

## **APPENDIX A: THE AMERICANS WITH DISABILITY ACT SELF-EVALUATION REPORT**

**APPENDIX A - The Americans with Disabilities Act  
Self-Evaluation Report for the  
City of Madera**



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# I. PROJECT OVERVIEW

## A. Acknowledgments

Sally Swanson Architects, Inc., (SSA), would like to thank all participating staff at the City of Madera. Without their coordination and the individual Departmental contributions, this project would not have been possible.

## B. Introduction

Madera is a city in California and the county seat of Madera County. According to a July 1, 2019, estimate by the US Census Bureau, the city's population is 65,860. The town was named after the Spanish term for lumber, and, from 1876 to 1931, a 63-mile water flume carried lumber from the mountains to Madera where the lumber was shipped by train. Landmarks include the historic Madera County Courthouse, the notable Madera water tower, and a fully operational drive-in movie theater.

The Americans with Disabilities Act (ADA) Title II mandates that covered entities, such as the City of Madera, conduct a Self-Evaluation, create a Transition Plan, appoint an ADA Coordinator, and develop a Grievance Procedure and an ADA Notice of Compliance. To meet this obligation, and to create a path forward toward total accessibility, the City has contracted with Sally Swanson Architects, Inc. (SSA) to assist with meeting (ADA) Title II mandates.

This document presents only the ADA Self-Evaluation. This evaluation provides a comprehensive report outlining a review of the City's programs, services, and activities.

Results of the survey and analysis identify programmatic and administrative barriers to programs and are contained herein.<sup>1</sup>

## C. Background Information Regarding the Americans with Disabilities Act and California State Law

### 1. Purpose of the Americans with Disabilities Act

Passed in 1990, the Americans with Disabilities Act (ADA) is one of the most comprehensive civil rights laws in the nation. It provides protection to an estimated fifty-seven million Americans in: employment (Title I); receipt of programs, services, and activities from State and local government (Title II); the receipt of goods and services from private businesses (Title III); and telecommunications (Title IV). In 2008, the Americans with Disabilities Act Amendment Act (ADAAA) was passed. The ADAAA gives guidance to the courts regarding who has standing under ADA. The result has been an increasing number of people who are now able to bring ADA claims in Federal Court.

### 2. Overview of Disability Civil Rights Laws Impacting the City

The City of Madera is covered by the ADA Title II, ADAAA of 2008, the Rehabilitation Act of 1973, and California Government Codes 11135 and 12926. All contractual activities are also covered by California Government Code 4450.

Employment programs are covered by the ADA (Title I), the ADAAA and California Government Code 12926. When comparing State and Federal law, it is mandated that

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<sup>1</sup> The City of Madera's Transition Plan, focused on physical barriers to access, is also a part of this project and provided as a separate document.

the most stringent law be applied to create the maximum amount of access for people with disabilities. Thus, the most stringent standards were applied to the evaluation reported in this document.

### 3. ADA Self-Evaluation Requirements

Required by 28 CFR 35.105, the ADA Self-Evaluation is a complete examination of all programs, services and activities provided by the City to ensure that, when viewed in their entirety, they are readily accessible to qualified people with disabilities. The purpose of the ADA Self-Evaluation is to identify areas where changes are needed to ensure access is in place for people with disabilities.

### 4. Who is a Qualified Person with a Disability?

To be qualified as a person with disabilities for the purposes of this Self-Evaluation, an individual must have a disability as defined below and must be qualified to participate in the programs, services or activities of the City.

Under California Government Code 11135, the ADA was incorporated into State law and therefore the ADA issues raised in this Report are both State and Federal issues. In California Government Code 12926, the definition of mental and physical disability was broadened beyond the ADA. Summarized as follows:

1. A person having a physical or mental disability that limits a major life activity. This person is considered as having unmitigated status (i.e., how the individual in question would function without the use of medication or devices that may mitigate the impact of the disability). If there is a limitation to a major life activity in this statute, coverage is established;

2. A person with a history of a disability as described above;
3. A person is regarded as having a disability, such as described.

California State law also provides protection to cancer survivors, people who have a genetic predisposition to illnesses or disabilities or people who have received services within a special education program.

## D. Scope of the Self-Evaluation

The Self-Evaluation is intended as a review of the programs, services and activities provided by the City. The US Department of Justice (DOJ) within the ADA Title II, Technical Assistance Manual (TAM) (Section II-8.2000) recommends a scope of review for Self-Evaluations, which contains thirteen program areas which were considered for use in the development of this report. Areas considered include:

- The Transition Plan (physical access to certain City facilities)
- Policies that may limit or exclude the participation of people with disabilities
- Communication systems used by the City
- Provision of auxiliary aids and services to people who are engaged in the City's programs, services, or activities
- Access to emergency management for people with disabilities
- Disability awareness among City staff
- Policies addressing policy modification requests and the determination of fundamental alteration of programs
- Access to public meetings
- Human Resources programs and policies
- Construction policies
- City staff training and support
- ADA-related drug policies

## E. Self-Evaluation Method of Review

The ADA mandates that a Self-Evaluation review all programs, services, and activities of the covered entity. The Self-Evaluation of the City's programs, services, and activities required and involved the participation of every City Department. SSA developed targeted accessibility surveys. Each Department was assigned relevant surveys based on their programs, services, and activities. Departments were instructed to complete a survey for different divisions if they were sufficiently separate and unique. Survey responses are summarized in Part II of this report. Copies of the surveys are included in Appendix I to this report, and survey responses and corresponding attachments are available upon request.

## F. ADA Transition Plan Requirements

The ADA Transition Plan is required by 28 CFR 35.150 (d). An ADA Transition Plan must include the following components:

1. A list of all physical barriers in sites at which the City provides programs, services, or activities;
2. A statement regarding the method to be used to mitigate the barriers;
3. A schedule for barrier mitigation;
4. The name of the official who is responsible for the ADA Transition Plan administration.

The ADA Transition Plan will be contained in a separate report.

## G. How This Report is Organized & To Be Utilized

The City of Madera is committed not only to compliance with federal and state laws regarding disability and access but strives to be a model of accessibility and reasonable accommodation best practices. Accordingly, this report is organized into two sections: (1) findings and recommendations for City-wide implementation; and (2) findings and recommendations on a Department-by-Department basis. Depending on survey responses and comments, not all Department-specific sections will include recommendations.

This Report is intended to be a summary – not a full recitation – of survey results. Each section begins with an overview of recommendations indicated with box bullet points and segues into a breakdown of survey summaries providing the basis for those recommendations. Other lists, such as lists of available accessibility resources, are generally indicated in footnotes.

By organizing the information in this way, the City can easily access the information it needs and use this Report to sharpen its focus on providing the best possible service to its constituents with disabilities and become a model of best practices.

## II. SURVEY RESPONSES AND RECOMMENDATIONS

### A. Printed Communications

Generally speaking, the ADA requires that the City provide print materials in formats accessible to persons who may be blind or have a vision impairment so as not to discriminate against people with disabilities.

#### 1. Recommendations

- Ensure that all City printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities.<sup>2</sup>
- Develop and implement staff training to ensure that all publications and correspondence use “person-first” language.<sup>3</sup>
- For documents that are regularly distributed, keep a few copies in large print format available.

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<sup>2</sup> See, e.g., Articles on Best Practices for Accessible Print Materials

- <https://www.aph.org/aph-guidelines-for-print-document-design/>
- <https://www.zaginteractive.com/insights/february-2020/making-your-printed-materials-ada-accessible>
- <https://perma.cc/JN75-2WDQ>
- <https://perma.cc/EHH7-XZFR>
- <https://uxdesign.cc/a-guide-to-understanding-what-makes-a-typeface-accessible-and-how-to-make-informed-decisions-9e5c0b9040a0>

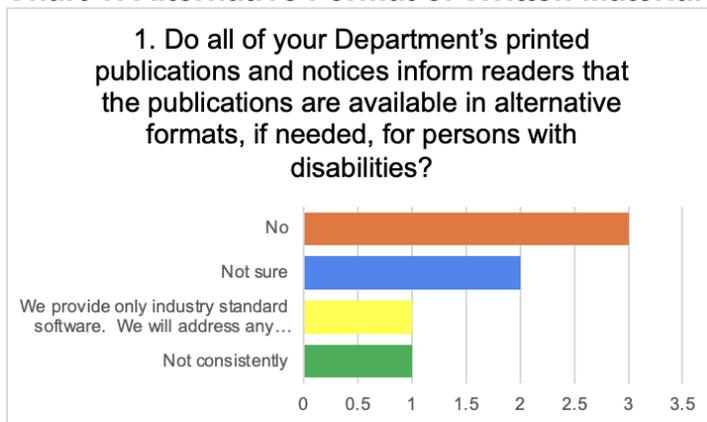
<sup>3</sup> See, e.g., Articles on Person-First Language and Training

- [https://www.counseling.org/resources/library/vistas/2011-v-online/Article\\_05.pdf](https://www.counseling.org/resources/library/vistas/2011-v-online/Article_05.pdf)
- <http://www.disabilityawarenesstraining.com/about-dave/blog/188-first-person-language>

## 2. Survey Responses & Findings

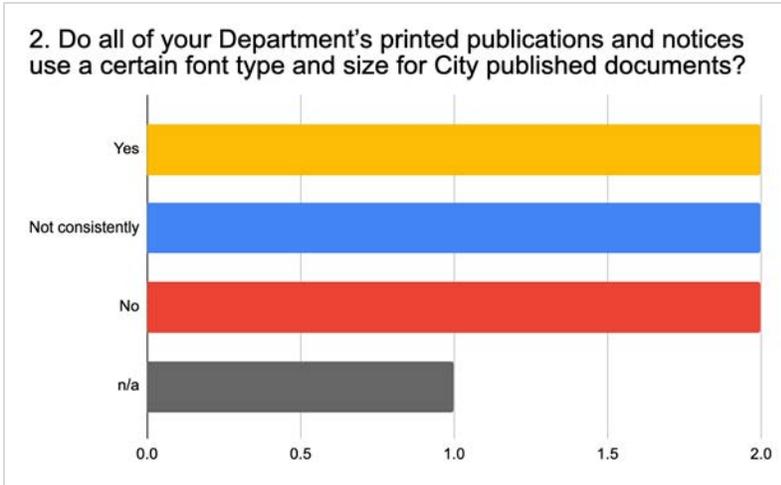
Survey responses indicated a general lack of consistency around the accessibility of print materials. Respondents indicated that printed materials generally do not - or do not consistently - inform readers that publications are available in alternative formats, and the City does not have a style guide to ensure consistent accessibility of print materials. This assessment is based on survey responses received, and the City will need to evaluate if this is a training opportunity on existing practices or whether training is needed on proper notification of alternative format availability.

