

## CHAPTER 02 – OFFICE OF AMERICANS WITH DISABILITIES ACT

### SECTION .0100 – PERSONS WITH DISABILITIES PROTECTION

#### 25 NCAC 02 .0101 ACCOMMODATING REQUESTS FOR ACCESS TO PUBLIC SERVICES

- (a) Each public agency or contractor shall designate a Public Service Accessibility Coordinator (PSAC). This person may be the ADA Coordinator, but is not required to be.
- (b) Requests for public service program modifications shall be forwarded by the person receiving the request to the PSAC.
- (c) The PSAC shall determine if the requesting party is a "person with a disability" under the provisions of G.S. 168A. The PSA Coordinator shall consult with the North Carolina Office on the ADA (NCOADA) when technical assistance is needed in making the determination.
- (d) The PSAC shall transmit the request for program modifications to the person designated by agency rules to make decisions on such requests. This may be the PSAC or another designee.
- (e) The request shall be evaluated to determine if granting the request would cause an undue hardship on the available resources.
- (f) The request shall be evaluated to determine if the modification requested can be accomplished within the specified time frame.
- (g) When the request can be honored without undue hardship and can be accomplished within the specified time frame, it shall be approved. The approved request shall be provided without surcharge to the requesting party.
- (h) When the request is approved, the PSAC shall contact the requesting party with approval details.
- (i) When the request is rejected, the PSAC shall contact the requesting party and provide details of the rationale for the rejection and provide information on any available internal or external dispute resolution and appeal process.

*History Note: Authority G.S. 168A-10.1;  
Eff. July 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.*

### SECTION .0200 - DISPUTE RESOLUTION

#### 25 NCAC 02 .0201 DISPUTE RESOLUTION PROCESS

When a public entity or contractor refuses to provide a requested program modification, the following procedure shall apply:

- (1) The individual or entity denying a program modification request shall provide a written rationale to the PSAC for the refusal of the request.
- (2) The PSAC shall review the decision and consult with the agency ADA Coordinator and the NCOADA for technical assistance.
- (3) The PSAC shall transmit the decision and the rationale for the denial to the requesting party and shall discuss other possible methods of assuring accessibility with the requesting party.
- (4) The PSAC shall inform the requesting party of the availability of the alternative dispute resolution process and shall also inform him of his right to contact the NC Governor's Advocacy Council for Persons with Disabilities or the United States Department of Justice to request an investigation of the denial of the program modification request.
- (5) When the requesting party chooses informal resolution, he shall be referred to the NCOADA, which shall make efforts to informally resolve the issue of the denial of the program modification request by the use of facilitation and mediation efforts involving the requesting party and the person or agency denying the request.
- (6) When the NCOADA does not achieve informal resolution, which shall be indicated by the withdrawal of the complaint, the NCOADA shall refer the requesting party to mediation sources in the requesting parties locality.
- (7) When the requesting party refuses the referral or resolution is not achieved through formal mediation, the NC Office on the ADA shall, on request, assist the requesting party in contacting the NC Governor's Advocacy Council for Persons with Disabilities or the United States Department of Justice to request an investigation of the denial of the program modification request.

- (8) The PSAC shall keep records of all requests both approved and denied and shall document on-going efforts to provide equal accessibility in its delivery of services to disabled consumers.

*History Note:* Authority G.S. 168A-10.1;  
Eff. July 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.