

ACCOMMODATIONS FAQs

The Labor and Industrial Relations Appeals Board ("Board") is committed to providing equal access consistent with the Americans with Disabilities Act of 1990(ADA), the Americans with Disabilities Amendments Act of 2008 (ADAAA) and other state and federal laws. If you have a disability that may restrict your ability to meaningfully participate in Board proceedings, the Board will provide you with reasonable and appropriate accommodations.

WHO QUALIFIES FOR AN ACCOMMODATION?

A person with a disability may receive an accommodation if the individual has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment. Major life activities include and are not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

WHAT KINDS OF ACCOMMODATIONS ARE AVAILABLE?

Accommodations may include:

- reasonable modifications to policies, practices, and procedures (such as alternative time schedules, telephone conferences, rest breaks, presentation of information in alternative format, etc.)

- providing auxiliary aids and services (such as assistive listening devices, note-takers, sign language interpreters, readers, large print)

Required accommodations **DO NOT** include:

- attorney services or legal research or legal advice

- personal equipment such as wheelchairs or hearing aids, personal attendant care, transportation, or lodging

- accommodations that impair the neutrality or functioning of the Board or Board's proceedings, such as continuing matters indefinitely

- accommodations that fundamentally alter the nature, service, or activity of the Board or its program

HOW DO I REQUEST AN ACCOMMODATION?

You may request an accommodation by contacting the Board.

Requests for accommodations may be made in writing by completing a Request for Accommodation Form and submitting it to:

Labor and Industrial Relations Appeals Board
830 Punchbowl Street, Room 404
Honolulu, Hawaii 96813

Requests for accommodation may also be made orally by contacting the Board by telephone (808-586-8600). The Board's staff will complete a Request for Accommodation Form for you to facilitate your request.

WHEN SHOULD I ASK FOR AN ACCOMMODATION?

A request for an accommodation may be made at any time. To help us facilitate your request, the Board asks that you request the accommodation at least 10 business days in advance of the date the accommodation is needed.

DO I NEED TO PROVIDE VERIFICATION OF MY DISABILITY?

A request for accommodation that includes a description of the nature of your disability, e.g., blindness or hearing impairment, is generally sufficient, and it is not necessary to submit documentation of the disability. However, you may be asked to provide additional information if the nature of your disability is not clear or apparent, or if it is necessary to help the Board understand your disability and determine an appropriate accommodation.

IS MY REQUEST FOR ACCOMMODATION GUARANTEED TO BE GRANTED?

No.

The Board may deny your request if the request is for a personal or individually prescribed device (such as a hearing aid or a wheelchair), or if the accommodation or modification will fundamentally alter the nature of the service, program, or activity of the Board (such as providing an attorney for a party with a disability when one would not be provided for another party), or if the requested accommodation would pose an undue administrative or financial burden (e.g., the requested accommodation is so expensive or time-consuming that it would be unreasonable).

An accommodation request to continue a hearing may need to be formally directed to the Board. In that case, you may be asked to file a formal motion with the Board in addition to filling out a request for accommodation form.

The Board may also deny your request for accommodation if it would be inappropriate in the course of the litigation and/or appeal proceedings.

IF THE BOARD SUGGESTS A DIFFERENT ACCOMMODATION, DO I HAVE TO ACCEPT AN ALTERNATIVE ACCOMMODATION?

The Board is required to find an appropriate accommodation that will effectively allow you to fully participate in the proceedings to the greatest extent possible. Determining an appropriate accommodation requires an interactive process between you and the Board during which your input and suggestions are welcome. However, the accommodation provided may not necessarily be your first choice.

The Board may offer you a different or alternative accommodation. For example, if a party is blind and requests written material introduced at trial to be transcribed in Braille, alternatives such as providing a reader or tape-recorded transcript of the written material may be considered.

If you disagree with the denial of your request or are not satisfied with the alternative accommodation, you may submit a written complaint with the following:

State of Hawaii
Department of Labor & Industrial Relations
Equal Opportunity Officer,
830 Punchbowl Street, Room 321
Honolulu, HI 96813

Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W., Rm. N-4123
Washington, D.C. 20210

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738

Disclaimer: *This information is not intended to be a complete or full statement of state and federal laws governing persons with disabilities and is not intended to be, or to substitute for, legal advice.*