




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Program Accessibility for People with Disabilities</b>	<b>HR_450_23</b>
<b>Supersedes:</b>	HR_450_23, Dated September 1, 2004	
<b>Applicability:</b>		
<b>Reference:</b>	Americans with Disabilities Act of 1990, Section 503 and 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Civil Rights Act of 1991	
<b>Effective Date:</b>	November 16, 2009	<b>Approved:</b> 

### I. PURPOSE

To provide access to facilities, programs and services for persons with disabilities.

### II. DEFINITIONS

- A. **Qualified Individual with a Disability:** An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provisions of auxiliary aids and services, meets the essential eligibility requirements for receipt of services or the participation in programs or activities provided by a public entity.
- B. **Reasonable Accommodation:** A modification to a program or service that allows a member of the public with a disability to equally participate in the program or benefit from the service. Examples include providing assistive devices, materials in alternate forms, and modifying regulations.
- C. **Readily Accessible and Usable:** Facilities designed, constructed and/or altered in strict compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) design standards.
- D. **Program Accessibility:** Programs which are readily accessible to and usable by individuals with disabilities allowing them to participate in and benefit from the services, programs and activities of ODFW.
- E. **Facilities:** ODFW buildings or structures, not programs.
- F. **Undue Hardship:** An action requiring significant difficulty or expense when considering the factors in making reasonable accommodations. This would include any action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of the agency or the programs and services the agency provides.

### III. POLICY

No person with a disability shall be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any programs, activities or services of the Department of Fish and Wildlife (ODFW) or those of its vendors, because facilities accessible to, or usable by persons with disabilities are not available.

- A. Disabilities Coordinator for Programs and Services: ODFW has designated the Deputy Director for Fish and Wildlife Programs to coordinate ADA compliance of its programs and services.
- B. Dissemination of information: ODFW shall provide information to applicants, participants, beneficiaries, employees and other interested parties regarding the rights and protections afforded by Title II, including information about how the Title II requirements apply to programs, services and activities.
- C. New construction and alterations to existing facilities: The Program Manager for Facilities and Screens shall ensure that all new construction and alterations to existing facilities are readily accessible to and usable by people with disabilities.
- D. Transition Plan: The department's Transition Plan shall be made available for public inspection in the Human Resources Division Office.
- E. Communication: The Information and Education Division shall ensure that its communications with individuals with disabilities are as effective as communications with others except where such action would result in fundamental alterations in the nature of services, programs, or activities, or in undue financial and administrative burdens.
- F. Complaint Procedure: An individual who believes he/she has not received equal treatment because of a disability or who has been denied access to an ODFW program, service or activity may file a written complaint. No person who has filed a complaint, testified, or participated in any manner in the investigation of any complaint shall be intimidated, threatened, coerced, or discriminated against.
  - 1. Written complaints shall be filed within 30 days of the alleged violation with the Deputy Director for Fish and Wildlife Programs.
  - 3. The complaint shall include:
    - a. The name and address of the person filing the complaint;
    - b. A concise description, including date, of the alleged violation of the regulations; and
    - c. The desired remedy.
  - 4. The Deputy Director for Fish and Wildlife Programs shall:
    - a. Inform the complainant in writing of his/her right to appeal to the U.S. Department of Justice, Civil Rights Division, or the U.S. Fish and Wildlife Service [USFWS] (if the program receives USFWS funding), immediately upon receipt of complaint;
    - b. Refer the complaint to the appropriate manager or administrator for investigation; and

- c. Maintain a record of the nature of any ADA complaint, details of the investigation, recommendations and actions taken by the department.
5. The manager or administrator shall:
- a. Conduct a prompt and thorough investigation, consulting with resources such as Oregon Disabilities Commission, Independent Living Resources, and/or the Metropolitan Human Rights Commission;
  - b. If discrimination has occurred, take all necessary action to correct the discriminatory effect and practices;
  - c. Notify complainant in writing of findings and a recommended course of action, if applicable, within 45 days of the date the complaint was filed, if possible. If the investigation cannot be completed within 45 days, the manager shall advise the complainant of the need for an extension; and
  - d. Forward a copy of all communications related to the complaint to the Deputy Director for Fish and Wildlife Programs and Program Manager for Facilities and Screens.

B. Continuing Compliance and Program Accessibility

- 1. ODFW will monitor all aspects of its operation to ensure that no policy or practice is, or has the effect of, discriminating against participants on the basis of disability.
- 2. Upon request, the department shall make available to the appropriate regulatory agency all data and information necessary to determine the department's compliance with the Americans with Disabilities Act of 1990. This information shall be reviewed by the director and the Deputy Director for Fish and Wildlife Programs prior to submission to the regulatory agency.

**IV. POLICY CLARIFICATION**

- A. In cases where the complaint is initially filed with a federal department, that office will investigate the complaint using its own resources, and may request assistance from ODFW.
- B. For employment-related issues, refer to Human Resources Policy 450\_16, Americans with Disability Act Compliance and Reasonable Accommodation.
- C. The Disabilities Coordinator for Programs and Services may be reached at:

ODFW Headquarters  
Deputy Director for Fish and Wildlife Programs  
3406 Cherry Avenue NE  
Salem, OR 97303-4924  
Phone: (503) 947-6044  
Fax: (503) 947-6042