

STAFF REPORT

SUBJECT: Americans with Disability Act Policy

RECOMMENDED ACTION: By Motion Recommend Board Approval of Americans with Disability Act Policy

DISCUSSION:

SJCOG is required to complete an Annual ADA (Americans with Disability Act) Certification. The certification requires information derived from the agency's ADA policy. SJCOG staff has reviewed the ADA Policy and recommends the Board adopt it.

BACKGROUND

The San Joaquin Council of Governments (SJCOG) is committed to the principles of the Americans with Disabilities Act. Title II of the Americans with Disabilities Act (ADA), enacted on July 26, 1990 prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities.

SJCOG's responsibilities regarding compliance with the ADA fall into several areas:

1. the design and maintenance of existing and newly constructed buildings and facilities;
2. access to SJCOG in order to conduct business, participate in outreach efforts, and attend public meetings; and
3. ensuring equal employment opportunity and reasonable accommodations for applicants and employees.

SJCOG will make reasonable accommodations for the known physical or mental limitations of a qualified person with a disability, who is an applicant or employee, unless undue hardship to SJCOG would result. An applicant or employee who requires an accommodation in order to perform the essential functions of a job should contact his/her supervisor, the Manager of Administrative Services, or the EEO Officer and request such an accommodation.

An employee requesting an accommodation, or who the Manager of Administrative Manager has good cause to believe may be entitled to an accommodation, may be directed to provide documentation of the need for an accommodation from a medical care provider of the employee's choice or from a physician designated by and paid for by SJCOG.

Consistent with existing state and federal laws, it is the policy of the San Joaquin Council of Governments (SJCOG) that all members of the public have equal access to and full participation in the programs, services, and activities it provides to the community. Reasonable accommodations may include modifications or adjustments to a program, publication, activity, or

the way things usually are done to enable an individual with a disability to participate. Examples include:

- Providing sign language and interpreters;
- Providing material in alternative formats (large print, braille, or electronic copies);
- Providing tables that are “higher” than normal meeting room tables for people using electric wheelchairs;
- Assisting staff that individuals may need assistance to the meeting room;
- Providing disabled parking spaces;
- Offering individuals to participate in meetings through conference calls and other accommodations as necessary.

Meeting and Events

Translation services in sign language and other foreign languages are available upon request for meetings that are open to the public. Other accommodations, such as special seating requirements, can also be arranged. Please allow up to seven business days to process your request.

Publications

Most publications are available on the website. For information on locating reports, meeting agendas, presentations and other documents, such as special seating requirements, can also be arranged. Please allow up to seven business days to process your request.

Advanced Notice Requested for Interpreting or CART Services

An individual needing a sign language interpreter or Communication Access Real-time Translation (CART) service to participate in a meeting or event should request the interpreter service within seven days in advance of the event. If the event is more than 12 interpreting hours, such as a two-day conference, SJCOG asks that the request be made 14 days in advance. Late requests will be handled based upon the availability of services.

FISCAL IMPACT

There is no fiscal impact. SJCOG currently employs these policy statements.

RECOMMENDATION

The Board approve the attached ADA Policy.

FOR
AMERICANS WITH DISABILITIES (ADA) COMPLIANCE WITH TITLE II – PUBLIC
SERVICES

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SJCOG will make reasonable accommodations for the known physical or mental limitations of a qualified person with a disability, who is an applicant or employee, unless undue hardship to SJCOG would result. An applicant or employee who requires an accommodation in order to perform the essential functions of a job should contact his/her supervisor, the Manager of Administrative Services, or SJCOG's Executive Director, Andrew Chesley and request such an accommodation.

An employee requesting an accommodation, or who the Manager of Administrative Manager has good cause to believe may be entitled to an accommodation, may be directed to provide documentation of the need for an accommodation from a medical care provider of the employee's choice or from a physician designated by and paid for by SJCOG.