**Chart 1: Alternative Format of Written Material**



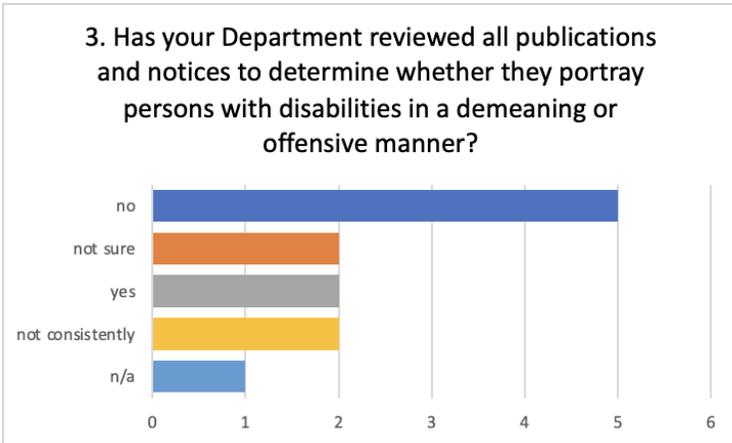
- Question: Do all of your Department's printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities?
- Responses: No: 8; not sure: 3; not consistently: 1
- Comments: none

**Chart 2: Font Type and Size**



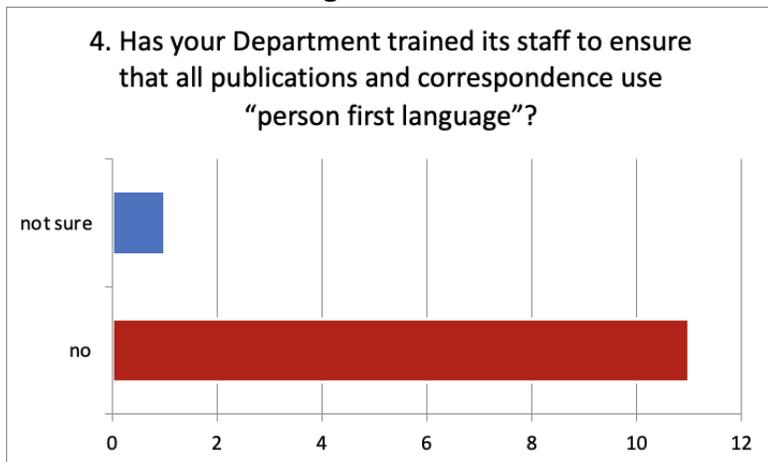
- Question: Do all of your Department's printed publications and notices use a certain font type and size for City published documents?
- Responses: yes: 2; no: 2; not consistently: 2; n/a: 1
- Comments: Two individuals commented that their department uses Calibri 11 consistently. One person said that their department is in the process of creating a handbook for consistency across departments on printed materials.

**Chart 3: Review of Publications and Notices**



- Question: Has your Department reviewed all publications and notices to determine whether they portray persons with disabilities in a demeaning or offensive manner?
- Responses: no: 5; not sure: 2; yes: 2; not consistently: 2; n/a: 1
- Comments: One person noted that if the department did not have any publications or notices, this would not apply.

**Chart 4: Staff Training**



- Question: Has your Department trained its staff to ensure that all publications and correspondence use “person-first language”?
- Responses: no: 11; not sure: 1
- Comments: One person said that this is the first time they had ever heard of person-first language. Another person said that a quick reference guide to person-first language would be helpful.

## B. Communication with People Who Are Deaf or Hard of Hearing

The ADA requires that the City ensure that all of its programs, services and activities can be fully accessed and enjoyed by people who may be deaf or hard of hearing. This may require, in some instances, provision of American Sign Language interpreters, captioning on videos, and provision of auxiliary aids.<sup>4</sup>

### 1. Recommendations

- Update business cards and letterhead to indicate “711 the California Relay”.<sup>5</sup>
- Request public phone lines be tested to ensure TTY functionality and ensure that

<sup>4</sup> See, e.g. <https://www.ada.gov/taman2.html#II-7.0000>

<sup>5</sup> See, e.g. Information Regarding 711 the California Relay

- <https://ddtp.cpuc.ca.gov/default1.aspx?id=1482>

the public is informed of their option to utilize this accessible means of communication.<sup>6</sup>

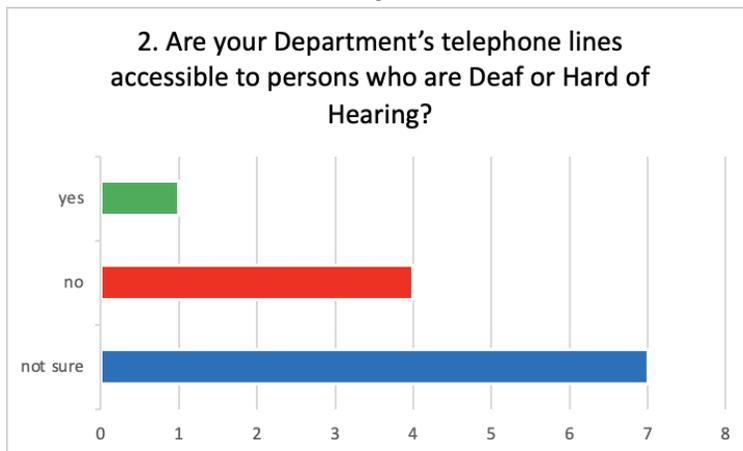
- Develop a policy in place for securing Video Remote Interpreting (VRI) services and ensure all City Departments are aware of how to secure VRI services upon request.
- If videos are used (internally or for the public), ensure that all Departments are informed of resources available to make certain that videos are captioned.

## 2. Survey Responses & Findings

Survey responses indicated a general inconsistency as to whether City Departments are fully informed and resourced to provide full programmatic access to people who are deaf or hard of hearing.

- Question: Does your Department list “711 the California Relay” on business cards and letterheads?
- Responses: no: 12
- Comments: One person noted that during the last Self-Evaluation 10 years ago, they were told to take off all 711 information from their official correspondence and they have been following that guidance since. Another person noted that the City Council Agenda has 711 information at the bottom. Another person asked how 711 would work in tangent with Zoom meetings.

### Chart 1: Accessible Telephone Lines

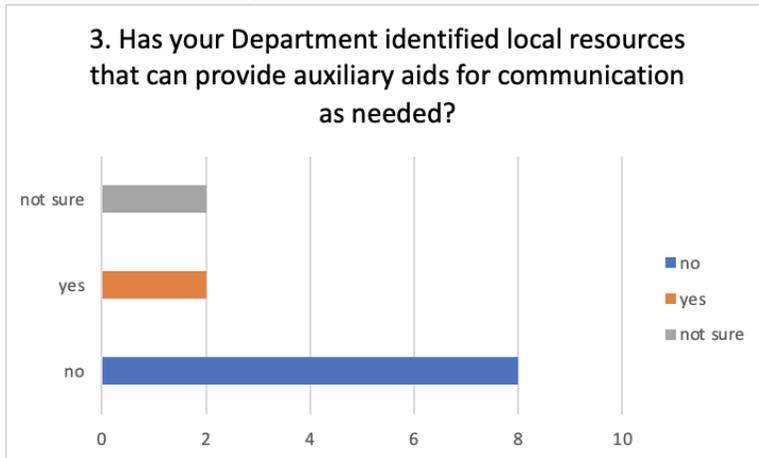


<sup>6</sup> See, e.g., FCC Consumer Accessibility Resources

- <https://www.fcc.gov/general/disabilities-issues-guides>

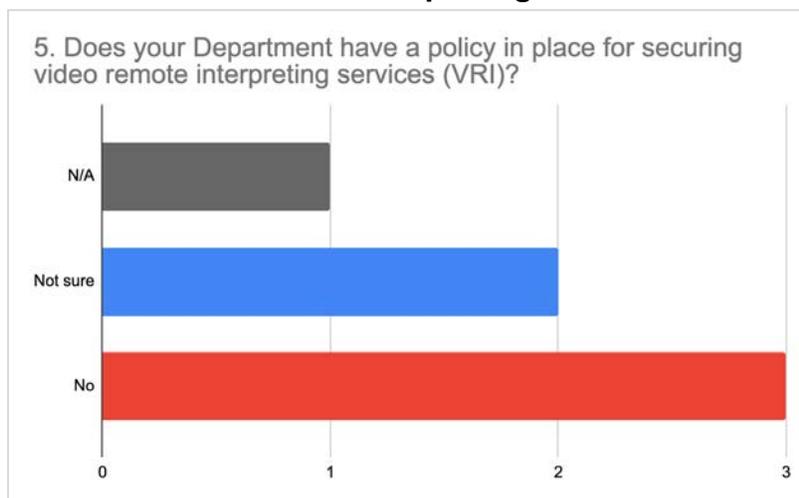
- Question: Are your Department's telephone lines accessible to persons who are deaf or hard of hearing?
- Responses: not sure: 7; no: 4; yes: 1
- Comment: One person said yes because the system has the option for users to increase/decrease volume. Another person noted that there is a high probability that the City will be switching phone systems in the next 3 to 6 months.

**Chart 2: Auxiliary Aids**



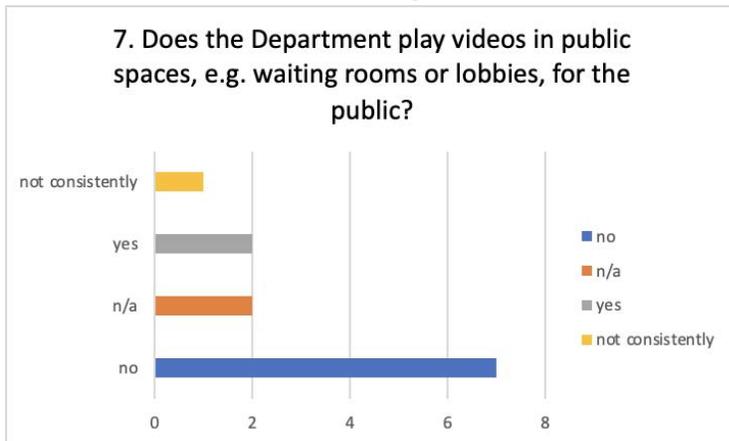
- Question: Has your Department identified local resources that can provide auxiliary aids for communication as needed?
- Responses: no: 8; not sure: 2; yes: 2
- Comments: One person gave an example of the City Clerk providing headsets for individuals upon request and noted that not all departments have meetings like this.

**Chart 3: Video Remote Interpreting Services**



- Question: Does your Department have a policy in place for securing video remote interpreting services (VRI)?
- Responses: no: 7; not sure: 3; yes: 1
- Comments: none

**Chart 4: Videos in Public Spaces**



- Question: 7. Does the Department play videos in public spaces, e.g. waiting rooms or lobbies, for the public?
- Responses: no: 7; yes: 2; n/a: 2; not consistently: 1
- Comment: The Police Department plays videos.

