Complying With the Americans with Disabilities Act (And Why You Should Want To!)

Presented by
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Americans with Disability Act

• Comprehensive civil rights act passed in 1990 that prohibits discrimination against those that are disabled.

• Enforcement Arm reloaded in 2008;

• This law applies to every local government.
ADA Prohibits Discrimination of People with Disabilities

**Title I: Employment**

- All services and benefits to our employees must be accessible
- Includes hiring, testing, discipline, benefits, use of leave.
ADA Prohibits Discrimination of People with Disabilities

**Title II - Those we serve**

- Includes coming to court, customers paying bills, service on a board, attendance to council meeting, obtaining a permit, special events.

*It includes every program the city offers.*
Just the Facts, Ma’am

- 19% of Americans are disabled (56.7 million)
- 1 in 5 citizens have a disability (U.S. Census, 2010)
- 41% of the disabled are employed
- 30 million have trouble walking
- 20 million grasping
- 7 million have anxiety or depression
So what is a disability and what is your responsibility?
Disability is defined as

A physical or mental impairment that substantially limits one or more major life activities including someone who is disabled

OR

A record of an impairment

Regarded as having an impairment

Associated with someone who has a disability
Broad Definition and Duty

ADA requires that state and local governments be accessible to people with disabilities in the delivery of their programs, services, and activities, as well as their employment practices.

More than a ramp – it is a system for addressing issues and accommodating all.
Services must be accessible but not altered

People with disabilities have to meet the essential eligibility requirements, such as age, income, or educational background, needed to participate in a public program, service, or activity, *just like everyone else.*
All Governments Must....

Have a self-evaluation of all services, programs and facilities

If over 50 employees (including full and part-time), the evaluation must be in writing and available for public viewing.
Governments continued...

If over 50 employees, structural changes to provide physical accessibility should have been completed by January 26, 1996

All new construction MUST be accessible
Administrative Requirements

ADA Coordinator - if over 50 employees including full and part-time (not FTE).

The ADA Coordinator is responsible for:

• Compliance with ADA requirements
• Assist public with questions and accommodations to programming, services and facilities
• Hearing complaints regarding accessibility
Grievance Procedures

More than 50 employees are required to adopt and publish procedures for resolving grievances. This should include:

• How and where to file complaint
• If written complaint is required alternative for those who cannot write
• Time frame for review and resolution
• How appeals will be handled
• Length of time complaints will be retained.
Less than 50 employees?

Government must adopt and distribute public notice about ADA and how the entity will assure accessibility in programs, activities and services.

Not required to identify an ADA Coordinator but the identification is *strongly* recommended.
So why do I care so much about ADA?
It’s Personal
It’s Personal
Parking and Doors and Steps.... Oh my!!
Parking Woes....
Giant Door....
Meanwhile, around back...
Meanwhile, around back....
Easy Solution
Another Option

![Accessible Entrance Sign](image-url)
Attack of the Giant Door
A Few Door Facts

- Low threshold (less than ½ inch).
- Must not require more than 5 lbs. of force to operate.
- Must also be operable with one hand and without tight grasping, pinching, or twisting of the wrist.
Doorknobs

Traditional round doorknobs are not accessible, as they require tight grasping and twisting to turn.
A simple door fix
Curbs
Ramps
Step by step
Easy Access Requirements

- Buildings required to be accessible
- If it’s not easily accessible
  - Is there a sign to direct people where to park?
  - Can they easily see who to call?
  - Are their directions to the accessible door?
Sidewalks...they’re not just for walking!
Potty Breaks
Bathrooms

• Items that must be compliant:
  • Sink height
  • Toilet height
  • Grab bars
  • Wheelchair radius
  • Doorway opening

• Consult the technical guidelines
Historical Buildings

• Should still be in full compliance with alteration standards
• If it would threaten or destroy the historic significance of the building, alternative standards may be used.
City Hall Service
City Hall Service
Simple Way to Assist

If you are disabled and require assistance, please honk your horn and we will be happy to help you.
Reasonable Accommodation

Reasonable Accommodation – make an auxiliary aid or service available to allow the disabled person to have access to the same services

_Untless it is an Undue Burden_

ADA does not require the provision of any auxiliary aid that would result in an undue burden or in a fundamental alteration in the nature of the goods or services provided by a public accommodation.
What Assistance is Necessary to Provide this service?

- Modification of program
- Alternative program
- Equipment
- Staff Training
Communication Methods must be Compliant

• People with vision, hearing, and speech difficulties use different ways to communicate.

• Local Government must find ways to effectively communicate with those with disabilities just as you do all others.
Communication continued....

You cannot require disabled citizens to provide their own auxiliary aid!

