

AMERICANS WITH DISABILITIES ACT POLICY

FOR THE

Adams County Council on Aging

Approved by:

Accepted Date:

Revised Date:

Revised Date:

I. Introduction and Purpose:

It is the policy of **ADAMS COUNTY COUNCIL ON AGING** to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and US Department of Transportation (USDOT) implementation regulation found at 49 CFR Parts 27, 37 and 28 as amended, to include all programs, services, activities, operations and relationships with—and accommodations/modifications of—employees, client-customers, and the general public, including but not limited to those stated below.

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Specific transportation provisions of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended, include but are not limited to the following requirements:

II. ADA Requirements:

Equivalent Service: As required by the ADA, **ADAMS COUNTY COUNCIL ON AGING** has a sufficient number of, or access to, wheelchair accessible vehicles in our fleet regardless of employment status to ensure that individuals needing an accessible vehicle have equivalent access to our transportation services as ambulatory individuals.

Maintenance of Accessible Features on Vehicles: As required by the ADA, the accessible features on our vehicles are maintained in operative condition so that individuals needing these features receive equivalent service to individuals not needing those features.

All recipients must keep federally funded equipment and facilities in good operating condition. Recipients must maintain, in operative condition, those features of facilities, vehicles, and other capital equipment that are required to make them accessible. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

Drivers are required to report lift and ramp failures promptly and accessibility features must be repaired promptly if they are damaged or out of order.

Transporting Wheelchairs/Mobility Devices: A wheelchair is a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for, and used by individuals with mobility impairments, whether operated manually or powered. **ADAMS COUNTY COUNCIL ON AGING** will transport passengers with wheelchairs and other mobility devices, even in circumstances when the wheelchair cannot be secured to the driver’s satisfaction, unless the wheelchair or mobility aid exceeds the size or weight capacity of the wheelchair lift or ramp.

Securing Wheelchairs/Mobility Devices: 49 CFR §38.23 states that accessible vehicles must have a compliant lift or ramp with sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. For vehicles in excess of 22 feet in length, at least two securement locations and devices shall be used and for vehicles less than 22 feet in length, at least one securement location and device shall be used.

All wheelchairs must be secured to the floor of the vehicle using the securement equipment. It is recommended that power chairs and motorized mobility devices be turned to the "OFF" position once the device is on the lift platform and while the lift is in operation.

Adequate Time for Vehicle Boarding and Disembarking: As required by the ADA, **ADAMS COUNTY COUNCIL ON AGING** provides adequate time for boarding and disembarking our vehicles for individuals with disabilities.

Standeers on the Lift: **ADAMS COUNTY COUNCIL ON AGING** permits individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to board and/or disembark the vehicle.

Use of Portable Oxygen/Respirator Equipment: As required by the ADA, individuals using our transportation service may bring respirator, portable oxygen equipment, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into our vehicles safely and without obstructing the aisle and/or blocking emergency exits. Passengers must secure the equipment by means such as carrying the equipment using a shoulder strap or securing the equipment to a wheelchair or a seat.

Service Animals: Under 49 CFR §37.3, the ADA defines a service animal as: "any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items".

Any passenger with a service animal shall have access to our vehicles. A driver can only ask two questions of a passenger with a service animal: 1) "Is that a service animal?" and, 2) "What type of service does the animal provide?"

All service animals must be kept under the control of their owner at all times and abide by local animal safety regulations. Any service animal should sit or lie on the floor, not occupy a passenger seat, nor should the animal block the aisle way.

Training in Wheelchair Securement, Sensitivity to Passengers: As required by the ADA, **ADAMS COUNTY COUNCIL ON AGING** trains its personnel to operate vehicles and equipment safely, assist passengers properly, and treat individuals with disabilities who use the service in a respectful and courteous way. A “Certified Trainer” in Passenger Assistance Safety and Security (P.A.S.S.) or Passenger Assistance Techniques (PAT) provides training to personnel prior to being released to drive for **ADAMS COUNTY COUNCIL ON AGING**.

Driver Use of, and Assistance with, Accessibility Equipment: As required by the ADA, **ADAMS COUNTY COUNCIL ON AGING** personnel make use of all available accessibility equipment when needed and provide a reasonable level of assistance to passengers as necessary and upon request with lifts, ramps, and securement devices.