## C. Software and Digital Communication

Although the ADA precedes the age of most digital communications and platforms, numerous judicial decisions have held that digital communications and platforms must be made accessible to people with disabilities so as not to discriminate against this class of persons.

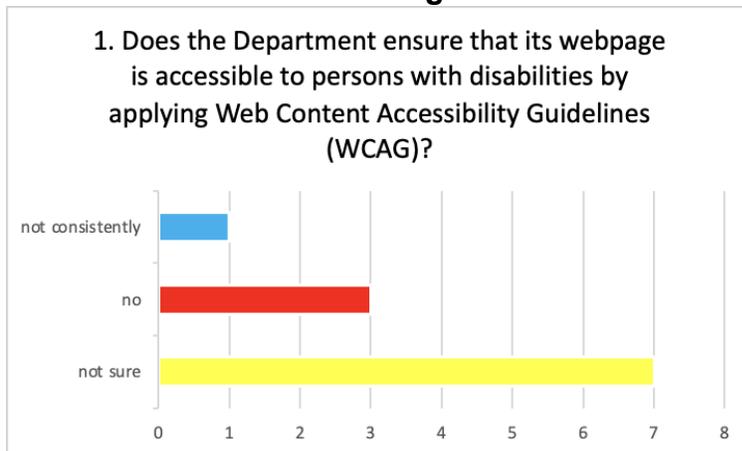
### 1. Recommendations

- Establish and implement policy that all websites, third party software, electronic payment systems, and electronic communications comply with current Web Content Accessibility Guidelines (WCAG 2.1 AA).<sup>7 8</sup>
- Establish how WCAG compliance will be maintained and communicate this expectation across Departments.
- Establish and implement policy that all electronic documents (e.g. PDFs, Word documents and photographs) are accessible to people with disabilities and/or are available in alternative, accessible formats.<sup>9</sup>

## 2. Survey Responses & Findings

Software and digital communications are increasingly scrutinized for accessibility to people with disabilities. Survey responses here are consistent with many other Title II entities in that there is, generally, heavy reliance on Information Services to manage digital accessibility, and little is known about what digital access means from a user perspective.

**Chart 1: Accessible Web Pages**



<sup>7</sup> This applies to Information Services as well, see below.

<sup>8</sup> Link to WCAG 2.1 <https://www.w3.org/TR/WCAG21/>

<sup>9</sup> See, e.g., Instructions on How to Create and Check Accessible PDFs

- <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

How to Make Accessible Images

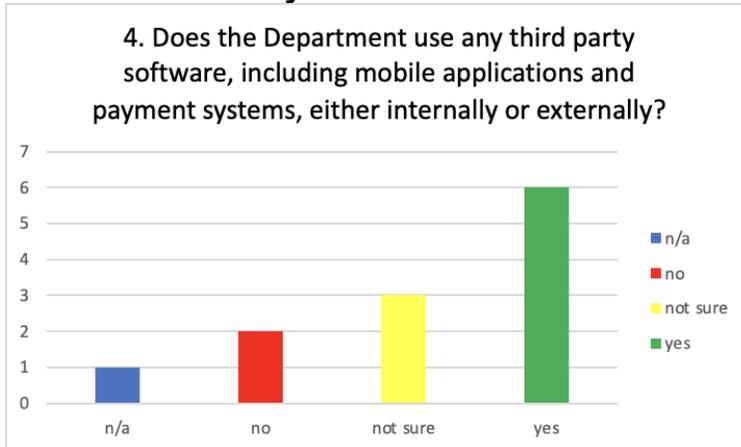
- <https://wishdesk.com/blog/make-images-accessible>

How to Create Accessible Word Documents

- <https://www.washington.edu/accessibility/documents/word/>

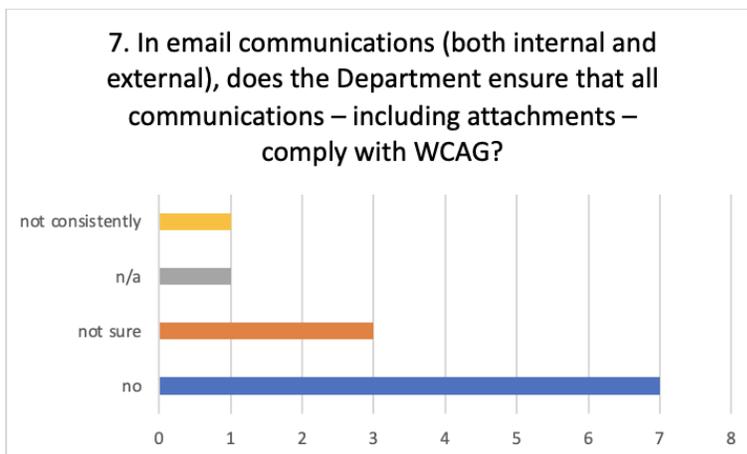
- Question: 1. Does the Department ensure that its webpage is accessible to persons with disabilities by applying Web Content Accessibility Guidelines (WCAG)?
- Responses: not sure: 7; no: 3; not consistently: 1
- Comments: One individual noted that the City Communication Specialist would have been able to best answer this but was not surveyed.

### Chart 2: Third Party Software



- Question: Does the Department use any third-party software, including mobile applications and payment systems, either internally or externally?
- Responses: yes: 6; not sure: 3; no: 2; n/a: 1
- Comments: none

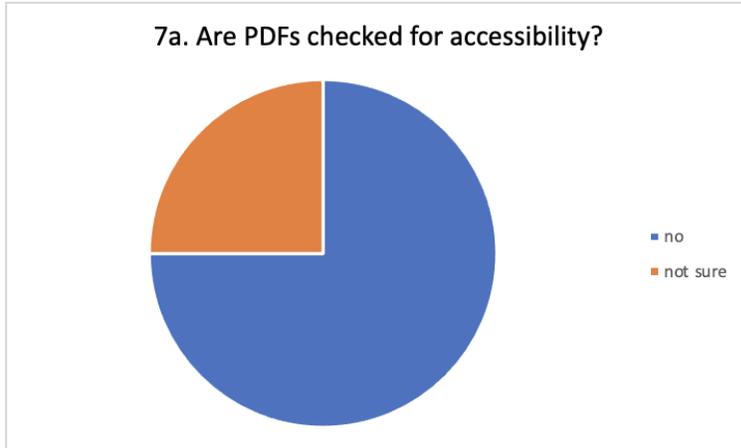
### Chart 3: Email Communication Attachments



- Question: In email communications (both internal and external), does the Department ensure that all communications – including attachments – comply with WCAG?

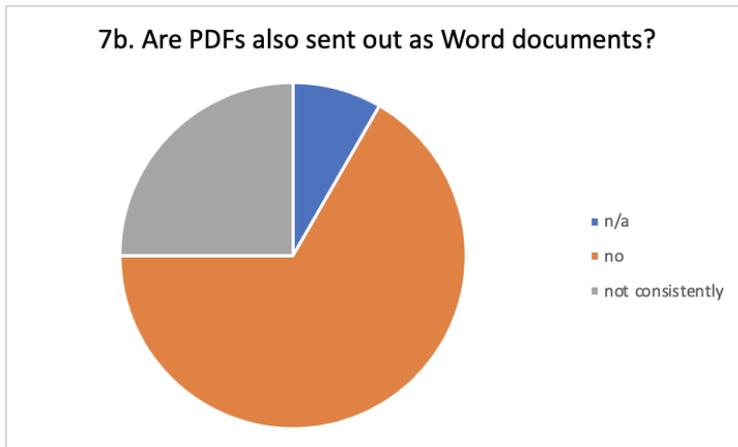
- Responses: no: 7; not sure: 3; n/a 1; not consistently: 1
- Comments: none

**Chart 4: Accessible PDFs**



- Question: Are PDFs checked for accessibility?
- Responses: no: 9; not sure: 3
- Comments: none

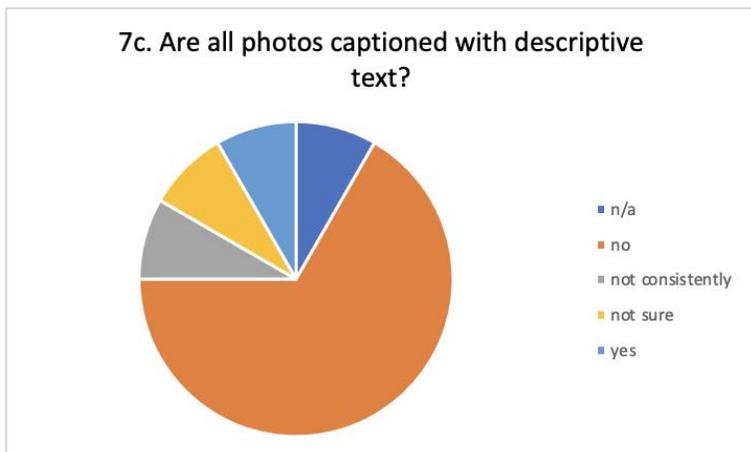
**Chart 5: Accessible Word Documents**



- Question: Are PDFs also sent out as Word documents?
- Responses: no: 8; not consistently: 3; n/a: 1
- Comments: One person noted that they purposely do not send Word documents to the public so that original documents cannot be altered. Another person asked whether this needed to be offered or done. Another person asked whether this

was for public meetings, whether this was mandated, and whether there was a funding source for ADA mandates. Another person asked if all PDFs are accessible, is there not the software equivalent that makes Word documents accessible. Another person noted that accessible documents can be made and gave the example that if someone has a vision issue, they can click on it themselves and the PDF can be changed into an accessible document if they have the right software. This person added that the City has Acrobat so they can also use that to make documents accessible before they send them out.

**Chart 6: Accessible Photos**



- Question: Are all photos captioned with descriptive text?
- Responses: no: 8; not sure: 1; yes: 1; not consistently: 1
- Comments: One person asked if this referred to background images. Another person noted that they thought the wording was throwing everyone off because not consistently may be coming up as no's in this survey. This person noted that they thought if the question were worded, "Are photos captioned with descriptive text" more people would have responded yes.

## D. Staff & Employees

The ADA requires that people with disabilities are not discriminated against in hiring and/or the course of employment because of a disability.<sup>10</sup>

<sup>10</sup> See, e.g. <https://www.ada.gov/taman2.html#II-4.1000>.

## 1. Recommendations

- Consider partnering with local disability rights groups and organizations to affirmatively notify and recruit persons with disabilities to available roles.<sup>11</sup>
- Offer training on accessibility best practices and/or City disability policies and procedures to staff and employees<sup>1213</sup>
- Ensure that all Departments have an easily ascertainable policy against disability harassment, as well as a grievance system that offers assistance to people with disabilities who, due to their disability, are not able to independently complete the grievance.

