

ADA Title II Overview

Disability Advisory Commission (DAC)

October 14, 2014

American's with Disabilities Act (ADA)

- Civil Rights Law
- Requirements for State & Local Government entities (Title II)



Equal Opportunity *not merely equal treatment*



**Provide Equal Access to
Programs, Services, and Activities**

Equal Opportunity *not merely equal treatment*

Modifications: Changes to WHAT is provided

Accommodations: Changes to HOW a service is provided

- Most integrated setting appropriate
- In the manner requested by the individual



Access to Programs, Services and Activities

- Relocate the program or activity to an accessible facility
- Provide the activity, service, or benefit in another manner that meets ADA requirements
- Make modifications to the building or facility



Exceptions

- “When viewed in its entirety”
- Technical Infeasibility (DOES NOT APPLY TO NEW CONSTRUCTION)

Accommodation Requests:

- Unreasonable
- Fundamental Alteration
- Financial/Administrative Burden

Department of Justice Project Civic Access

- “a wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life.”

<http://www.ada.gov/civicac.htm>



Common Settlement Requirements

- Designated ADA Coordinator
- ADA Notice
- Grievance Procedure
- Effective Communication Provisions
 - Law Enforcement and Effective Communication
- Employment Policies
- Emergency Management Procedures/Policies
- Access to Sidewalks (Curb Ramps)
- Web-Based Services and Programs
- New-Construction, Alteration, and Physical Changes to Facilities
- Training

ADA Coordinator

Employee designated to coordinate compliance efforts under Title II of the ADA for a state/local government entity.

ADA Notice and Grievance Procedure

- Adopt
- Distribute to agency heads
- Publish in local newspaper
- Post in conspicuous Places
- Refresh as needed
- Provide upon Request

Effective Communication Provisions

- identify sources of
 - qualified sign language and oral interpreters
 - qualified readers, real-time transcription services
 - vendors able to put documents in Braille
- implement written procedures for fulfilling requests
- all appropriate employees are trained and practiced in using the Relay Service

Law Enforcement and Effective Communication

- Implement Police Department Policy Statement on Effective Communication with People Who are Deaf or Hard of Hearing
- Contract with local qualified oral and sign language interpreters to be available twenty-four hours every day to its police department
- Equip each police station and detention facility with a working TTY
- Where telephone calls are time-limited, adopt policies permitting a longer period of time

Employment (Title I)

- Employment policies comply with the U.S. Equal Employment Opportunity Commission regulations (Title I)
- will not discriminate on the basis of disability in its hiring or employment practices;
- will not ask a job applicant about the existence, nature, or severity of a disability.
- upon request will make reasonable accommodations for a qualified applicant or employee with a disability unless the accommodation would cause an undue hardship on the operation of the City's business.
- will confidentially maintain employee medical records separate from personnel files;
- will in making employment decisions individually assess whether a qualified person with a disability meets selection criteria.

Emergency Management Procedures and Policies

- The City will use DOJ ADA Best Practices Tool Kit to address ADA obligations of emergency management.
- The City's Emergency Operations Plan (EOP) must comply with the ADA. The City's EOP will include the following:
 - receive and use input from people with a variety of disabilities
 - evacuation plans to enable people with disabilities to safely self-evacuate or be evacuated by others
 - procedures to effectively inform people who are deaf or hard of hearing of an impending disaster
- Shelter Provisions:
 - owners and operators of the shelter facilities remove barriers to access for persons with disabilities
 - back-up generator and a way to keep medications refrigerated
 - people who use service animals are not separated from their service animals
 - accessible post-emergency temporary housing

Web-Based Services and Programs

- Distribute to its employees and contractors the technical assistance document, “Accessibility of State and Local Government Websites to People with Disabilities.”
- Post online a policy that its web pages will be accessible and create a process for making its web pages accessible;
- Make all new and modified web pages and content accessible;
- Make existing web content accessible;
- Post a telephone number or e-mail address on its home page for visitors to request accessible information; and
- At least annually, enlist people with disabilities to test its pages for ease of use.

Access to Sidewalks (Curb Ramps)

- written process for requesting and receiving input from people with disabilities regarding the accessibility of its sidewalks, including requests to add curb cuts at particular locations.
- provide curb ramps at all intersections of the streets, roads, and highways and street level pedestrian walkways whenever a new street, road, highway, or pedestrian walkway is constructed or altered.

New Construction, Alterations, and Physical Changes to Facilities

- Any construction or alterations to City buildings and facilities will be accessible
- install signs identifying the accessible entrance
- Make newly constructed parts of City facilities readily accessible to and usable by people with disabilities.
- Make altered parts of City facilities readily accessible to and usable by people with disabilities.
- Program Access in Existing Facilities: take action to make each of the City's programs, services, and activities operating at a facility, when viewed in its entirety, readily accessible to and usable by people with disabilities.
- review compliance with the requirements of title II of the ADA for those City facilities and programs that were not yet surveyed or reviewed.
- maintain the accessibility of its programs, activities, services, facilities, and equipment.

Training

- City employees who have direct contact with members of the public will be trained on the requirements of the ADA and appropriate ways of serving people with disabilities.

“We’re all getting older. We can’t avoid it, can we? I look around, and I notice that a lot of us are getting gray. As we get older, we realize that disability is just a part of life. Anyone can join our group at any point in life. In this way, the Disability Rights Movement doesn’t discriminate. So those of us who are temporarily able bodied and working for access and accommodations now get older, the changes they make will benefit them as well.”

Ed Roberts

“Father of the Independent Living Movement”

