

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 59
(AMENDED February 24, 2010)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff
All Judges	Administrative Associate
Area Court Administrators	Rural Court Analyst
Clerk of the Appellate Courts	General Services Manager
Rural Training Assistants	Judicial Services
All Full-Time Clerks of Court	APD Warrants
All Magistrates	
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan	

SUBJECT: AMERICANS WITH DISABILITIES ACT POLICIES

IT IS THE POLICY of the Alaska Court System that discrimination based upon physical or mental disability has no place in the provision of governmental services, funds, goods, facilities, advantages or privileges. No qualified individual with a disability will be excluded, by reason of such disability, from participation in or be denied the benefits of the services, programs, or activities of the Alaska Court System, or be subjected to discrimination by the Alaska Court System.

IT IS THE POLICY of the Alaska Court System that the services, programs and activities of the court system be accessible to individuals with disabilities, as defined in the Americans with Disabilities Act of 1990.

IT IS THE POLICY of the Alaska Court System that all contractors of the Alaska Court System be bound by the provisions of these policies, to the extent that they provide services, programs and activities in place of direct provision by the court system.

IT IS THE POLICY of the Alaska Court System that the Alaska Court System shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and any other term, condition, and privilege of employment.

- I. The court system expects all employees to provide prompt, courteous and equal service to persons with physical or mental disabilities.
- II. The court system encourages all employees to seek out potential barriers to full public access to its facilities and services, and to cooperate with coworkers, administrators and the public in correcting such problems.

- III. The court system challenges all employees to eliminate harmful stereotyping of persons with disabilities, to help ensure that all individuals are able to participate in the judicial process to the fullest extent possible.
- IV. The court system welcomes the contribution of employees who experience a disability, and requests that they use their unique perspective to help the court system achieve its goal of full and equal access for all.

IT IS THE POLICY of the Alaska Court System that individuals with disabilities be afforded a fair, accessible and prompt resolution of their complaints and concerns about access to court system services, programs and activities.

IT IS THE POLICY of the Alaska Court System that information about the procedure for presentation and resolution of complaints be posted or otherwise available in areas of court system facilities accessible to the public. The following text will be available in pamphlet form and on audio cassette at all court locations:

INTRODUCTION

This pamphlet describes the procedure for presenting a complaint to the court system based upon Title II of the Americans with Disabilities Act of 1990.

COMPLAINTS

- A. **Who may file.** If you believe that you or a specific class of individuals have been subjected to discrimination by the court system on the basis of a disability, you or an authorized representative may file a complaint.
- B. **Where to file.** You may file a complaint with the area court administrator of the judicial district in which the discrimination is alleged to have occurred. If the discrimination is alleged to have occurred in more than one judicial district, you may file the complaint in any such district. The area court administrator will refer your complaint to the appropriate grievance officer.
- C. **Time for filing.** You may file your complaint at any time following the date of the alleged discrimination. Your complaint may be rejected by the grievance officer if he or she determines that the passage of time precludes an adequate investigation or remedy. You may appeal a rejection to the administrative director within 15 days of mailing of the notice of rejection.
- D. **Contents of Complaint.** Your complaint must include everything listed in the definition of the term "complete complaint" on page 3.

ACCEPTANCE OF COMPLAINTS

- A. Receipt of complaints.** An area court administrator who receives a complaint shall promptly review the complaint to determine whether he or she has jurisdiction to serve as the grievance officer. If the area court administrator determines that he or she does not have jurisdiction, he or she shall promptly refer the complaint to the appropriate grievance officer, who may be another area court administrator, the clerk of the court of appeals, or the deputy director of the administrative office. The area court administrator shall notify you of the referral. If the complaint alleges discrimination in more than one component of the court system, the affected grievance officers shall resolve the complaint jointly.
- B. Notification of receipt.** A grievance officer shall accept all complete complaints and shall promptly notify you of the receipt and acceptance of the complaint. If the grievance officer receives a complaint that is not complete, he or she shall notify you and specify the additional information that is needed to make the complaint a complete complaint. If you fail to complete the complaint, the grievance officer shall close the complaint.

RESOLUTION OF COMPLAINTS

- A. Informal Resolution.** The grievance officer shall investigate each complete complaint and attempt to resolve the matter informally with you. If you and the grievance officer agree on a manner by which your complaint could be resolved, the grievance officer will forward a recommendation stating the proposed informal resolution of the complaint to the administrative director. The director will adopt or reject the recommendation within five days of the director's receipt of the recommendation. The decision of the administrative director on the recommendation is final. The director will notify you of the final decision, within five days of the director's receipt of the proposed remedy.
- B. Formal resolution.** If an informal resolution is not achieved, the grievance officer shall issue a Letter of Findings to you and the administrative director. The letter shall include findings of fact and a description of a remedy for each violation found.

If you disagree with the findings of fact or any proposed remedy, you may submit a written objection stating the basis for such disagreement to the administrative director within 15 days of the date of mailing of the Letter of Findings. The administrative director may accept or reject the finding or any proposed remedy, and will notify you of the final decision, within 20 days of the director's receipt of the Letter of Findings.

DEFINITIONS

- A. **"Complete complaint"** means a written statement that contains your name and address and describes the court system's alleged discriminatory action in sufficient detail to inform the court system of the nature and date of the alleged violation. It shall be signed by you or by someone authorized to do so on your behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.
- B. **"Disability"** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

1. The phrase **"physical or mental impairment"** means
 - a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
 - b. any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase **"physical or mental impairment"** includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase **"physical or mental impairment"** does not include homosexuality or bisexuality.

2. The phrase **"major life impairment"** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
3. The phrase **"has a record of such an impairment"** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

4. The phrase "**is regarded as having an impairment**" means
 - a. has a physical or mental impairment that does not substantially limit major life activities but that is treated by the court system as constituting such a limitation;
 - b. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - c. has none of the impairments defined in paragraph 1 of this definition but is treated by the court system as having such an impairment.

5. The term "**disability**" does not include
 - a. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - b. compulsive gambling, kleptomania, or pyromania; or
 - c. psychoactive substance use disorders resulting from current illegal use of drugs.

- C. "**Individual**" means any person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the court system.

Terms not defined herein have the meaning found in 28 CFR §35.104.

AREA COURT ADMINISTRATORS

First District: Area Court Administrator
 P.O. Box 114100
 Juneau, AK 99811
 (907) 463-4753

Second District: Area Court Administrator
 P.O. Box 1110
 Nome, AK 99762-1110
 (907) 443-5216

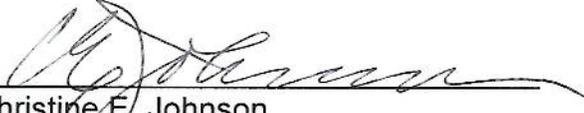
Third District: Area Court Administrator
825 W. 4th Avenue
Anchorage, AK 99501-2083
(907) 264-0415

Fourth District: Area Court Administrator
101 Lacey Street
Fairbanks, AK 99701
(907) 452-9201

ADMINISTRATIVE DIRECTOR

Alaska Court System
303 K Street
Anchorage, AK 99501
(907) 264-0547

Dated: February 24, 2010


Christine E. Johnson
Administrative Director