. Public phone               | \$ 150<br>150<br>150<br>5,000<br>-0-<br>\$5,450   |
| 4. TGH General/<br>Emergency Services | 1.00          | 1. Entry signage<br>2. Signage<br>3. 1st floor restroom<br>4. Public phone<br>5. Fountain      | \$ 150<br>150<br>5,000<br>-0-<br>1,000<br>\$6,300 |
| 5. Area 12 Agency on<br>Aging         | 1.67          | 1. Signage<br>2. Car/van space<br>3. Reduce furniture<br>4. Remodel unisex                     | \$ 150<br>150<br>-0-<br>5,000<br>\$5,300          |
| 6. Groveland Community<br>Hall        | 1.83          | 1. Signage, curb cut<br>car/van space<br>2. Signage/hardware<br>3. Restroom<br>4. Phone height | \$2,500<br>650<br>5,000<br>-0-<br>\$8,150         |

| <u>Name</u>                   | <u>Rating</u> | <u>Priority<br/>Category</u>                                                 | <u>Cost<br/>Estimate</u>                             |
|-------------------------------|---------------|------------------------------------------------------------------------------|------------------------------------------------------|
| 7. Tuolumne Community Hall    | 1.83          | 1. Signage<br>2. Signage/hardware<br>3. Restroom<br>4. Phone                 | \$ 150<br>650<br>5,000<br><u>-0-</u><br>\$5,800      |
| 8. Jamestown Community Hall   | 2.00          | 1. Signage and curb cut<br>2. Signage/hardware<br>3. Restroom<br>4. Fountain | \$2,250<br>650<br>5,000<br><u>1,000</u><br>\$8,900   |
| 9. Sonora Jail                | 2.17          | 1. Signage/van space<br>2. Signage/hardware                                  | \$ 300<br><u>350</u><br>\$ 650                       |
| 10. Sonora Recreation Office  | 2.60          | 1. Signage<br>2. Signage/hardware<br>3. Restroom<br>4. Foundation            | \$ 300<br>350<br>5,000<br><u>1,000</u><br>\$6,650    |
| 11. Animal Control Office     | 2.67          | 1. Signage<br>2. Ramp and signage                                            | \$ 150<br><u>8,000</u><br>\$8,150                    |
| 12. Columbia Airport Terminal | 2.67          | 1. Signage/van space<br>2. Ramp<br>3. Restroom<br>4. Phone/fountain          | \$ 300<br>8,000<br>5,000<br><u>1,000</u><br>\$14,300 |
| 13. Columbia Hanger Restrooms | 2.83          | 1. Signage<br>2. Signage/hardware<br>3. Restroom                             | \$ 150<br>350<br><u>5,000</u><br>\$5,500             |
| 14. Pinecrest Community Hall  | 2.83          | 1. Signage/van space<br>2. Signage/hardware<br>3. Phone/fountain             | \$ 300<br>350<br><u>1,000</u><br>\$1,650             |
| 15. Sonora Museum             | 3.00          | 1. Signage and curb cut                                                      | <u>\$3,250</u><br>\$3,250                            |
| 16. Columbia Airport Admin.   | 3.33          | 1. Signage<br>2. Hardware<br>3. Restroom<br>4. Fountain                      | \$ 150<br>350<br>5,000<br><u>1,000</u><br>\$6,500    |

| <u>Name</u>                             | <u>Rating</u> | <u>Priority<br/>Category</u>                       | <u>Cost<br/>Estimate</u>          |
|-----------------------------------------|---------------|----------------------------------------------------|-----------------------------------|
| 17. Columbia Ag. Comm/<br>Air Pollution | 3.50          | 1. Signage<br>2. Restroom                          | \$ 150<br><u>5,000</u><br>\$5,150 |
| 18. Animal Control<br>Kennel            | 3.50          | 1. Van/car space<br>signage<br>2. Signage/hardware | \$ 300<br><u>350</u><br>\$ 650    |

**Recreation Facilities.** Estimated total cost is **\$77,600.**

| <u>Name</u>                     | <u>Rating</u> | <u>Priority<br/>Category</u>                                          | <u>Cost<br/>Estimate</u>                             |
|---------------------------------|---------------|-----------------------------------------------------------------------|------------------------------------------------------|
| 1. Tuolumne Pool                | 2.33          | 1. Signage/curb cut<br>2. Shower modify                               | \$2,400<br><u>2,000</u><br>\$4,400                   |
| 2. Jamestown Patterson<br>Field | 2.67          | 1. Signage<br>2. Ramp<br>3. Restroom                                  | \$ 300<br>8,000<br><u>600</u><br>\$8,900             |
| 3. Groveland Youth<br>Center    | 2.83          | 1. Signage<br>2. Signage/hardware<br>3. Restroom                      | \$ 300<br>600<br><u>5,000</u><br>\$5,900             |
| 4. Jamestown Youth<br>Center    | 2.83          | 1. Signage/sidewalk<br>2. Signage/doors<br>3. Restroom<br>4. Fountain | \$ 500<br>1,200<br>5,000<br><u>1,000</u><br>\$7,700  |
| 5. Columbia Public<br>Pool      | 2.83          | 1. Signage<br>2. Pool entry<br>3. Restroom<br>4. Phone                | \$ 300<br>2,800<br>5,000<br><u>-0-</u><br>\$8,100    |
| 6. Standard Park                | 2.83          | 1. Van space<br>2. Office intercom<br>3. Fixtures                     | \$ 150<br>200<br><u>150</u><br>\$ 500                |
| 7. Tuolumne Hall                | 3.00          | 1. Signage<br>2. Gym ramp<br>3. Restroom<br>4. Fountain               | \$ 300<br>4,000<br>5,000<br><u>1,000</u><br>\$10,300 |

