

ADA Policy and Procedure

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

Policy Statement

It is the policy of Fourth Judicial District Court to assure that qualified individuals with disabilities have equal and full access to the judicial system including Court proceedings, services, programs, activities and employment. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

Section I - Requests For Accommodation In Court Proceedings

A. Definitions

The following definitions shall apply under this section:

1. "Qualified individuals with disabilities" means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and other related state and federal laws and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.
2. "Applicant" means any lawyer, party, witness, juror, or any other individual with an interest in attending any proceeding before any court of the Fourth District.
3. "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. The "section" means this section regarding requests for accommodations in state courts by qualified individuals with disabilities.
4. "Confidentiality" applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.

B. Process

The following process for requesting accommodations in court proceedings is established:

1. Applications requesting accommodation(s) pursuant to this rule shall be presented in writing and shall be made at the Trial Court Administrator's Office or to the judicial officer who will preside over the proceeding.
2. All applications for accommodations shall include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
3. Applications should be made as far in advance of the requested implementation date as possible, and in any event should be made no less than five court days prior to the requested implementation date. The court may, in its discretion, waive this requirement.

4. Upon request, the court shall place under seal the identity of the applicant as designated on the application and all other identifying information provided to the court pursuant to the application.

C. Permitted Communication

An applicant may make ex parte communications with the Trial Court Administrator or Court. Such communications shall deal only with the accommodation(s) the applicant's disability requires and shall not deal in any manner with the subject matter or merits of the proceedings before the court.

D. Grant of Accommodation

The court shall grant an accommodation as follows:

1. In determining whether to grant an accommodation and what accommodation to grant, the court shall consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 and related state and federal laws.
2. The applicant may be informed in writing of findings, as may be appropriate, that the request for accommodations is granted or denied, in whole or in part, and the nature of the accommodation(s) to be provided, if any.

E. Denial of Accommodation

An application may be denied only if the court finds that:

1. The applicant has failed to satisfy the requirements of this rule; or
2. The requested accommodation(s) would create an undue financial or administrative burden on the court; or
3. The requested accommodation(s) would fundamentally alter the nature of the service, program, or activity.

F. Review Procedure:

1. An applicant or any participant in the proceeding in which an accommodation has been denied or granted may seek review of the determination by the Administrative District Judge within 10 days of the date of the notice of denial or grant by submitting a request for review to the Trial Court Administrator.

G. Duration of Accommodations

The accommodations by the court shall commence on the date indicated in the request for accommodation and shall remain in effect for the period specified in the notice of accommodation. The court may grant accommodations for indefinite periods of time or for a particular matter or appearance.

Section II - Requests For Accommodation From Court Employees

A. Definitions

The following definitions shall apply under this section:

1. "Qualified individuals with disabilities" means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.); Civil Code section 51 et seq.; and other related state and federal laws; and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.
2. "Applicant" means any Court employee.
3. "Accommodation(s)" for employees may include, but are not limited to, making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, modified work schedules, acquisition or modification of equipment or devices, alternate work, adjustment or modification of examinations, training materials or policies, or providing readers or interpreters.

B. Process

The following process for requesting accommodations is established:

1. Written requests/applications for accommodation pursuant to this section may be submitted to the Trial Court Administrator.
2. Requests shall include a description of the accommodation sought, along with a statement of the impairment that necessitates such accommodation. The Trial Court Administrator may require the applicant to provide additional information about the qualifying impairment.
3. The Trial Court Administrator will complete an essential functions job analysis and may request a clinician review to help determine whether/how applicant may perform essential functions with or without accommodation;
 - assess whether the applicant is a qualified individual with a disability;
 - recommend reasonable accommodation(s), if applicable, or alternate work if accommodation appears to be unduly burdensome, and
 - summarize findings and forward recommendations to the Administrative District Judge and County Human Resources Director.
4. Court representatives may consult with the applicant and his/her labor representative and/or rehabilitation counselor, if applicable.

Section III - Requests For Accommodation From Candidates for Court Employment

A. Definitions

The following definitions shall apply under this section:

1. "Qualified individuals with disabilities" means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.); Civil Code section 51 et

- seq.; and other related state and federal laws; and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.
2. "Applicant" means any candidate for Court employment.
 3. "Accommodation(s)" for candidates for Court employment may include, but are not limited to, making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, modified work schedules, acquisition or modification of equipment or devices, alternate work, adjustment or modification of examinations, training materials or policies, or providing readers or interpreters.

B. Process

The following process for requesting accommodations is established:

1. Requests for accommodation in the testing or application process should be submitted to the Trial Court Administrator, as far in advance of the requested accommodations implementation date as possible, and in any event, should be made no less than five business days prior to the requested implementation date. Requests for accommodation with regard to the essential functions of a position applied for should be submitted following a conditional offer of employment. The County Human Resources Director Chief will make a recommendation on the requested accommodation to the Trial Court Administrator.
2. In determining whether to grant an accommodation and what accommodation to grant, the Trial Court Administrator shall consider, but is not limited by, the provisions of the Americans with Disabilities act of 1990 and related state and federal laws.
3. The applicant will be informed in writing of Trial Court Administrator's findings.