

ARIZONA BOARD OF EXECUTIVE CLEMENCY

BOARD POLICY #202

Policy Title: AMERICANS WITH DISABILITIES ACT (ADA)	Effective Date: July 06, 2017	Policy #202
	Supersedes: NEW	Pages: 3

PURPOSE:

The Arizona Board of Executive Clemency complies with the Americans with Disabilities Act of 1990. The purpose of this policy is to provide information about the Americans with Disabilities Act (ADA) and outline the general procedures and guidelines associated with filing a complaint that alleges discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the State of Arizona. The Arizona Department of Administration’s Human Resources Division governs employment-related complaints of disability discrimination for state employees.

AUTHORITY:

42 U.S.C. 12101 et seq.

PROCEDURE:

202.1 Americans With Disabilities Act

1.1 Title I of The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services.

1.2 An individual with a disability is a person who:

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

- 1.3 The Board prohibits discrimination on the basis of disability in employment, public services and accommodations and telecommunications.
- 1.4 The Board and the Administrative Office shall not retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

202.2 Accommodation

- 2.1 The State of Arizona and the Board of Executive Clemency will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Board's scheduled hearings.
 - 2.1.1 To assure equal opportunity, the Board will make reasonable accommodations for persons with physical or mental impairments that might affect their ability to receive Board services. These may include qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
- 2.2 Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Board, should contact the Board's Office as soon as possible but no later than **48 hours** before the scheduled event.
- 2.3 The ADA does not require the State of Arizona to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

202.3 Filing a Complaint

- 2.1 Any individual alleging a violation, may file a complaint in writing stating in writing the information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
 - 2.1.1 Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
- 2.2 The complaint should be submitted by the complainant and/or his/her designees as soon as possible after the alleged violation via email to ADA Coordinator@azdoa.gov or by US mail to:

Arizona ADA Coordinator
100 N. 15th Avenue, Suite 261
Phoenix, AZ 85007

2.3 After receipt of the complaint, the State ADA Coordinator or his designee will forward the complaint to the appropriate State Agency Coordinator to discuss the complaint and possible resolutions.

2.3.1 The State ADA Coordinator or the Board's Executive Director will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the State of Arizona and offer options for substantive resolution of the complaint.

2.4 All written complaints received by the State ADA Coordinator or his designee and record of responses and other actions will be retained by the State of Arizona for at least three.

2.5 Individuals may also file a complaint with the Arizona Civil Rights Division, the Equal Employment Opportunity Commission, or other agencies designated in the ADA (www.ada.gov).

2.6 Individuals who have complaints may also file private lawsuits in appropriate courts within certain timelines and should consult their legal advisors accordingly

Implementation:

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.