• While companions can be used to interpret, they cannot be relied on.
What Special Service or Aid is required to insure communication with hearing or vision impaired?
Hearing Impaired

Interpreters
Video Remote Interpreting
Note takers
Exchange written notes
Closed Captioning
Assisted Listening Devices
Preferred Seating
Video Relay Service
Limited Vision

Auxiliary Devices
Service Animal
Brailed Materials and Display
Magnification Software
Large Print Materials
Optical Readers
Recorded Information
Delivery Service of Materials
Service Animals

• A service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.

• The task(s) performed by the dog must be directly related to the person’s disability.
Comfort Animals

• A comfort animal is **not** a service animal because it is not trained to perform a specific task.

• Cannot deny a dog based on breed
What Can You Staff Ask on Entry of Animal?

Is the animal required because of a disability?
What work or task has the dog been trained to perform?

Public entities may not ask about the nature or extent of an individual's disability.
Service Animals Requirement

• Public entities may exclude service animals only if the dog is:
  • out of control and the handler cannot or does not regain control; or
  • the dog is not housebroken.

• If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.
Additional Suggestions

- Website
- Door notifications
- Beyond physical disability
- Etiquette of staff
CASE by CASE

But, more important is there an established framework for dealing with it?

The Department of Justice states this:

A critical and often overlooked component to success is ongoing staff training.....established policies are no good when the front line is not aware of them.
Overwhelmed?

ADA Toolkit for Local Government – includes application, definitions and forms:

https://www.ada.gov/pcatoolkit/
https://www.ada.gov/civiccommonprobs.htm

ADA Update: A Primer for State and Local Governments (Dept. of Justice, 2010)
And, yes there is more!

Southeast ADA Center
1-800-949-4232 (voice/TTY)
E-mail: adasoutheast@law.syr.edu
The Southeast ADA Center is one of 10 regional centers that provide information on issues related to ADA, disability, and technology access. The Southeast ADA Center serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. All calls are confidential!
www.adasoutheast.org

ADA National Network
The ADA National Network provides information, guidance and training. The Centers are funded by the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education.
www.adata.org

National Center on Accessibility  (Recreation and Outdoor Space)
Ray Bloomer, Director of Education and Technical Assistance
rbloomer@indiana.edu
(p) 812-856-4421 or
Michelle E. Cook, Accessibility Specialist
cook32@indiana.edu
How to evaluate?

ADA Checklist for Readily Achievable Barrier Removal

Based on the 2010 ADA Standards for Accessible Design

Produced by Institute for Human Centered Design
www.HumanCenteredDesign.org
www.ADAchecklist.org
2011

ADA National Network
www.ADAa.org
Questions on the ADA 800-949-4232 voice/tty
Questions on checklist 617-695-0085 voice/tty
ADAinfo@NewEnglandADA.org

THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE
### Priority 1 – Approach & Entrance

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<th>Yes</th>
<th>No</th>
<th>Comments</th>
<th>Possible Solutions</th>
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| 1.1 | Is there at least one route from site arrival points (parking, passenger loading zones, public sidewalks and public transportation stops) that does not require the use of stairs? | | | Photo #: | - Add a ramp  
- Grade to 1:20 maximum slope  
- Add a lift if site constraints prevent other solutions |

#### Parking (2010 standards — 2011 & 508) Note: Accessible parking spaces should be identified by size, accessible and signage.

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<th>Total Spaces</th>
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<td>100+ see 2010 Standards 208.2</td>
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| 1.2 | If parking is provided for the public, are an adequate number of accessible spaces provided? | Yes | No | Photo #: | - Reconfigure by repainting lines |
|     | | Total #: | Accessible #: | |

| 1.3 | Of the accessible spaces, is at least one a van accessible space? | Yes | No | Photo #: | - If constructed before 3/15/2012, parking is compliant if at least 1 in every 8 accessible spaces is van accessible  
- Reconfigure by repainting lines |

| 1.4 | Are accessible spaces at least 8 feet wide with an access aisle at least 5 feet wide? | Yes | No | Measurement: | Reconfigure by repainting lines  
Two spaces can share an access aisle (check state requirements; some states, such as Connecticut, require an access aisle for each space) |
Your Office??
Can These People Use Your Services?

Limited Breathing, walking, talking, hearing, seeing, sleeping, caring for one’s self, performing manual tasks, working immune system, controlling bodily functions, including brain, stomach, digestive issues, heart, etc. ALWAYS CONSIDERED Autism, Blindness, Cerebral Palsy, Deafness, Diabetes, Epilepsy, HIV, Muscular Dystrophy, Mental Retardation, Partial limbs, MS, Major Depressive Disorder, Bi-Polar, PTSD, OCD, Schizophrenia, Wheelchair bound
Ultimately...

It’s NOT an OPTION
Be Like the Bear – Treat Everyone Equally

White, black, man, woman, straight, gay, Catholic, Muslim, American, Mexican...

...all taste like chicken
thank you