| <u>Name</u>                    | <u>Rating</u> | <u>Priority Category</u>                                                         | <u>Cost Estimate</u>                                          |
|--------------------------------|---------------|----------------------------------------------------------------------------------|---------------------------------------------------------------|
| 8. Tuolumne Park               | 3.00          | 1. Signage<br>2. Ramp<br>3. Fountain                                             | \$ 300<br>8,000<br><u>1,000</u><br>\$9,300                    |
| 9. Tuolumne Youth Center       | 3.00          | 1. Signage                                                                       | \$ 300<br>\$. 300                                             |
| 10. Sonora Youth Center/Park   | 3.00          | 1. Signage                                                                       | \$ 300<br>\$ 300                                              |
| 11. Jamestown Rocca Park       | 3.00          | 1. Signage/curb cut                                                              | <u>\$2,400</u><br>\$2,400                                     |
| 12. Courthouse Park            | 3.17          | 1. Bus shelter height                                                            | <u>\$2,000</u><br>\$2,000                                     |
| 13. 49er Rotary Park           | 3.33          | 1. Signage/sidewalk                                                              | <u>\$1,000</u><br>\$1,000                                     |
| 14. Twain Harte Pool           | 3.33          | 1. Signage<br>2. Ramp modify<br>3. Pool entry<br>4. Shower modify<br>5. Fountain | \$ 300<br>2,000<br>2,800<br>5,000<br><u>1,000</u><br>\$11,100 |
| 15. Tuolumne Ball Park         | 3.50          | 1. Signage<br>2. Ramp modify<br>3. Fountain                                      | \$ 300<br>2,000<br><u>500</u><br>\$2,800                      |
| 16. Columbia Pioneer Ballfield | 3.50          | 1. Signage<br>2. Restroom/hardware<br>3. Fountain                                | \$ 300<br>600<br><u>400</u><br>\$1,300                        |
| 17. Columbia Pioneer Park      | 3.67          | 1. Signage<br>2. Hardware<br>3. Fountain                                         | \$ 300<br>600<br><u>400</u><br>\$1,300                        |

**Libraries.** Total Cost for library modification would be estimated at \$36,350.

| <u>Name</u>         | <u>Rating</u> | <u>Priority Category</u>                      | <u>Cost Estimate</u>                     |
|---------------------|---------------|-----------------------------------------------|------------------------------------------|
| 1. Tuolumne Library | 2.00          | 1. Van/car space<br>2. Signage<br>3. Restroom | \$ 300<br>150<br><u>5,000</u><br>\$5,450 |

| <u>Name</u>            | <u>Rating</u> | <u>Priority Category</u>                                                | <u>Cost Estimate</u>                                 |
|------------------------|---------------|-------------------------------------------------------------------------|------------------------------------------------------|
| 2. Pinecrest Library   | 2.33          | 1. Signage/van/car<br>2. Ramp                                           | \$ 300<br><u>8,000</u><br>\$8,300                    |
| 3. Mi-Wuk Library      | 2.50          | 1. Signage/van/car<br>2. Ramp                                           | \$ 300<br><u>8,000</u><br>\$8,300                    |
| 4. Twain Harte Library | 3.00          | 1. Signage/car/van space<br>2. Ramp<br>3. Restroom<br>4. Phone/fountain | \$ 300<br>8,000<br>5,000<br><u>1,000</u><br>\$14,300 |

**Special Situations.** These facilities are estimated to cost **\$92,850** to modify. Historic preservation guidelines, as well as architectural and engineering requirements, make access changes costly. Relocation of programs should be given consideration.

| <u>Name</u>                                 | <u>Rating</u> | <u>Priority Category</u>                         | <u>Cost Estimate</u>                       |
|---------------------------------------------|---------------|--------------------------------------------------|--------------------------------------------|
| 1. Courthouse                               | 1.17          | 1. Signage<br>2. Elevator<br>3. Phone            | \$ 300<br>85,000<br><u>-0-</u><br>\$85,300 |
| 2. Sonora Memorial Hall                     | 2.50          | 1. Signage<br>2. Signage/hardware<br>3. Restroom | \$ 300<br>650<br><u>5,000</u><br>\$5,950   |
| 3. Health Department Cedar Road             | n/a           | 1. Signage<br>2. Van space                       | \$ 150<br><u>150</u><br>\$ 300             |
| 4. Boat Patrol Building Seco Street         | n/a           | 1. Signage<br>2. Signage/hardware                | \$ 300<br><u>350</u><br>\$ 650             |
| 5. Facilities Management 229 W. Jackson St. | n/a           | 1. Signage<br>2. Hardware                        | \$ 300<br><u>350</u><br>\$ 650             |

Thus, the total cost of bringing County of Tuolumne facilities into minimum ADA compliance would be **\$307,350**, unless recommended program changes and eliminations are approved.