

**CHAPTER: 100**

**Agency Administration/Management**

**DEPARTMENT ORDER:**

**108 – Americans with Disabilities Act (ADA)  
Compliance**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**OPS / TP  
HS / CRPM**

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**Arizona  
Department  
of  
Corrections  
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and Reentry**



**Department Order Manual**

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

**Ryan Thornell, Director**

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## **PURPOSE**

This Department Order (DO) establishes procedures and standards to ensure, through compliance with Title II of the Americans with Disabilities Act of 1990 (ADA), the Arizona Department of Corrections, Rehabilitation and Reentry (Department) shall not discriminate against individuals with disabilities based on their disability in access to services, programs, or activities. The Department will, upon request, provide appropriate auxiliary aids and services to allow for effective communication for individuals with disabilities and will, upon request, make reasonable accommodations to policies and programs to ensure that individuals with disabilities have an equal opportunity to participate in all of its programs, services, and activities.

## **APPLICABILITY**

This DO is applicable to all Department staff and Department facilities.

For issues related to alternative placement and the provision of reasonable accommodations to employees, see DO #519, Employee Health – State/Federal Programs and Assignments.

For issues related to the placement and provision of reasonable accommodations to inmates, see DO #926, Management of Inmates with Disabilities.

As agents of the Department, private prisons are subject to the provisions of the ADA and this DO. In relation to employment practices, Contract Beds private prison vendors and the Contract Healthcare Provider set their own standards, except where contractually obligated, and are responsible for compliance with statute independent of the Department.

## **RESPONSIBILITY**

The Chief Human Resources Officer and/or designee is responsible for advising current employees and employment applicants with disabilities that reasonable accommodations are available to assist them with employment services. Applicants are expected to notify the hiring authority or designee when an accommodation is needed.

The Human Resources Bureau and hiring authorities, as defined in the Glossary of Terms, is responsible for approval/denial of each reasonable accommodation decision involving applicants for employment and requests from current employees to ensure accommodations are appropriate, lawful, and do not constitute a direct threat to the Department's operations.

The ADA Administrator and/or designee is responsible for the Department's efforts to comply with and carry out its responsibilities under the provisions of Title II of the Americans with Disabilities Act.

- ADA Institution Liaisons, designated by the Warden at each institution, shall be responsible for coordinating the implementation of all ADA-related staff issues at the institution.
- ADA Institution Liaisons shall be:
  - Appropriately trained and qualified.
  - Accessible to staff.

## **PROCEDURES**

**1.0 ACCESSIBILITY** – Individuals with a disability (i.e., employees, visitors, vendors, contractors, and Program Associates), may request a reasonable accommodation by contacting a Department staff member, who shall refer the requestor to the appropriate individual. Requests shall be made as early as possible to allow time to arrange for the accommodation.

1.1 Assistant Directors, Deputy Assistant Directors, Regional Administrators, Wardens, Deputy Wardens, and Bureau Administrators, or their designees, in coordination with the ADA Administrator and consistent with security requirements, shall ensure:

1.1.1 Individuals with disabilities are housed, in settings that are as integrated as possible, are not excluded from participation in or denied the benefits of facility services, programs, and activities, and are not subjected to discrimination.

1.1.2 A reasonable accommodation shall not result in a fundamental alteration of a service, program, activity, or undue financial and/or administrative burden.

1.1.3 Individuals with disabilities are afforded equal access to services and facilities, consistent with security requirements to include sufficient restrooms, dining areas, and parking facilities.

1.1.4 New construction of buildings, facilities, leased buildings or relocated programs, services, and processes are free of architectural and communication barriers that restrict access or use by individuals with disabilities.

1.1.5 Attachment A, ADA Notice of Rights, is posted in all public access areas, on employee bulletin boards, and at all facilities and program areas designated as accessible to inmates.

1.1.5.1 Attachment A, The ADA Notice of Rights, shall appear in each of the items listed in Attachment B, Notification of ADA Requirements, and any other publications where such notice may be required.

1.1.5.1.1 To ensure effective communication, upon request, the ADA Notice of Rights shall be made available in an alternative format.

1.1.6 Ensure all public meeting notices include the following verbiage: “Upon request, the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) will make reasonable accommodation to ensure that individuals with disabilities have an equal opportunity to participate in all of its programs, services, and activities. Individuals requesting a reasonable accommodation shall contact the institution where the inmate is located (Name: Voice telephone number: Telephonic Devices for the Deaf (TDD) phone number if appropriate).”

1.1.6.1 Requests shall be made as early as possible to allow time to arrange the accommodations.

1.1.7 Take reasonable steps to ensure all written materials distributed to the public are available in an alternate format so that persons with disabilities are able to communicate with, receive information from, and convey information to the Department.

1.1.7.1 Examples of alternate formats include large print, accessible digital formats and Braille. There is no requirement to have alternate formats pre-positioned.