## 2. Survey Responses & Findings

Survey responses indicated that there is a centralized process for general training around disability awareness and etiquette training, as well as how to initiate and engage in the interactive reasonable accommodations process. There is also a centralized procedure for how a grievance regarding a reasonable accommodations request would be received and processed. Respondents indicated they stay up to date on disability awareness and etiquette training and that they look forward to their continued up-to-date trainings.

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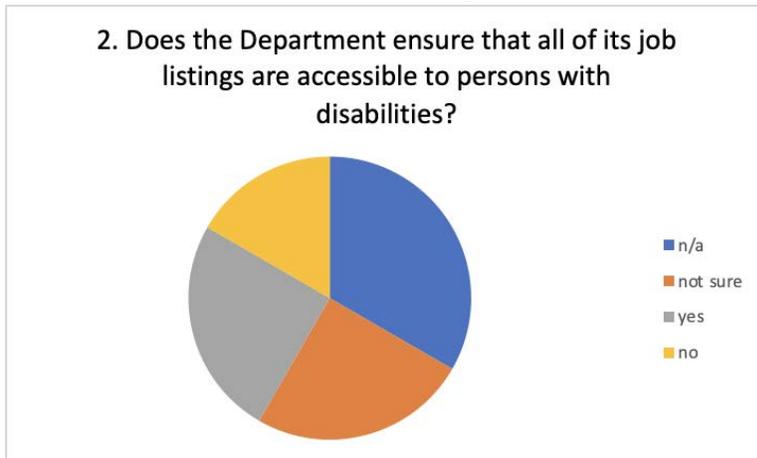
<sup>11</sup> See, e.g. Abilities Job Fair (<https://www.abilities.com/community/job-fair.html>), Respectability (<https://www.respectability.org/resources/job-seekers-disabilities/>); DAV (<https://www.dav.org/veterans/employment-resources/>).

<sup>12</sup> See, e.g., footnote 14.

<sup>13</sup> Employers' Practical Guide To Reasonable Accommodation Under The Americans With Disabilities Act (ADA)

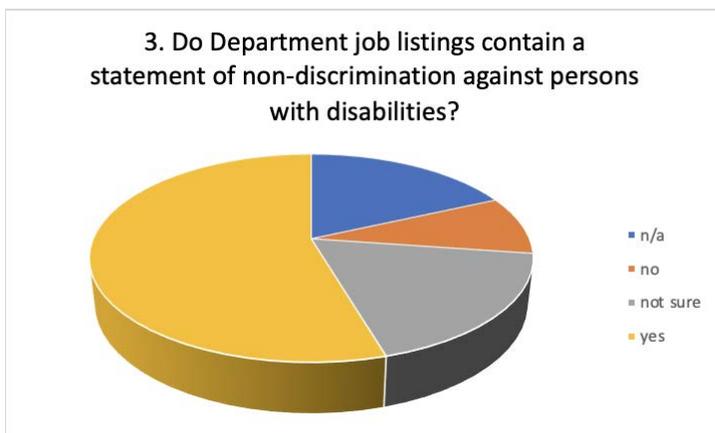
- <https://askjan.org/publications/employers/employers-guide.cfm>

### Chart 1: Accessible Job Listings



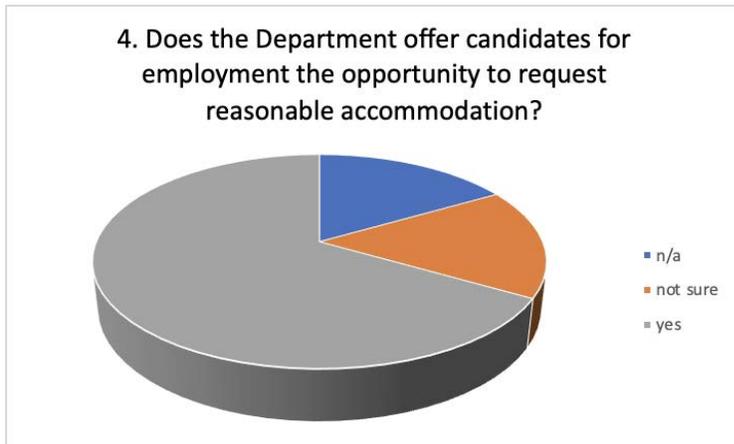
- Question: Does the Department ensure that all of its job listings are accessible to persons with disabilities?
- Responses: n/a: 4; not sure: 3; yes: 3; no: 2
- Comments: One person noted that Human Resources does all of the job listings so the “no’s” in the response may have been because departments do not do their own listings.

### Chart 2: Non-Discrimination Statement



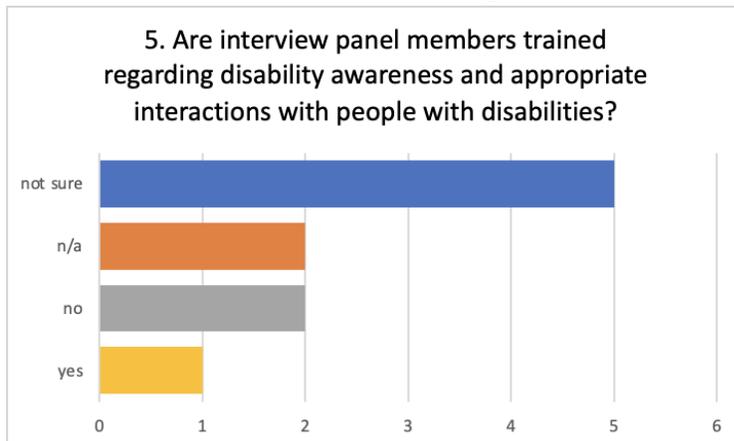
- Question: Do Department job listings contain a statement of non-discrimination against persons with disabilities?
- Responses: yes: 6; not sure: 2; n/a 2; no: 1
- Comments: One person noted that all job listing are done by Human Resources and do contain a statement of non-discrimination against person with disabilities.

### Chart 3: Candidate Reasonable Accommodation



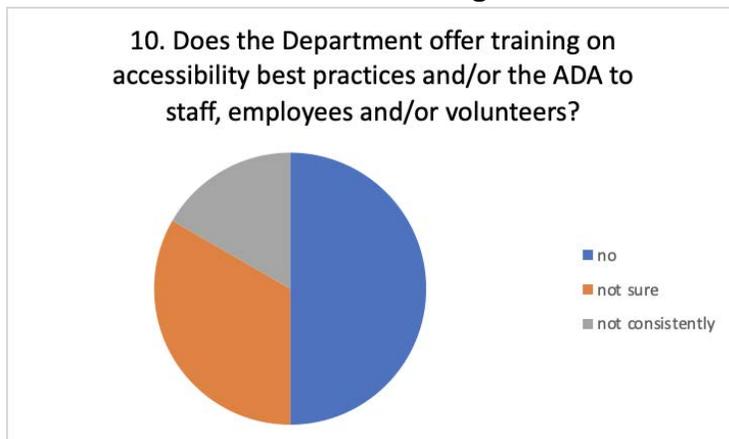
- Question: Does the Department offer candidates for employment the opportunity to request reasonable accommodation?
- Responses: yes: 8; n/a: 2; not sure: 2
- Comments: One person noted that Human Resources ensures this with a page in the job application.

### Chart 4: Interview Panel Training and Awareness



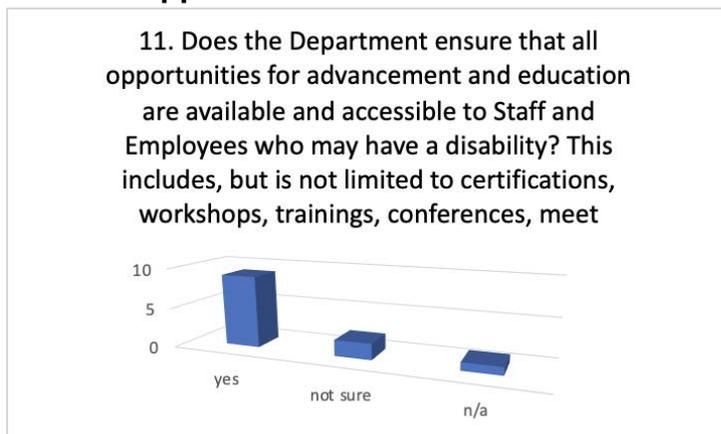
- Question: 5. Are interview panel members trained regarding disability awareness and appropriate interactions with people with disabilities?
- Responses: not sure: 5; n/a: 2; no: 2; yes: 1
- Comments: One person noted that Human Resources handles this and everyone involved with interview panels receives standard training.

### Chart 5: Best Practices Training



- Question: 10. Does the Department offer training on accessibility best practices and/or the ADA to staff, employees and/or volunteers?
- Responses: no: 6; not sure: 4; not consistently: 2
- Comments: One person noted that the City employs risk management that sends out weekly training bulletins that include ADA best practices.

### Chart 6: Opportunities for Advancement and Education



- Question: Does the Department ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability? This includes, but is not limited to certifications, workshops, trainings, conferences, meetings, etc.
- Responses: yes: 9; not sure: 2; n/a: 1
- Comments: One person clarified that the question is asking are all opportunities made available to everyone.

### Chart 7: Reasonable Accommodations Process



- Question: Does the Department have a process for its staff and/or employees to request a reasonable accommodation?
- Responses: yes: 7; no: 3; not sure: 2
- Comments: One person noted that there is a documented interactive process for requesting accommodations and guessed that the “no’s” are from departments that have not yet gotten an accommodation request.

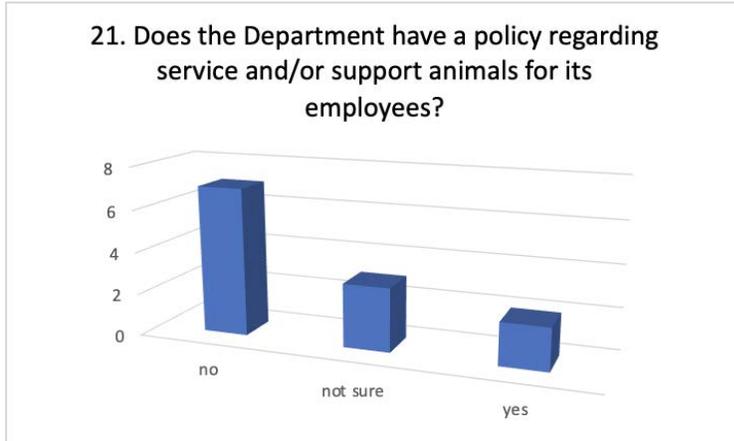
### Chart 8: Search for Vacant, Funded Position



- Question: Does the Department’s reasonable accommodation process include a search for transfer into a vacant, funded role as an accommodation of last resort?
- Responses: not sure: 7; yes: 3; n/a: 2
- Comments: One person stated that there is a consistent process and it is one of the areas explored in the interactive process. Another person noted that they thought survey responders might be misinterpreting the question or answering in

an area outside of their expertise. This person concurred that the City has a process for this and that an individual with restrictions has a process where the City will look for a transfer into a vacant, funded role. The person added that the City follows this 100% of the time.

