

	State of Alaska Department of Corrections Policies and Procedures	Index #: 201.10	Page 1 of 1
		Effective:	Reviewed:
		Distribution:	Due for Rev:
	Chapter: Personnel		
Subject: Americans with Disabilities Act Compliance			

Policy

- A. It is the policy of the Department of Corrections to comply with all requirements of the Americans with Disabilities Act in order to prevent and eliminate discrimination against individuals with disabilities in employment and public services.
1. No qualified individual with a disability shall be excluded, by reason of such disability, from participation in or be denied the benefits of the services, programs or activities of the DOC, or be subjected to discrimination on the basis of such disability by the DOC.
 2. The DOC shall not discriminate against a qualified individual with a disability because of the, disability of such individual in regard to job application procedures, hiring, advancement or discharge of employees, employee compensation, job training, or any other term, condition or privilege of employment.
 3. The DOC shall operate its services, programs and activities so that they are, when viewed in their entirety, accessible to and usable by individuals with disabilities.
- B. The employment aspects of the DOC ADA Compliance Program are component of the Department's equal employment and non-discrimination program.

Procedures

A. Roles and responsibilities:

1. Department ADA Coordinator: Human Resources Manager

The Departmental ADA Coordinator is responsible for coordinating the department's efforts to comply with and carry out its responsibilities under Title I and n of the Americans with Disabilities Act. These responsibilities include:

- a. Serving as the DOC's primary liaison with the public, the State ADA Coordinator and other agencies on ADA issues
- b. Coordinating the activities of divisional and special issue ADA Coordinators in complying with the ADA and state and departmental policies;
- c. Supervising the preparation and drafting of Title II self-evaluations and annual updates
- d. Supervising the department's Title II complaint procedure and ensuring that, for any complaint communicated to the DOC alleging noncompliance with the ADA or any actions prohibited by the Act or its implementing regulations, an investigation is conducted and the complaint is resolved equitably and promptly
- e. Developing an annual training plan to ensure that managers, supervisors, employees provide direct services to the public are aware of their responsibilities under ADA and both state and departmental policy, and are sensitized to the needs of people with disabilities
- f. Chairing meetings of departmental ADA Coordinators/EEO Representative.

2. Division Directors and Executive Heads:

Each division director and executive head is responsible for ensuring the effective implementation of the ADA and of the department's ADA Compliance Program within the work areas under his or her direction. Responsibilities include:

- a. Appointing an ADA Coordinator in divisions or sub-units with more than 50 employees; or serving in that capacity him or herself if there are fewer than 50

employees (Note: Division ADA Coordinators are also the designated Division Equal Employment Opportunity Representative).

- b. Making available to the public, the Department ADA Coordinator, the State ADA Coordinator and division employees the name, title, office address and telephone number (including TDD) of the Division ADA Coordinator

3. Division ADA Coordinators:

Operating under the guidance of the Departmental ADA Coordinator, Division ADA Coordinators are responsible for the division's efforts to comply with and carry out its responsibilities under Title I and II of the ADA. Responsibilities include:

- a. Serving as the division's primary liaison with the public and other agencies on ADA issues
- b. Supervising and coordinating efforts of supervisors and managers to comply with the employment aspects of the ADA
- c. Investigating ADA complaints within the division
- d. Ensuring that notice is given to applicants, participants, beneficiaries and other interested parties of information regarding the ADA
- e. Ensuring that the state policy in the form provided in the State ADA Coordinator is posted on all bulletin boards and at every facility and office within the division.

4. Supervisors and Managers:

- a. Supervisors and managers are responsible for implementing department ADA compliance policies and procedures on ADA issues
- b. Ensuring that notice is given to applicants, employees, beneficiaries and other interested parties of information regarding the ADA
- c. Receiving and processing requests for reasonable accommodation from applicant employees, beneficiaries and the public
- d. Receiving and processing complaints from applicants, employees and program participants.

5. Subject matter experts:

The Commissioner may appoint staff members with expertise in particular areas to serve as subject matter experts and/or as responsible parties for responding to complaints within their areas of expertise.

B. Requests for reasonable accommodation subject to the provisions of the ADA:

1. Receipt of request:

When a person requests an accommodation under the ADA, the responsible party shall immediately notify the Division ADA Coordinator of the request. The Division ADA Coordinator will provide the responsible party with a current ADA Request For Accommodation, indicating clearly which portions must be completed as a prerequisite for further processing

2. The Division ADA Coordinator, in consultation with the responsible party and the Department ADA Coordinator, will:

- a. Make a determination whether the person requesting accommodation is a qualified individual with a disability by assessing whether or not the individual has a physical or mental impairment or limitation that substantially limits one or more of his or her major life activities as defined in federal regulations. The Division ADA Coordinator may; request information from the person's health care provider on the forms

provided for this purpose, or may employ a medical professional to provide validation at department expense.

- b. If the person has a qualifying disability, identify the available accommodations, determine which are reasonable, select a reasonable accommodation alternative if one is available, and implement the accommodation.
- c. If recommending that a request for reasonable accommodation be denied, transmit the denial with accompanying rationale to the Commissioner for review and signature prior to issuance of the denial.

C. Complaints:

1. Internal:

Individuals with disabilities who believe they have been discriminated against on the basis of their disability may make an internal complaint to the Department ADA Coordinator or the appropriate Division Coordinator.

- a. The individual with a disability or an authorized representative may make a complaint orally, in writing or in an alternative format.
- b. The complaint will be investigated and a response provided to the complainant within a reasonable time-period. The ADA Coordinator will provide the complainant with a tentative date for completion of the investigation. :

2. State ADA Coordinator:

Complaints or grievances may be filed with the State ADA Coordinator, and will be processed in accord with the procedures established at 6 AAC 65.010 - 65.990

D. Records:

1. All medical records pertaining to an applicant or employee will be maintained in a separate, confidential file subject to the requirements of the Americans with Disabilities Act.
2. On completion of an action governed by this policy (e.g., review of a request for accommodation, complaint investigation), the original file shall be forwarded to and maintained in the Human Resources Section (Juneau).

April 15, 2000
Date

Margaret M. Pugh
Margaret M. Pugh, Commissioner
Department of Corrections

Authority

Administrative Order I29
Americans with Disabilities Act
6 AAC 65.010-990

Applicable Forms

Addendum A: Request for Accommodation
Addendum B: Complaint Form
