50.50
Americans with Disabilities Act

50.50.10 Background
October 1, 2005

Title II of the Americans with Disabilities Act of 1990 generally became effective for public entities such as the state of Washington on January 26, 1992. On February 24, 1993, the Governor signed Executive Order 96-04, specifically implementing the Americans with Disabilities Act for the state of Washington.

The Act (Public Law 101-336), commonly referred to as the "ADA", makes it unlawful to discriminate against individuals on the basis of disability in the employment, services, programs, or activities of the state. The ADA extends the prohibition of discrimination on the basis of disability, established by Section 504 of the Federal Rehabilitation Act of 1973, as amended, to all state and local governments and all places of public accommodation, regardless of receipt of federal financial assistance. By law, the U.S. Department of Justice's Title II regulations adopt the general prohibitions of discrimination established under Section 504 and incorporate specific prohibitions of discrimination from the ADA.

50.50.20 Purpose
July 1, 2005

The purpose of this section is to ensure that state agencies, including public institutions of higher education, conduct hearings, conventions, conferences, meetings, and formal training sessions in barrier-free facilities so that individuals with disabilities are not excluded from participation or hindered in performing their jobs.

50.50.30 Applicability
July 1, 2005

These regulations apply to all hearings, conventions, conferences, meetings, and formal training sessions held or sponsored by state agencies, and are to be followed except when the specific audience is known and the attendees do not require barrier-free facilities. Normally, this exception would only apply to closed meetings and not public events.

50.50.35 Special definitions

October 1, 2005

State Facility – Any facility owned, leased or occupied by the state.

Non-State Facility – A facility that is not owned, leased or occupied by the state.

50.50.40 Choose barrier-free facilities for hearings, conventions, conferences, meetings and formal training sessions

August 1, 2013

State agencies are **required** to give first priority to state-owned or state-leased barrier-free facilities in place of renting or leasing other facilities. When a hearing, convention, conference, meeting, or formal training session is held or sponsored by a state agency(ies) at a non-state facility, whether free or at a cost to the state:

1. The employee responsible for choosing the facility is to submit a written request in advance of the event to the state agency head or authorized designee.
2. The request is to contain written justification for selecting a non-state facility.
3. Approval of the site by the state agency head or authorized designee is to be in writing.

50.50.50 Use the Accessible Meeting Facility Checklist to help evaluate non-state sites for ADA compliance

October 1, 2005

50.50.50.a An Accessible Meeting Facility Checklist developed by the Governor's Committee on Disability Issues and Employment (GCDE) is to be used to help evaluate a non-state facility for ADA compliance prior to executing a contract with a facility vendor.

50.50.50.b Use of the checklist will provide **reasonable, although not absolute, assurance** that the facility will meet ADA accessibility standards. **Additional accommodations** not included in the checklist may be needed in some instances to ensure barrier-free access to the services, programs, or activities being provided.

50.50.60 Criteria to meet the minimum access requirements

October 1, 2005

The following criteria from the Accessible Meeting Facility Checklist are the **minimum access requirements** for conducting hearings, conventions, conferences, meetings, or formal training sessions:

50.50.60.a **Site and Building Exterior**

- If off-street parking is provided, the parking and passenger loading zone is to be on a level, stable, firm, slip resistant surface.
- A ramp, curb-cut, or level walkway leads from the parking area to a primary entrance to the building.
- Exterior walkways are free of vertical obstructions up to 80" in height.
- All exterior ramps have a firm, non-slip surface.
- Primary entrances to the building have a clear opening of at least 32 inches and either an automatic door or a door with opening pressure less than 8.5 lbs.

50.50.60.b **Building Interiors**

- Interior corridors from the primary entrances to the meeting room and restrooms have a clear width of 36" minimum.
- All interior doors including elevator doors, restroom doors, and accessible toilet stalls between the primary entrance and meeting room have a minimum clear opening of 32".

50.50.60.c **Meeting Rooms**

- If the facility has fixed seating, provide a minimum of 36" clear aisles throughout the meeting room area.

50.50.60.d **Restrooms**

- Accessible toilet stalls with a minimum dimension of 60" wide x 58" deep are to be provided.
- Grab bars installed 33" to 36" above and parallel to the floor on the back or to the side of the toilet are to be provided.

50.50.70 Agency responsibilities in contracting for a barrier-free, non-state facility

October 1, 2005

The representative of a state agency must comply with the following procedures when contracting for a barrier-free, non-state facility for hearings, conventions, conferences, meetings, or formal training sessions:

1. Use the GCDE Accessible Meeting Facility Checklist to help evaluate a non-state facility for ADA compliance prior to executing a contract with a facility vendor. (Refer to Subsection 50.50.50.) **or**

   Provide the vendor a copy of the Accessible Meeting Facility Checklist with the procurement document (field order, contract, etc.) and ensure the vendor completes the checklist, unless a current completed checklist for the facility is already on file with the state agency.