### Chart 9: Service and Support Animal Policy



- Question: Does the Department have a policy regarding service and/or support animals for its employees?
- Responses: no: 7; not sure: 3; yes: 2
- Comments: One person noted that the City follows ADA mandates regarding service and/or support animals.

## E. Purchasing, Contracts, Vendors

The City should ensure that people with disabilities are not precluded from participating in the contractual bidding process, that contractors are required to comply with disability-related rules and regulations, and that services and products procured are equally available and accessible to persons with disabilities.<sup>14</sup> Additionally, items purchased for use in the delivery of a Title II entity's programs, services or activities should be accessible and available for use by persons with disabilities, or be capable of modification to ensure access.

<sup>14</sup> See, e.g. <https://www.ada.gov/taman2.html#II-3.7100>.

## 1. Recommendations

- Ensure that documents related to bidding and contracting are uniformly (i.e. across Departments) accessible and available in alternative formats.
- Continue training and offer guidance for staff and vendors regarding clear space and furniture placement.<sup>15</sup>
- Inform all Departments as to what steps an employee or member of the public with a disability has available if they believe they have been discriminated against by a County vendor or contractor.

## 2. Survey Responses & Findings

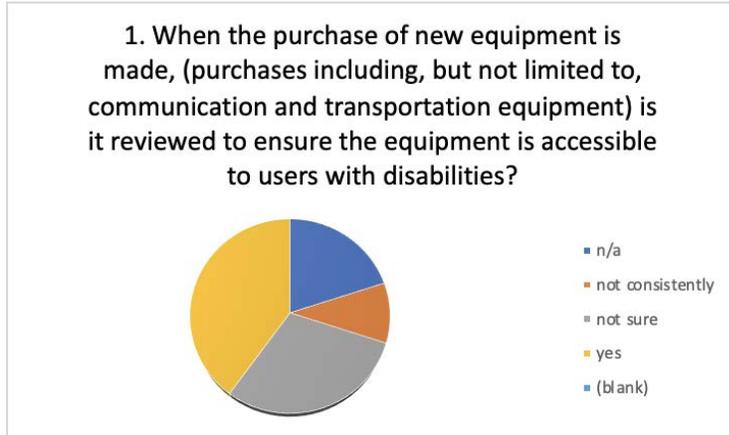
Generally, survey respondents who were unsure as to whether accessibility was considered in the purchase of new products, and/or the accessibility of the bidding process were answering to the best of their knowledge but outside of their area of expertise. The respondents noted lack of awareness of areas that are not in their responsibility or expertise. Training to ensure that all department heads are aware of what other departments are doing to ensure that people with disabilities are not precluded from participating in the contractual bidding process, that contractors are required to comply with disability-related rules and regulations, and that services and products procured are equally available and accessible to persons with disabilities would be helpful.

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<sup>15</sup> See, e.g. U.S. Access Board: Clear Floor or Ground Space & Turning Space

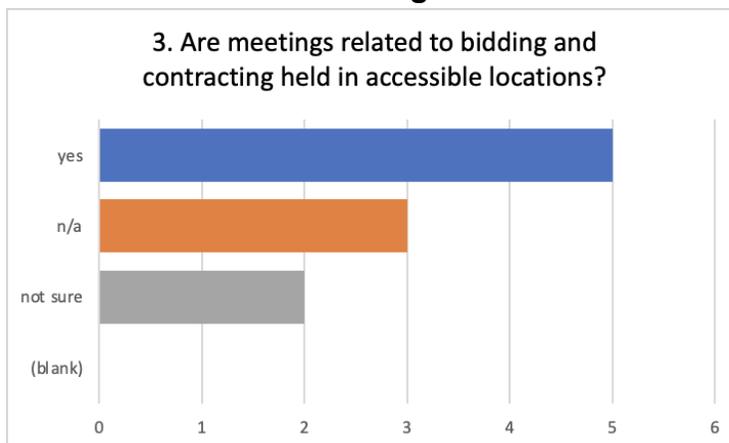
- <https://www.access-board.gov/ada/guides/chapter-3-clear-floor-or-ground-space-and-turning-space/>

## Chart 1: Purchase of New Equipment



- Question: When the purchase of new equipment is made, (purchases including, but not limited to, communication and transportation equipment) is it reviewed to ensure the equipment is accessible to users with disabilities?
- Responses: yes: 4; not sure: 3; n/a: 2; not consistently: 1
- Comments: One person noted that there are reviews that ensure equipment is accessible for current employees but not for all possible prospective candidates.

## Chart 2: Accessible Bidding Process



- Question: Are meetings related to bidding and contracting held in accessible locations?
- Responses: yes: 5; n/a: 3; not sure: 2
- Comments: One person noted that “n/a’s” might not be familiar with bids and clarified that all notice meetings are held in accessible meeting spaces. Another person asked whether this was upon request.

### Chart 3: Clear Space and Furniture Placement



- Question: Is guidance in place for staff and vendors regarding clear space and furniture placement?
- Responses: not sure: 5; no: 2; yes: 1; n/a: 1
- Comments: One person noted that this was all part of safety inspection processes and would depend on the person answering the question. The person clarified that if the person surveyed was not in the safety inspection process, they might not be aware and that inspections occur yearly with the threat of penalties involved.

## F. Construction & Remodels

The 2010 ADA Standards for Accessible Design set minimum requirements – both scoping and technical -- for newly designed and constructed or altered public accommodations to be readily accessible to and usable by individuals with disabilities.<sup>16</sup>

### 1. Recommendations

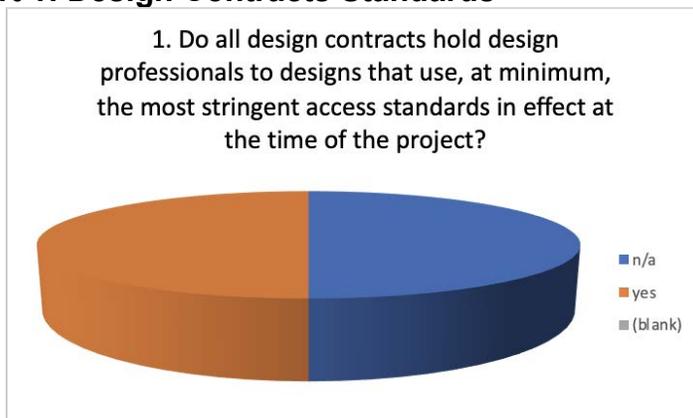
- Consider creating and implementing policy requiring major public projects to be reviewed by stakeholders with disabilities during the planning stage.

<sup>16</sup> See, e.g. <https://www.ada.gov/taman2.html#II-6.0000>

## 2. Survey Responses & Findings

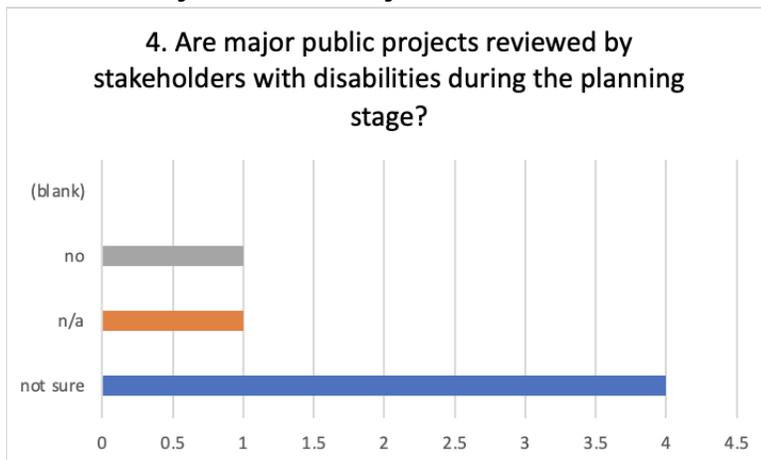
Survey respondents uniformly indicated that all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project. Survey responses were less clear as to whether stakeholders with disabilities are engaged on major projects during the planning stages.

**Chart 1: Design Contracts Standards**



- Question: 1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?
- Responses: yes: 3; n/a: 3
- Comments: One person noted that they follow whatever the law mandates but they are not sure on what “most stringent” meant because they thought you either meet a requirement or you don’t. Another person noted that when laws potentially vary, the City does follow whichever law is the most stringent guideline.

**Chart 2: Major Public Projects**



- Question: 4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?
- Responses: not sure: 4; n/a: 1; no: 1
- Comments: none

## G. Facilities & Real Estate Management

Facilities and real estate under the control of the City should be maintained in a way to ensure access to all locations and features by people with disabilities.<sup>17</sup>

### 1. Recommendations

- Continue training Departments and ensuring general awareness regarding how the City ensures proper maintenance of accessible features.<sup>18</sup>

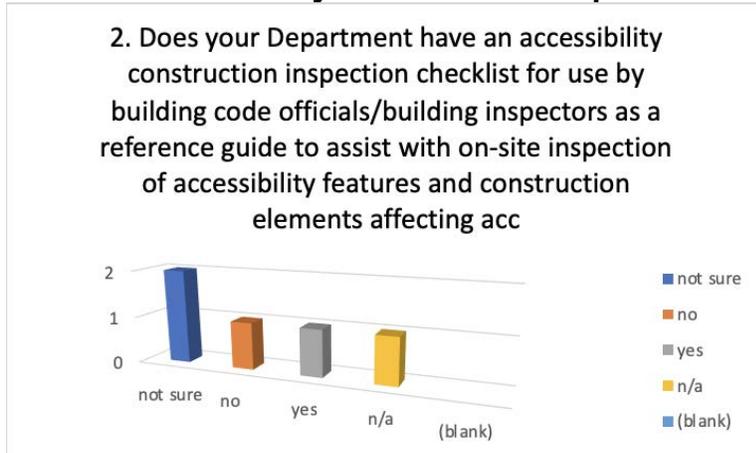
### 2. Survey Responses & Findings

Survey responses indicated a uniform, regular approach to ensure accessibility of public rights of way but were less consistent in their knowledge of the maintenance of accessible features (e.g. by Maintenance) and/or ensuring access during construction.