## **2.0 AUXILIARY AIDS AND SERVICES**

2.1 Assistant Directors, Deputy Assistant Directors, Regional Administrators, Wardens, Deputy Wardens, and Bureau Administrators shall:

2.1.1 Consistent with security requirements, provide or allow auxiliary aids and services to be used by individuals with disabilities to enable them to communicate effectively and to participate in or receive services, programs, and activities.

2.1.2 Give primary consideration to the requests of individuals with disabilities. If a request cannot be accommodated, the Department will ensure:

2.1.2.1 Another equally effective means of communication exists.

2.1.2.2 Providing the requested aid, service, or format would fundamentally alter the nature of the program, service, or activity.

2.1.2.3 Providing the requested aid, service, or format would result in an undue financial or administrative burden.

2.1.2.4 Individuals with disabilities are afforded the opportunity to participate in all services, programs, and activities offered by the facility.

2.2 Upon request, interpreters shall be provided for all processes within the Department.

## **3.0 STRUCTURAL CHANGES AND RENOVATIONS/REQUIRED SIGNS**

3.1 The Deputy Director, through the Assistant Directors, shall ensure that barriers to programs within facilities, when viewed in their entirety, are identified; time-frames are established for removal of the barriers; and interim solutions/approaches to overcoming the barriers until they can be removed are identified, explained and implemented, in accordance with the ADA and in consultation with the ADA Administrator, as follows:

3.1.1 For facilities operated and controlled by the Department, the identification of barriers shall be on a building-by-building, institution basis. The identified barriers shall be given an identification number.

3.1.2 For private prisons, the identification of barriers shall be accomplished through contact with the owners and through separate reviews of each facility by Department staff.

3.1.3 Facilities that were designed, constructed, leased, or altered after June 26, 1992, shall be accessible and usable by persons with disabilities, and shall conform to the accessibility standards of the ADA Accessibility Guidelines for Buildings and Facilities, which are contained in Appendix A to Part 36 - Standards for Accessible Design.

3.1.4 Alterations to existing buildings shall comply with the guidelines, except where technically infeasible, such as situations in which a physical or site restraint prevents compliance, or where compliance would require removal of a load-bearing part of a structure.

### 3.2 ADA-Required Signs

3.2.1 Raised and Braille characters and pictorial symbol signs, whether letters or numerals, shall be raised 1/32 inch upper-case and shall be accompanied by Grade 2 Braille. Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram.

3.2.2 The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background, either light characters on a dark background or dark characters on a light background.

3.2.3 Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space next to the latch side of the door, including at double-leaf doors, signs shall be placed on the nearest adjacent wall.

## 4.0 INTERACTIVE PROCESS

4.1 Employees shall notify their immediate supervisor, or the ADA Institution Liaison when they believe they are in need of a reasonable accommodation due to an ADA-related issue.

4.2 Supervisors and Administrators shall:

4.2.1 Conduct meeting(s) with the employee in an interactive process to attempt to resolve the issues, answer questions and provide all necessary document and forms.

4.2.2 Initiate contact with the employee as soon as possible after the employee has verbally or in writing indicated they have a disability and is expressing an interest in a reasonable accommodation due to their disability or after the employee has submitted an official Request for Reasonable Accommodation, Form 519-5.

4.2.2.1 Upon receiving such requests, Administrators, managers and supervisors shall coordinate with the Employee Relations Unit for guidance prior to taking any action. All requests shall be forwarded to the Chief Human Resources Officer or designee for approval. The Chief Human Resources Officer or designee shall ensure that the reasonable accommodation shall not result in undue hardship or a direct threat.

4.2.3 If an attempt to resolve the issue(s) is unsuccessful, continue with attempts to resolve reasonable accommodations.

4.2.4 Ensure strict confidentiality is maintained on all employee medical information, medical diagnoses, test results, interpretations of medical conditions, and the nature of an employee's disability.

## **5.0 INFORMATION/DISPUTE RESOLUTION/GRIEVANCES**

- 5.1 Employees, applicants, and visitors who wish to review or provide input in the Title II self-survey or this DO may make their needs and preferences known to the ADA Administrator.
- 5.2 Employees with disabilities who need reasonable accommodation shall be invited to make their needs and preferences known to the Chief Human Resources Officer or designee if their requested reasonable accommodation or their concerns or requests for information regarding an area's/institution's/division's compliance with ADA were not resolved by the Warden, Bureau Administrator, Assistant Directors, or Deputy Director in accordance with this section.

