

## **DISABILITY ACCOMMODATION POLICY**

### **Purpose**

The Judiciary of Guam (“Judiciary”) is committed to providing equal access consistent with the Americans with Disabilities Act (“ADA”), the Americans with Disabilities Amendments Act (“ADAAA”), and other local and federal laws. If you have a qualified disability that affects your ability to carry out essential functions of your job or to meaningfully participate in court proceedings, programs, activities, or services, the Judiciary may provide you with reasonable and appropriate accommodations at no cost to you, unless doing so would cause an undue hardship to the Judiciary.

### **Who is covered?**

Any applicant, candidate, employee, or patron with a qualified physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment is covered under this policy. Major life activities include, but are not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

### **What is reasonable accommodation?**

Reasonable accommodations are any changes or adjustments in the environment, program, or service that allows equal and reasonable access to all participants. Accommodations that impair the neutrality or functioning of the Judiciary, pose an undue hardship, or fundamentally change the essential functions of a job, program, or service may not be covered.

### **Procedure for Non-Employee Users of Court Facilities, Programs, or Activities**

1. Patrons conducting business in the Judiciary may request for an accommodation or assistance by contacting the Judiciary's ADA Coordinator at (671) 475-3374 or by email at [ada@guamcourts.gov](mailto:ada@guamcourts.gov).
2. An accommodation request form is available at the Guam Judicial Center Help Desk Kiosk, Northern Court Satellite, or on its website at [www.guamcourts.org](http://www.guamcourts.org).
3. Requests for accommodations should be made as far in advance as possible. Requests made fewer than ten (10) working days from the date upon which such accommodation is needed shall be handled on a case by case basis.
4. All accommodation requests shall include a description of the accommodation sought, along with a statement about the impairment that requires such accommodation. The ADA Coordinator may request additional information about the qualifying impairment if it is deemed necessary in order to provide appropriate accommodations.
5. When an accommodation request is received, the ADA Coordinator will engage in the interactive process with the individual and evaluate the effectiveness of the proposed accommodation.
6. If the proposed accommodation (or an effective alternative) is determined to be appropriate, the ADA Coordinator will assist in coordinating the provision of the requested accommodation.
7. The ADA Coordinator shall contact the requestor to offer the accommodation. If the requestor rejects the accommodation offered, he/she is notified of the right to file a complaint in the manner outlined below.

### **How to Submit a Complaint**

Patrons with disabilities who believe they have been discriminated against with regard to access to services, programs, or activities at the Judiciary may file a complaint with the Judiciary's ADA Coordinator at: (671) 475-3374 or by email at [ada@guamcourts.gov](mailto:ada@guamcourts.gov). A complaint form is available at the Guam Judicial Center Help Desk Kiosk, Northern Court Satellite, or on its website at [www.guamcourts.org](http://www.guamcourts.org). Upon receipt of a complaint, the ADA Coordinator shall review the complaint, notify the Administrator of the Courts and, where appropriate, propose a resolution. If the ADA Coordinator is the subject of the complaint, the complaint will be handled by the Administrator of the Courts or his/her designee. The approved resolution shall then be communicated to the complainant in written form.

### **Procedure for Job Applicants, Candidates, and Employees**

1. Job applicants/candidates may request for an accommodation or assistance by contacting the Judiciary's Human Resources or Equal Employment Opportunity ("EEO") Office.
2. Current Judiciary employees may request for an accommodation or assistance by contacting their immediate supervisor, their division manager, the Human Resources Office, and/or the EEO Office.
3. If a request is made to an immediate supervisor, a division manager, or the Human Resources Office, the request must be routed to the EEO Office.
4. All accommodation requests must be submitted in writing. An accommodation request form is available on the Judiciary's intranet or at [www.guamcourts.org](http://www.guamcourts.org). The request shall include a description of the accommodation sought, along with a statement about the impairment that requires such accommodation. The EEO Office or designee may request additional information about the qualifying impairment if it is deemed necessary.
5. Employees are encouraged to make requests for accommodations as far in advance as possible. The Judiciary is committed to accommodating its employees to the best of its ability while ensuring operational effectiveness. When an accommodation request is received, the EEO Office or designee will engage in the interactive process with the individual and evaluate the effectiveness, in consultation with the Division Manager/supervisor, of the proposed accommodation.
6. If the proposed accommodation (or an effective alternative) is determined to be appropriate, the EEO Office or designee will assist in coordinating the provision of the requested accommodation.
7. The EEO Office or designee shall contact the requestor to offer the accommodation in written form. If the requestor rejects the accommodation offered, he/she is notified of the right to file a complaint in the manner outlined below.

### **How to Submit a Complaint**

Employees, applicants, or candidates with disabilities who believe they have been discriminated against based on their disability may file a complaint with the Judiciary's EEO Office at: (671) 475-3374. A complaint form is available at the Judiciary's EEO Office, on its website at [www.guamcourts.org](http://www.guamcourts.org), or on the Judiciary's intranet. Upon receipt of a complaint, the Judiciary's EEO Procedure will be initiated.

### **Delegation of Authority**

The Judicial Council expressly delegates authority to the Administrator of the Courts or his/her designee to make technical and minor substantive changes to this policy at his/her discretion.