<sup>17</sup> See <https://www.ada.gov/taman2.html#II-3.10000> and <https://www.ada.gov/taman2.html#II-5.0000>

<sup>18</sup> See, e.g. U.S. Access Board: Clear Floor or Ground Space & Turning Space <https://www.access-board.gov/ada/guides/chapter-3-clear-floor-or-ground-space-and-turning-space/>

**Chart 1: Accessibility Construction Inspection Checklist**



- Question: 2. Does your Department have an accessibility construction inspection checklist for use by building code officials/building inspectors as a reference guide to assist with on-site inspection of accessibility features and construction elements affecting accessibility compliance to your facilities?
- Responses: not sure: 2; yes: 1; no: 1; n/a: 1
- Comments: One person noted that the City does have building inspectors that follow California Building Code. They clarified that nobody can legally approve a document or building plan that does not comply with ADA standards and they do not know who would have responded as such.

## H. Planning, Construction & Buildings

Generally, all facilities designed, constructed, or altered by, on behalf of, or for the use of a public entity must be readily accessible and usable by individuals with disabilities, if the construction or alteration is begun after January 26, 1992. Additionally, there must be a grievance process available to the public for any alleged failures to comply with this requirement.<sup>19</sup>

### 1. Recommendations

<sup>19</sup> See, e.g. <https://www.ada.gov/taman2.html#II-8.5000>

- Where applicable, develop an accessibility checklist or accessibility protocols (e.g. current accessibility practices) for use on all projects and assign a staff person to ensure compliance with this checklist.

## 2. Survey Responses & Findings

Survey responses uniformly noted that, when examining plans, the pertinent City Departments evaluate accessibility requirements.

### I. Fleet Services

If the City provides Fleet Services as any part of its programs, services, and activities, it should ensure that these are equally available and accessible to persons with disabilities to avoid discriminating against those persons.

#### 1. Recommendations

- Based on survey responses there are no recommendations for this section at this time.

#### 2. Survey Responses & Findings

Survey responses indicated that some City services include Fleet services and that, in the implementation of these services, Federal standards are integrated into the procurement process, and operators are trained in working with people with disabilities. Additionally, service animals are permitted on City transportation systems.

### J. Public Meetings

The ADA requires that the City ensure equal access to participation in public meetings and events.<sup>20</sup>

## 1. Recommendations

- Create and implement an events accessibility checklist for all Departments that hold public meetings which addresses, at a minimum, the items included within this portion of the Self-Evaluation survey.<sup>21</sup>

## 2. Survey Responses & Findings

Survey responses indicated a general lack of uniformity regarding the advertisement and implementation of accessible City events and functions.

Respondents were not aware of an events accessibility checklist, or whether event announcements contained an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request.

Respondents indicated that City events and functions are held in buildings and rooms that are fully accessible, but that not all staff are not trained in how to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals. Many of these items can be adequately addressed by implementing a uniform events accessibility checklist, such as the one noticed in footnote 26, *supra*.

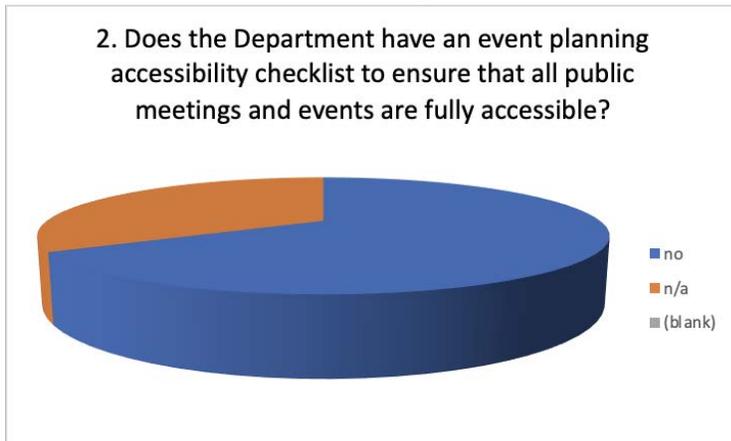
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<sup>20</sup> See, e.g. <https://www.ada.gov/taman2.html#II-3.3000>

<sup>21</sup> See, e.g. American Bar Association: Commission on Disability Rights, Planning Accessible Meetings and Events

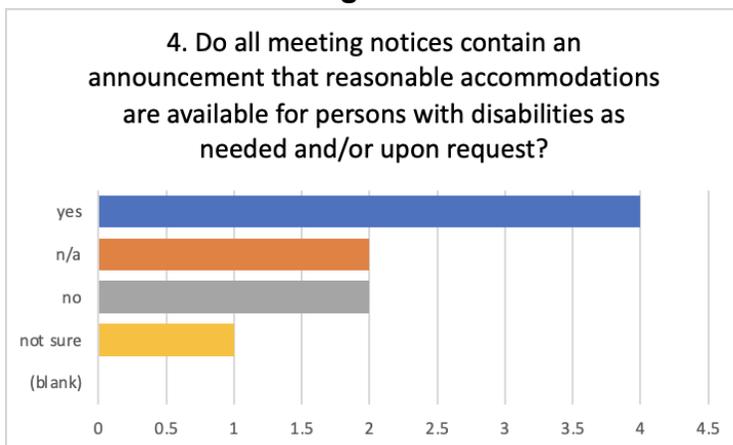
- [https://www.americanbar.org/content/dam/aba/administrative/mental\\_physical\\_disability/Accessible\\_Meetings\\_Toolkit\\_authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Accessible_Meetings_Toolkit_authcheckdam.pdf)

### Chart 1: Events Accessibility Checklist



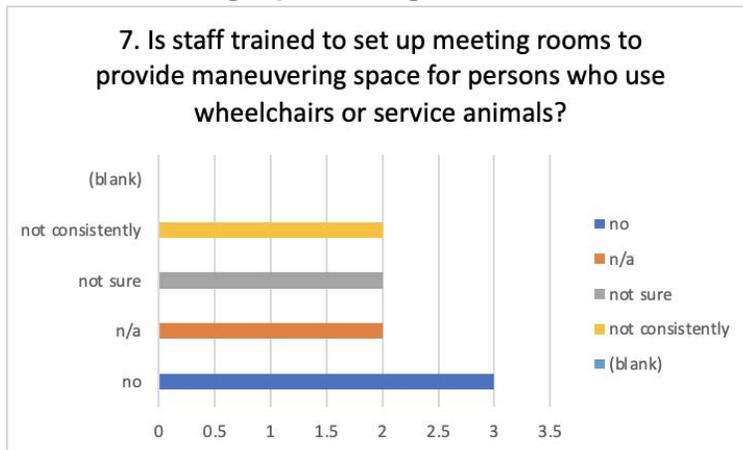
- Question: Does the Department have an event planning accessibility checklist to ensure that all public meetings and events are fully accessible?
- Responses: no: 6; n/a: 3
- Comments: One person noted the City Clerk’s office was not in attendance but that the City Clerk does have a planning checklist for setting up city council meetings.

### Chart 2: Public Meeting Notices



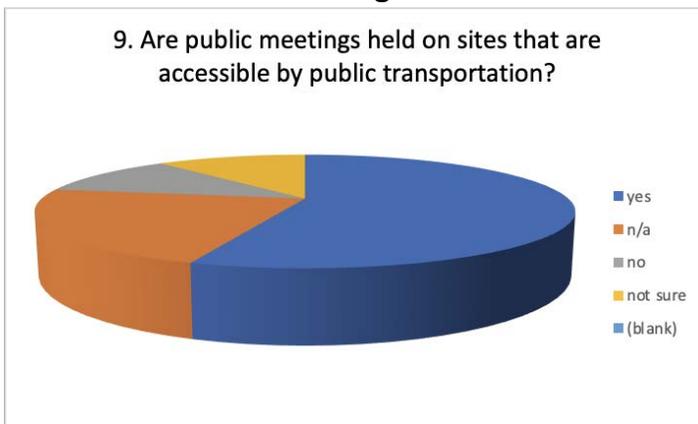
- Question: Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?
- Responses: yes: 4; no: 2; n/a: 2; not sure: 1
- Comments: One person noted that they should all be providing such an announcement, and they are pretty sure that they do. Another person noted that the standard language they should all be following is a statement included on all City Council agendas, that has been reviewed by the City Attorney.

### Chart 3: Setting Up Meeting Rooms



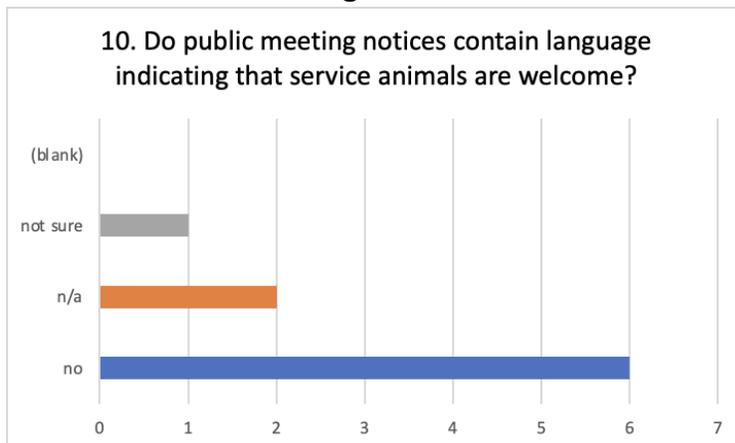
- Question: Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?
- Responses: no: 3; n/a: 2; not sure: 2; not consistently: 2
- Comments: none

### Chart 4: Accessible Meeting Locations



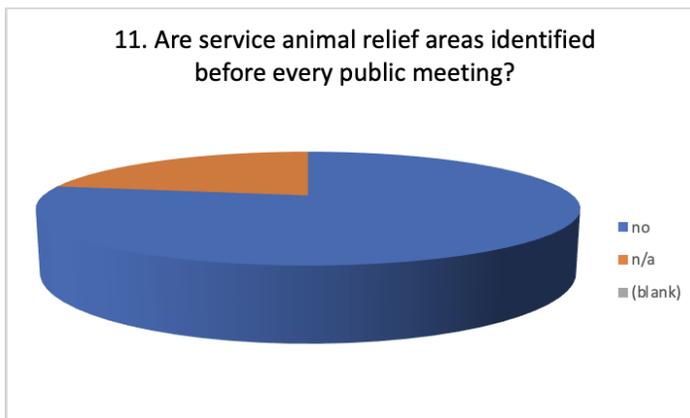
- Question: Are public meetings held on sites that are accessible by public transportation?
- Responses: yes: 5; n/a: 2; no: 1; not sure: 1
- Comments: One person clarified that all public meetings are held on sites that are accessible by public transportation and that they were not sure who would have responded otherwise.