## **6.0 COMPLAINTS FROM THE PUBLIC** – Staff shall refer members of the public who believe they have been discriminated against because of their disability to the Facility ADA Coordinator. The Facility ADA Coordinator shall ensure the following procedures are initiated:

- 6.1 Complaints shall be in writing and contain information about the alleged discrimination, such as name, address, phone number of the complainant and the location, date, and description of the problem.
- 6.2 Upon request, alternate means of filing complaints, such as personal interviews or a tape recording of the complaint, shall be made available for persons with disabilities.
- 6.3 The complainant shall submit the complaint to the Facility ADA Coordinator, as soon as possible but no later than 60 calendar days after the alleged violation. The Facility ADA Coordinator for each institution can be found at <https://corrections.az.gov> under Public Resources.
  - 6.3.1 Within 15 calendar days after receipt of the complaint, the Facility ADA Coordinator shall meet with the complainant to discuss the complaint and possible resolutions. Meetings may be held in person or remotely via a teleconference platform.
  - 6.3.2 Within 15 calendar days after the meeting, the Facility ADA Coordinator shall respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response shall explain the Department's position and offer options for resolution of the complaint.
  - 6.3.3 If the response by the Facility ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision of the Facility ADA Coordinator to the ADA Administrator within 15 calendar days after receipt of the response.
  - 6.3.4 Within 15 calendar days after receipt of the appeal, the ADA Administrator shall investigate the complaint and meet with the complainant to discuss the complaint and possible resolutions.
  - 6.3.5 Within 15 calendar days after the meeting, the ADA Administrator shall respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
    - 6.3.5.1 Files of all written complaints, and all appeals to and responses from the ADA Administrator shall be retained for three years.

## **IMPLEMENTATION**

The ADA Administrator shall ensure appropriate ADA training is made available for Facility ADA Coordinators and ADA Institution Liaisons. Each Facility ADA Coordinator and ADA Institution Liaison is responsible for attending training as needed; the ADA Administrator may facilitate training as needed.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms for the following:

- Americans with Disabilities Act (ADA)
- Americans with Disabilities Act (ADA) Administrator
- Americans with Disabilities Act (ADA) Institution Liaison
- Auxiliary Aids and Services
- Direct Threat
- Disability
- Facility
- Facility ADA Coordinator
- Hiring/Approving Authorities
- Interactive Process
- Processes
- Program
- Reasonable Accommodation (Title I)
- Reasonable Accommodation (Title II)
- Services
- Undue Hardship

## **ATTACHMENTS**

Attachment A – ADA Notice of Rights

Attachment B - Notification of ADA Requirements

## **FORMS LIST**

519-5, Request for Reasonable Accommodation

## **AUTHORITY**

A.R.S. §41-1492 et seq., Public Accommodation and Services (Americans With Disabilities Act of 1992)

Americans with Disabilities Act of 1990, Titles I-V

Rehabilitation Act of 1973

A.R.S. §41-5202, Communications; Accessibility; Emergency Response Interpreters

28 C.F.R. §35.160, General



## **ATTACHMENT A**

### **NOTICE OF RIGHTS**

#### **UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)**

In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA), the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) will not discriminate against qualified individuals with disabilities based on their disability in access to services, programs, or activities.

**Effective Communication:** ADCRR will provide appropriate auxiliary aids and services to allow for effective communication for qualified individuals with disabilities. This may include sign language interpreters, documents in Braille or other appropriate alternative formats, and/or assistive technology, which may make information accessible to individuals who have speech, hearing, or vision impairments.

**Reasonable Accommodations/Modifications:** ADCRR will provide reasonable accommodations and make reasonable modifications to policies, practices, and procedures to ensure that individuals with disabilities have an equal opportunity to participate in all of its programs, services, and activities.

**Requests:** Individuals with disabilities may request auxiliary aids and services and reasonable accommodations or modifications by submitting a Request for Accommodations/Modifications to the Facility ADA Coordinator. Individuals who have difficulty in communicating, understanding, or filling out a Request for Accommodations/Modifications should contact their CO III or other designated staff for assistance.

Individuals with additional questions, concerns, complaints, or requests for information regarding ADCRR's compliance with the ADA may contact the Facility ADA Coordinator or ADCRR's ADA Administrator.

## **ATTACHMENT B**

### **NOTIFICATION OF ADA REQUIREMENTS**

In accordance with the Americans with Disabilities Act (ADA), the Department provides information on the ADA to job applicants, employees, inmates, volunteers, contractors, and the public at large in at least one of the following ways. The development of all indicated types of communications shall include the appropriate statement of accessibility, as follows:

These documents are available in alternate formats upon request.

Individuals with a disability may request a reasonable accommodation by contacting the Department. Requests shall be made as early as possible to allow time to arrange for the accommodation.

<b>INDIVIDUAL</b>	<b>MEANS OF COMMUNICATION</b>
Employees	Employee Handbook ADCRR newsletter Intranet System of Written Instructions Announcements at meetings and in memos
Inmates	Inmate Handbook Posting at all institutions and parole offices Announcements Inmate institutional newspaper Program activities Newspaper advertisements ADCRR public website Inmate tablets
Applicants or Potential Applicants	Inclusion with application Job board postings Public service announcements
Public	Newspaper legal notice Posting at Central Office, institutions and parole offices Public service announcements Brochures, pamphlets, manuals Visitation Public access areas at institutions Correctional Officer Training Academy Training rooms ADCRR public website