Personal Care Attendants: Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

Accessible Communications: **ADAMS COUNTY COUNCIL ON AGING** will provide information regarding its services and policies and procedures in accessible formats for persons with disabilities, i.e., information in large print, or alternative and electronic format. **ADAMS COUNTY COUNCIL ON AGING** shall provide a TTY number, or other operator-assisted RELAY service so that individuals with hearing or speech impairments can communicate with **ADAMS COUNTY COUNCIL ON AGING**.

ADA Complaints: **ADAMS COUNTY COUNCIL ON AGING** discrimination related customer service complaints, including those associated with ADA regulations, are reported to INDOT and complaint documentation is maintained on file for one year. ADA related service complaint logs are kept on file for five years, per USDOT regulations.

Contact the Adams County Council on Aging Executive Director at 260-724-5316 or by email at coadirector@co.adams.in.us.

(ATTACH COPY OF COMPLAINT FORM & COMPLAINT PROCESS)

Discrimination American with Disabilities Act (ADA) Complaint Form

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
<i>*If you answered "yes" to this question, go to Section III.</i>		
If not, please supply the name and relationship of the person for whom you are complaining.		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III:		
If you believe you were discriminated against based on a disability, please provide as much detail concerning the alleged discrimination.		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. Any details related to time of day, transit route/line, vehicle ID or Name. If more space is needed, please use the back of this form.		

Section VI:		
Have you previously filed a Discrimination Complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, please provide any reference information regarding your previous complaint.

Section V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency: _____

Federal Court: _____ State Agency: _____

State Court: _____ Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI:

Name of agency complaint is against: _____

Name of person complaint is against: _____

Title: _____

Location: _____

Telephone Number (if available): _____

You may attach any written materials or other information that you think is relevant to your complaint. Your signature and date are **required** below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Robin Lovins

A copy of this form can be found online at

If you need assistance completing this form contact Michelle L Lengerich.

ADA Complaint Process

In compliance with the U.S. Department of Transportation Americans with Disabilities Act (ADA) of 1990 (49 CFR Parts 27, 37, 38 and 39), and Section 504 of the Rehabilitation Act of 1973, as amended, **ADAMS COUNTY COUNCIL ON AGING** ensures its services, vehicles, and facilities are accessible to and usable by individuals with disabilities. Anyone who believes he or she has been discriminated against on the basis of disability may file an ADA complaint.

Complaints may be submitted by filing a Customer Service Report/ADA Complaint Form online, by downloading an ADA Complaint Form at INSERT WEBSITE ADDRESS HERE or by calling INSERT PHONE NUMBER HERE (TTY/TDD TTY Phone #). If the complainant is unable to write a complaint, a representative may file on his or her behalf, or **ADAMS COUNTY COUNCIL ON AGING** staff will provide assistance. Complaints must be filed within 180 calendar days of the alleged incident.

1. The Adams County Council on Aging Executive Director will contact the complainant within 10 business days of receipt of complaint. Any requested information must be received by **ADAMS COUNTY COUNCIL ON AGING** within 5 days of request*.
2. **ADAMS COUNTY COUNCIL ON AGING** will begin the investigation within 15 business days of receipt of complaint if the alleged discrimination is found to be a violation of ADA regulations.
3. An investigation into the complaint will be conducted and documented to determine whether **ADAMS COUNTY COUNCIL ON AGING** failed to comply with ADA regulations.
4. **ADAMS COUNTY COUNCIL ON AGING** will complete the investigation within 60 calendar days of receipt of complaint. If additional time is needed for the investigation, the complainant will be notified.
5. **ADAMS COUNTY COUNCIL ON AGING** will promptly communicate its response to the complainant, including its reasons for the response. The complainant will have 5 business days from receipt of **ADAMS COUNTY COUNCIL ON AGING** response to file an appeal. If no appeal is filed, the complaint will be closed. **ADAMS COUNTY COUNCIL ON AGING** process and investigate all complaints that meet the requirements of ADA discrimination. If the complainant fails to provide required information within the required timeframe, the complaint may be closed.