### Chart 5: Public Meeting Notices



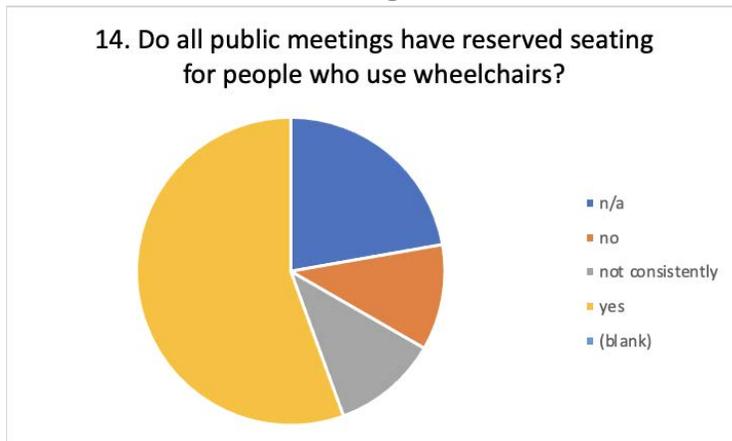
- Question: Do public meeting notices contain language indicating that service animals are welcome?
- Responses: no: 6; n/a: 2; not sure: 1
- Comments: none

### Chart 6: Service Animal Relief Areas



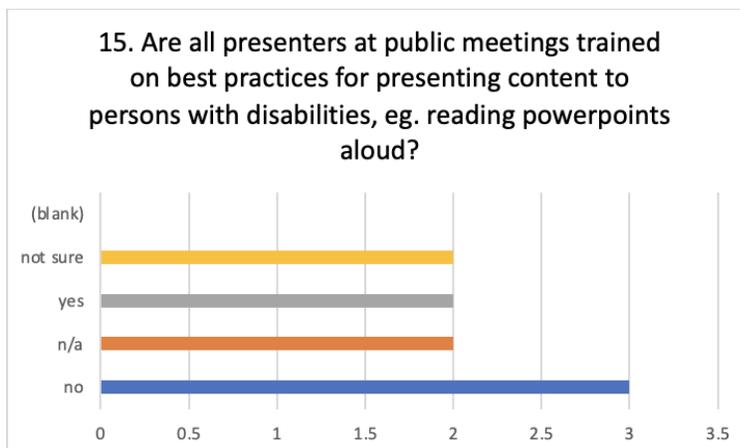
- Question: Are service animal relief areas identified before every public meeting?
- Responses: no: 7; n/a: 2
- Comments: One person asked for clarification on whether that was mandated. They stated they were aware of general requirements about allowing service animals but had never been aware of the relief areas. Another person noted that they were not sure that anyone has ever brought a service animal to a public meeting, so they have not had the opportunity to make that kind of announcement. Another person stated that they have not had service animal requests for public meetings but that they have had experience with seniors requesting service animals in senior services.

### Chart 7: Reserved Seating



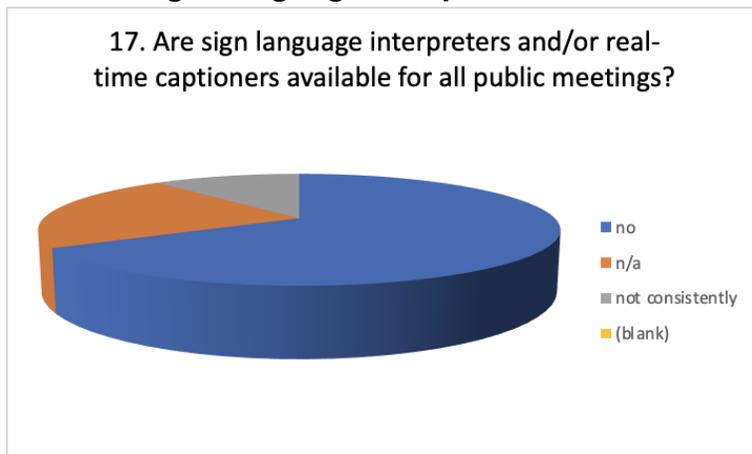
- Question: Do all public meetings have reserved seating for people who use wheelchairs?
- Responses: yes: 5; n/a: 2; no: 1; not consistently: 1
- Comments: One person stated that Council chambers have dedicated seating for people who use wheelchairs and companion seating. The person guessed that anyone answering no may be referring to a standard conference room.

### Chart 8: Presenter Best Practices



- Question: Are all presenters at public meetings trained on best practices for presenting content to persons with disabilities, eg. reading powerpoints aloud?
- Responses: no: 3; n/a: 2; not sure: 2; yes: 2
- Comments: One person noted that it's traditionally taught not to read aloud powerpoint because it is redundant. The person noted that the smallest font they use on powerpoint presentations is 28.

## Chart 9: Sign Language Interpreters



- Question: Are sign language interpreters and/or real-time captioners available for all public meetings?
- Responses: no: 6; n/a: 2; not consistently: 1
- Comments: One person noted that if they thought the question was misleading because if interpreters are not requested, then they are not present. The person clarified that interpreters are available upon request as mandated. Another person noted that real time captioning may be a possibility in the future and that they would investigate the City's current ability to do so.

## K. Emergency Procedures

Generally, emergency plans and procedures should account for people with disabilities to ensure their safety and care during emergency situations.

### 1. Recommendations

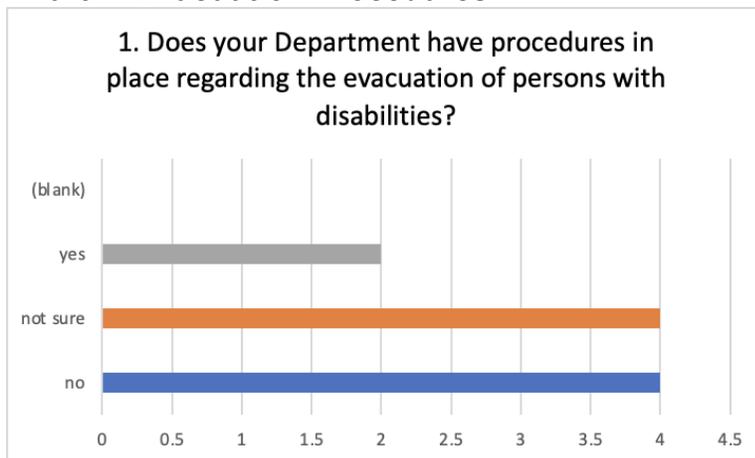
- Continue communication with emergency partners to ensure that any evacuation facilities are accessible to persons with disabilities.
- Ensure that all Staff and employees are aware of the City's: Building Safety Plan, evacuation procedures for persons with disabilities, and designated waiting areas within buildings for disabled people to wait for rescue by first responders.
- Continue staff and employees training on best practice to evacuate people with disabilities.<sup>22</sup>

<sup>22</sup> See, e.g. FEMA/American Red Cross: Preparing for Disaster for People with Disabilities and other Special Needs

## 2. Survey Responses & Findings

As our world experiences increasingly dramatic and catastrophic weather events, active shooter events, and the secondary impacts of these, it is exceedingly important for public entities to have thorough, updated emergency and evacuation procedures, as well as a staff well-trained and prepared to execute those. Here, survey responses were inconsistent regarding the existence, implementation, and regular updating of / training for emergency evacuation procedures, including the safe evacuation of people with disabilities. Continued training in Safety Committees and on evacuation plans would be helpful in raising awareness of the City's emergency procedures.

**Chart 1: Evacuation Procedures**



- Question: Does your Department have procedures in place regarding the evacuation of persons with disabilities?
- Responses: not sure: 4; no: 4; yes: 2
- Comment: One person noted that anyone who responded “not sure” or “no” needed to check with their Safety Committee training on their Department’s evacuation plan.

- 
- <https://oes.ucsc.edu/emergency-preparedness/procedures/arcdisasterprep.pdf>

## L. Records

Processes should be in place to ensure that all City records can be accessed by persons with disabilities, including but not limited to people who are blind or vision-impaired, Deaf or hard of hearing, and/or mobility-impaired.

### 1. Recommendations

- Based on survey responses there are no recommendations for this section at this time.

### 2. Survey Responses & Findings

Survey responses indicated that records are generally kept in both digital and hard copy format, and that there are either accessible physical locations for viewing these records (e.g. accessible desks or counters), and/or that assistance is provided upon request.

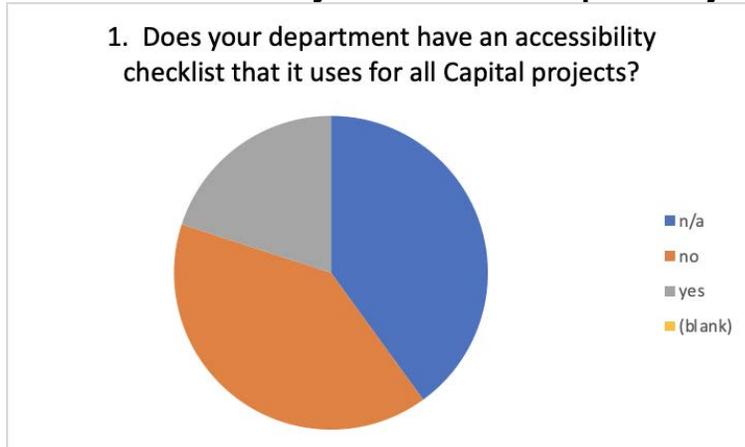
## M. Capital Projects

### 1. Recommendations

- Similar to the recommendation in the “Planning, Construction & Building” section of this report, develop an accessibility checklist or accessibility protocols (e.g. current accessibility practices) for use on all Capital projects and assign a staff person to ensure compliance with this checklist.

## 2. Survey Responses & Findings

**Chart 1: Accessibility Checklist for Capital Projects**



- Question: 1. Does your department have an accessibility checklist that it uses for all Capital projects?
- Responses: no: 2; yes: 1; n/a: 2
- One person answered that they have a mental checklist. Another person answered that Engineering uses checklists and design reviews to ensure compliance.

## N. General Purchases

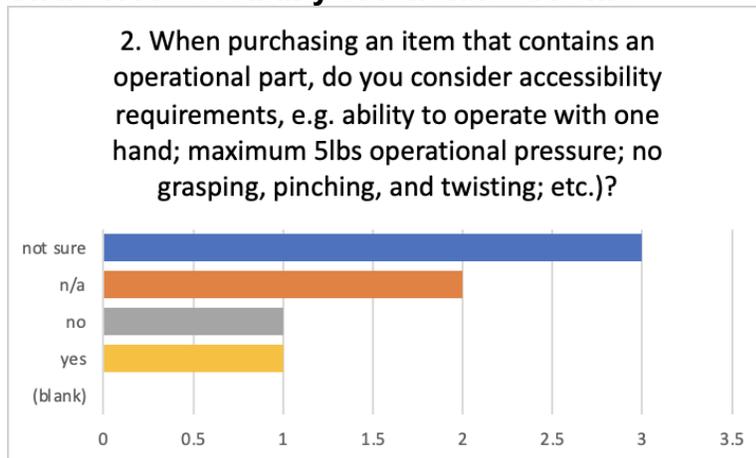
### 1. Recommendations

- Establish a uniform process for ensuring accessibility of items - including furniture and items with operational parts - purchased for installation.