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Grievance Procedure

SJCOG's grievance procedure provides people who believe they have been discriminated against because of their disability, or others who believe they have been discriminated against because they have a friend or family member with disability, with a formal process to make their complaint known. This procedure encourages prompt and equitable resolution of the problem at the local or state level without forcing people to file a federal complaint or a lawsuit. The grievance procedure includes:

SJCOG has a grievance complaint form available to the public, employees, and elected officials (see attachment).

GRIEVANCE PROCEDURES

This grievance procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the San Joaquin Council of Governments.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number, email address of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted as soon as possible, preferably within 60 calendar days of the alleged violation to:

Rebecca Calija, Manager of Administrative Services, at (209) 235-0600 or email to: calija@sjcog.org.

Within 15 calendar days after receipt of the complaint, a designee of the Administrative Services Department will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, a designee Administrative Services Department will respond in writing, and where appropriate, in format that is accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the San Joaquin Council of Governments and offer options for substantive resolution of the complaint.

If the response by SJCOG's Administrative Department does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to Andrew Chesley, SJCOG's Executive Director, or designee.

Within 15 calendar days after receipt of the appeal, Andrew Chesley, SJCOG's Executive Director, or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Andrew Chesley, SJCOG's Executive Director, or designee will respond in writing, and, where appropriate, in a format that is accessible to the complainant, with a final resolution of the complaint.

Conducting a Self-Evaluation

The self-evaluation is a comprehensive review of all programs, activities, and services operated by the public entity including information technology. SJCOG's website complies with accessibility to people with disabilities.

The self-evaluation can be conducted by one of the following ways:

- By the ADA Coordinator
- By the ADA Coordinator and an ADA team member

- By an outside Consultant in collaboration with the ADA Coordinator

The self-evaluation should cover general nondiscrimination provisions, communications, program and facility accessibility, and web accessibility for people with hearing and vision disabilities.

- (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
 - A list of the interested persons consulted;
 - A description of areas examined, and any problems identified; and
 - A description of any modifications made.

Notice

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

SJCOG conducted a self-evaluation to determine any structural changes as well as informational technology changes needed to access SJCOG's website by people with disabilities.

SELF EVALUATION

San Joaquin Council of Governments

| Area | Access Issued | Solution | Target Date | Lead Person | Cost Estimate | Source of Funding |
|-------------------------------|---------------|----------|-------------|-------------|---------------|-------------------|
| Main Conference Room Entrance | ✓ | | | | | |
| Entrance from Parking Lot | ✓ | | | | | |
| Parking Spaces | ✓ | | | | | |
| Main Entrance to Building | ✓ | | | | | |
| Access to Second Floor | ✓ | | | | | |
| Second Floor Restrooms | ✓ | | | | | |
| First Floor Restrooms | ✓ | | | | | |
| Lunch Room | ✓ | | | | | |
| Ladies Shower | ✓ | | | | | |
| Men Shower | ✓ | | | | | |
| Patio | ✓ | | | | | |
| Elevator | ✓ | | | | | |
| Water Fountains | ✓ | | | | | |

REASONABLE MODIFICATION REQUEST FORM

The San Joaquin Council of Governments (SJCOG), is committed to ensuring the Agency complies with the American with Disabilities Act (ADA) by making reasonable modifications/accommodations to policies, practices, and procedures to avoid discrimination and ensure their programs and building are accessible to individuals with disabilities.

To make a request by phone, email, fax, or USPS, please contact:

Rebecca Calija, Manager of Administrative Services
San Joaquin Council of Governments
555 E. Weber Avenue
Stockton, CA 95202
Phone: (209) 235-0600
Fax: (209) 235-0432
Email: calija@sjcog.org

Full Name: _____ Contact Number: () ____ - _____

Street Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Mailing Address (if different from above):

Street Address: _____

City: _____ State: _____ Zip: _____

If you need assistance in completing the request form, SJCOG Administrative Manager or designee will provide assistance.

Describe what modification(s) you are requesting that are necessary for using SJCOG's services and/or building. Please include any information about the issue you wish to remedy, and please be as specific as possible. For additional space, attach additional sheets of paper.
