

Issued: April 17, 2009
Amended: May 13, 2014

PROCEDURE FOR REQUESTING MODIFICATIONS TO COUNTY OF HAWAI'I FACILITIES, PROGRAMS, OR SERVICES

PURPOSE

The purpose of this procedure is threefold:

1. To give any individual with a disability as defined by the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008, a way to request an access improvement to a County facility that has not been subject to any ADA architectural improvements. In certain cases, an individual with a disability may request an improvement to an accessible facility if the unique nature of the individual's disability requires an improvement for access. The standards for the improvement shall be access versus convenience and need versus preference. For example, a little person, who is unable to open a door to a County facility because the latch is placed too high to reach, may request a latch to be placed lower to facilitate entry (the latch needs to be lowered to open the door). An example of a request based on convenience and preference is an individual's request for an additional "Reserved for Disability" parking space close to the entrance of a facility that is easier for the individual to use than the entrance where the accessible route and "Reserved for Disability" parking spaces are located.
2. An individual with a disability may also use this procedure to request an assistive device or equipment to participate in a County program. For example, an individual with no grip strength who plays pool at a recreation center may request an adaptive pool cue, or an individual with balance issues may request a flotation vest for use in a County pool. All assistive devices and equipment purchased are the property of the County and may also be used by other program participants whose needs would be met through such usage.

3. Individuals may also use this procedure to request modifications to policies, practices, and procedures as required by the ADA Title II rule, §35.130(b)(7) when modifications are necessary to avoid discrimination on the basis of disability.

This procedure is not applicable to curb ramps.¹

ELIGIBILITY - WHO MAY MAKE REQUEST

Any individual with a disability who is qualified (an individual with an impairment that substantially limits a major life activity), and who is eligible to receive the service, use the facility, or participate in the program offered by the County, may make a request. In addition, a representative may make a request on behalf of an individual with a disability when the individual with the disability is unable to make the request personally.

HOW TO MAKE A REQUEST

An individual with a disability who is qualified may request a modification directly from County employees in charge of the facility, program, or service for which the modification is requested. County employees shall notify the ADA Coordinator of the request.

Individuals may also telephone the ADA Coordinator in the Department of Human Resources directly at (808)961-8361 to make a request or complete a "Request for Modification" form available from the ADA Coordinator (see below). The form may also be downloaded from the link on the Office of the Mayor's web page on the County of Hawai'i's web site. The completed form shall be submitted to:

ADA Coordinator
Department of Human Resources
101 Pauahi Street, Suite No. 2
Hilo, Hawai'i 96720

ADA Coordinator's email address:

tspinolacampbell@co.hawaii.hi.us

Fax: (808)961-8617

Telephone: (808)961-8361

AFTER A REQUEST IS MADE

The ADA Coordinator shall determine if the individual who made the request or the individual on whose behalf the request was made is an individual with a disability and is eligible to use the facility, program, or service in question. Individuals who make requests but are not qualified to receive the modification shall be so informed.²

If the individual who made the request is qualified, the ADA Coordinator shall assess the request to determine if it is reasonable and notify the appropriate department head or designated departmental staff of the request. If the request is reasonable, the ADA Coordinator shall work with the department to establish a timeline for implementation of the request.

The ADA Coordinator shall notify the individual who made the request of its status either verbally or in writing, and when known, the expected date of implementation.

REQUESTS THAT ARE NOT REASONABLE

Requests for modifications shall be considered on a case-by-case basis. The County is not required to implement modifications which are not reasonable. Modifications are not reasonable if they:

- Fundamentally alter the nature of the program, service, or procedure offered by the County;
- Are extremely costly and/or disruptive, or would create an administrative burden to implement; or
- Pose a significant risk of substantial harm or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by a reasonable modification.

When a requested modification will not be implemented because it is unreasonable, the ADA Coordinator or designated employee handling the request shall contact the individual to explore if there are alternatives that would provide the requestor an equal opportunity to participate or access the County facility, program, or service. If the ADA Coordinator and the requestor cannot identify an acceptable alternate modification, the ADA Coordinator shall consult with others who have demonstrated an ability to solve problems and exercise sound judgment with respect to

disability issues. The ADA Coordinator shall consider the information offered by these individuals and the impacted department prior to issuing a decision. The ADA Coordinator shall inform the individual who requested the modification of the decision.

IMPLEMENTATION OF REQUESTED MODIFICATIONS

If the requested modification is to be implemented, the County must implement the modification within a reasonable timeframe. A reasonable timeframe shall be determined on a case-by-case basis and shall vary depending upon the nature, extent, and cost of the request for modification. However, the involved department is responsible to implement approved requests for modifications as soon as possible.

TIME LIMITS ON REQUESTS

Individuals making requests for modifications shall be as clear and specific as possible and cooperate with County employees to successfully implement the modification. Once a "Request for Modification" has been received, deemed reasonable, and implemented the County is not required to alter or expand that request for five years unless there are extenuating circumstances.

APPEAL

Individuals whose requests are denied may, depending upon the circumstances, file complaints with the Hawai'i Civil Rights Commission, the Department of Justice, or any federal department or agency which gives financial (or other assistance) to the involved County department.

¹ Requests for curb ramps on county streets must be made directly to the Department of Public Works, Engineering Division, under "Procedure for Requesting New Curb Ramps or Modifications to Existing Curb Ramps within the County Streets." This procedure is available at <http://www.co.hawaii.hi.us/pubwks/adaramp.htm> or telephone (808)961-8327 for more information.

² The individual may appeal by offering additional information to the ADA Coordinator to demonstrate that s/he is qualified.