2. Provide a list of the minimum accessibility requirements (Subsection 50.50.60) to the vendor. The facility selected for the hearing, convention, conference, meeting, or training session must, at a minimum, meet all of these requirements.

3. Ensure the procurement documents contain an acknowledgment from the vendor certifying the following:

   - The barrier-free non-state facility will meet the **minimum accessibility requirements** contained in Subsection 50.50.60 on the scheduled date(s) of the event.
   - When requested by the agency, the vendor will make **special modifications** to the non-state facility to meet ADA accessibility requirements for a particular event. Any agreement to provide special modifications may entail negotiation of additional costs payable by the contracting agency. Agreements for special modifications are to be written and signed by a state agency representative and the non-state facility vendor prior to the event being held.

- The vendor is solely responsible to ensure that the non-state facility meets the minimum accessibility requirements contained in these regulations, and that any special modifications to the non-state facility are completed for the event. The vendor shall indemnify and hold harmless the contracting state agency from any claims resulting from the vendor's failure to meet the minimum accessibility requirements.

4. Ensure the non-state facility vendor attaches a **signed** ADA certification statement and a completed Accessible Meeting Facility Checklist to the invoice being submitted to the state agency for payment. The ADA certification statement is to read: "To the best of (vendor's name) knowledge, the facilities provided to the (state agency's name) on (date or dates) met all of the minimum accessibility requirements (and any special modifications to the facilities included in the contract)." It is not necessary for the vendor to attach a completed copy of the Accessible Meeting Facility Checklist to the invoice, if the agency has a current copy of it on file and references the checklist and the date of completion on the face of the invoice.

5. The representative of a state agency who signs the receiving report is to prepare and attach a statement indicating that to the best of the representative's knowledge the non-state facility met, or did not meet, all of the minimum accessibility requirements (and any special modifications to the facilities included in the contract) on the date(s) of the hearing, convention, conference, meeting, or training session. If the facility did not meet the minimum accessibility requirements, a complete explanation of the failure(s) is to be included in the statement.

50.50.80 When a non-state facility turns out not to meet ADA access criteria

October 1, 2005

50.50.80.a Should a state agency obtain a receiving report with a statement by its representative indicating that the non-state facility did not meet ADA access criteria, the agency is authorized to deny payment to the vendor due to breach of contract.

50.50.80.b The state agency should not contract for further use of the non-state facility until it assures itself that the non-state facility meets the **minimum accessibility requirements** contained in Subsection 50.50.60. **Failure by a state agency(ies) to obtain such assurance could result in judicial action and the imposition of significant financial penalties.**

50.50.90 How to get more information on ADA compliance

August 1, 2013

Any individual or organization wanting information, regarding how to bring individual situations, issues, etc. into compliance with Title II of ADA and/or Executive Order 93-03, is encouraged to contact the Governor's Committee on Disability Issues and Employment at:

Governor's Committee on Disability Issues and Employment
PO Box 9046, MS: 6000
Olympia, WA 98507-9046

Phones:
Olympia: (360) 725-5909 (voice)
Spokane: (509) 482-3854 (voice)

50.50.95 How to file an ADA related complaint

August 1, 2013

Any individual believing to be a victim of discrimination prohibited by Title II ADA regulations may file a complaint. Complaints filed on behalf of classes of individuals are also permitted. Complaints should be in writing, signed by the complainant or an authorized representative, contain the complainant's name and address, and describe the public entity's alleged discriminatory action. Complaints may be made to:

Law Against Discrimination (RCW 49.60)

Washington State Human Rights Commission
711 S Capitol Way, Suite 402
PO Box 42490, MS: 42490
Olympia, WA 98504-2490

http://hum.wa.gov/

Phones:
Olympia: (360) 753-6770 (voice) or (800) 300-7525 (TTY)
Seattle: (360) 753-6770 (voice) or (800) 300-7525 (TTY)
Spokane: (509) 568-3196 (voice)
Yakima: (509) 494-0347 (voice)
Statewide: (800) 233-3247 (voice)

Complaints about State Programs & Services

US Department of Justice
Civil Rights Division
950 Pennsylvania Ave. NW
Disability Rights Section – NYAV
Washington, DC 20530

http://www.usdoj.gov/

Phones:
(202) 514-4609 (voice), or (202) 514-0716 (TTY)

Title 1, Employment Related Complaints - State Government

U.S. Equal Employment Opportunity Commission
Field Management Programs
1801 L Street, N.W., Room 8023
Washington, D.C. 20507

http://www.eeoc.gov/facts/howtofil.html

Phones:
(800) 669-4000 (voice), or (800) 669-6820 (TTY)