### 2. Survey Responses & Findings

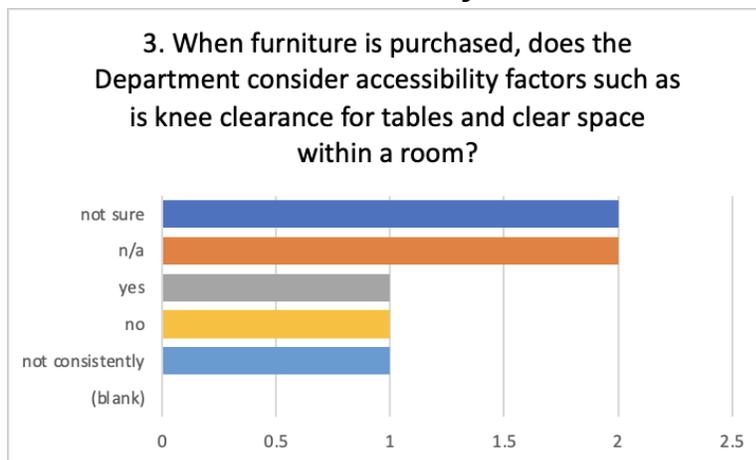
Survey responses generally indicated a lack of policy or practice - or knowledge thereof - to ensure the consideration of accessibility in general purchasing.

**Chart 1: Accessibility of Purchased Items**



- Question: When purchasing an item that contains an operational part, do you consider accessibility requirements, e.g. ability to operate with one hand; maximum 5lbs operational pressure; no grasping, pinching, and twisting; etc.)?
- Responses: not sure: 3; n/a: 2; no: 1; yes: 1
- Comments: none

**Chart 2: Furniture Accessibility**



- Question: When furniture is purchased, does the Department consider accessibility factors such as, is knee clearance for tables and clear space within a room?
- Responses: n/a: 2; not sure: 2; no: 1; not consistently: 1; yes: 1
- Comments: One person noted that many of them are in older building and sometimes needing to squeeze furniture wherever they can but that aiseways are always kept clear, absolutely.

## O. Information Technology

### 1. Recommendations

Most responses regarding Information Technology were addressed in above sections, or deferred to Information Services, see those recommendations below.

### 2. Survey Responses & Findings

See Information Services, below.

## P. General

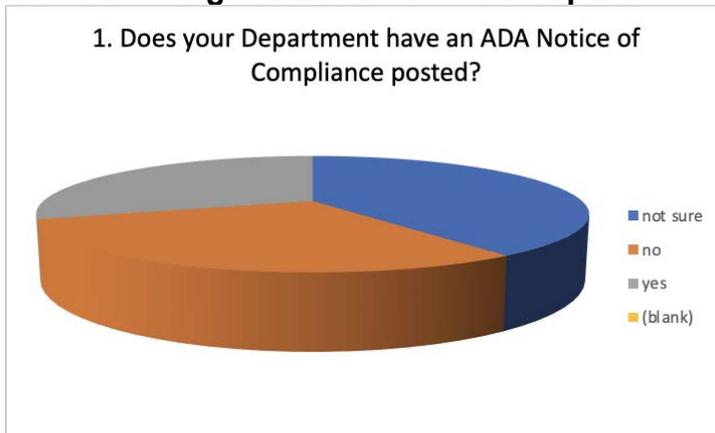
### 1. Recommendations

- Ensure that all Departments are aware of where ADA Notices of Compliance are posted.
- Ensure that all Departments are aware of the City's policy regarding service and/or emotional support animals for its employees and/or the public.
- Ensure that all Departments that offer printed informational brochures to the public, and all Departments that issue any sort of fine or citation, have those available in large print format, and can provide alternative formats upon request.

### 2. Survey Responses & Findings

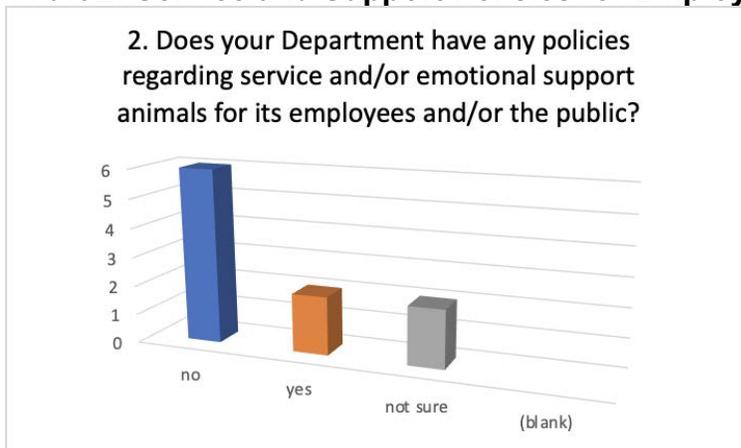
Survey respondents generally indicated they were unsure or did not believe their Department had an ADA Notice of Compliance posted, and were unsure whether the City has a policy of service and/or support animals. Some Departments indicated that they provide printed brochures, but do not keep large print copies on hand. Additionally, most survey respondents were not aware of a City policy that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program.

### Chart 1: Posting of ADA Notice of Compliance



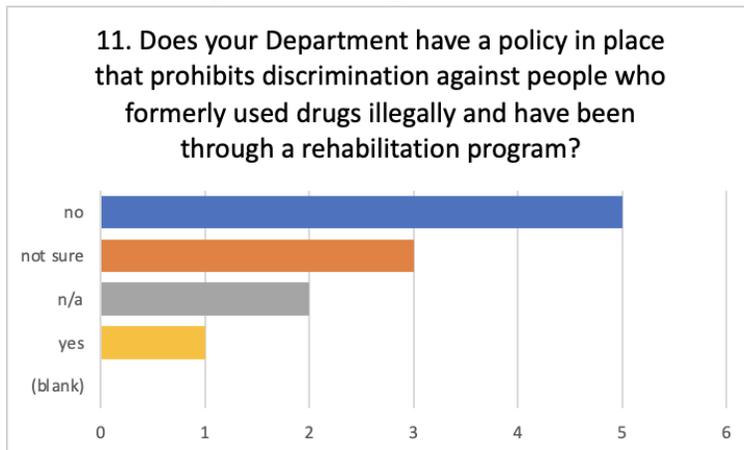
- Question: Does your Department have an ADA Notice of Compliance posted?
- Responses: not sure: 4; no: 3; yes: 3
- Comments: One person noted that they have seen the notices posted in breakrooms and around City buildings.

### Chart 2: Service and Support Policies for Employees and the Public



- Question: 2. Does your Department have any policies regarding service and/or emotional support animals for its employees and/or the public?
- Responses: no: 6; not sure: 2; yes: 2

### Chart 3: Policy Prohibiting Discrimination Based on Previous Drug Use



- Question: 11. Does your Department have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program?
- Responses: no: 5; not sure: 3; n/a: 2; yes: 1
- Comments: One person noted that there is a city-wide policy prohibiting discrimination against people who have formerly used drugs illegally and have been through a rehabilitation program.

## Department-Specific Accessibility Survey Responses

The following section addresses survey responses, not already addressed, on a Department-by-Department basis.

### 1. Police Department

#### A. Recommendations

- Ensure that the City's first responders and law enforcement are trained regarding: the disability civil rights mandates that the City is held to under State and Federal laws and the best techniques for communication with persons with disabilities.
- With regard to animals of persons involved in arrests, update all policies - including service and emotional support animal policies - to ensure that any animals who may be temporarily sent to Animal Care and Control or any animal shelter are not to be inadvertently euthanized.

- Ensure that City law enforcement personnel are trained in how to safely transport large medical devices such as motorized wheelchairs.

## B. Survey Responses & Findings

In addition to many of the above listed sections on communications, etc., the Madera Police Department responded to survey questions specific to law enforcement practices. These responses indicated they were unsure as to whether the Department's first responders had been trained regarding the disability civil rights mandates that the County is held to under State and Federal laws. They also indicated that the City's holding and booking areas had not been reviewed for access since the 2010 ADA Standards for Accessible Design became effective, but that visitor areas were accessible. There is no official policy on how to handle service animals in the event of an arrest/detention of a person with a disability who relies on a service animal. Assistive devices and medications are transported with any detainee. When an officer is giving information (direction or Miranda Rights) to a person with a communication related limitation, the survey response indicated that a phone interpreter could be available, that communication with people who are deaf is very rare, and that access to ASL interpreters is inconsistent. Survey responses indicated that officers have been trained regarding the best techniques for communication with persons with disabilities and officer safety with respect to the following disabilities: developmental disabilities, traumatic brain injury (TBI), learning disabilities, mental disorders.

## 2. Information Services

### A. Recommendations

- Develop and implement regular training on current Web Content Accessibility Guidelines (WCAG).
- Assist City Departments with regular web and digital accessibility testing to ensure the accessibility of websites, software, mobile applications, forms - essentially all digital platforms and interfaces - that may be utilized by employees and/or the public.

### B. Survey Responses & Findings

With regard to how Information Services ensure that all Information & Communication Technology services within its purview are fully accessible, IS noted that “We provide only industry standard software. We will address any additional accessibility on an as needed basis.” IS responded in the negative when asked whether they offer and/or receive regular training regarding digital and web accessibility.

## Q. Requested Trainings

The following trainings were requested by survey respondents:

- Person First Language training, Accessibility best practices/ADA training.
- “Based on the survey, there are multiple areas.”
- Accessibility for written and electronic documents; developing policy/procedure/process for complaints, accessibility standards, etc.
- Digital and web accessibility best practices.

## R. Vetting of Self-Evaluation Results

The City of Madera is committed to the vetting of these results with stakeholders as required by law and developing an implementation plan designed to implement necessary changes and track good-faith compliance efforts.

**Vetting Activity**

**Report Concerning the Self-Evaluation Vetting**

- Date(s) and location(s) of vetting
- List of attendees

**Input Received During Vetting**

**Response to Input during Vetting:**

**Persons Involved in Vetting:**

**Use of This Self-Evaluation as a Living Document**

The ADA requires that a Self-Evaluation be conducted once. Many entities, including the City of Madera, recognize the value of using this document on an ongoing basis. As such, it is available to incorporate new policies as needed in response to emerging issues in case law, new regulations, or the development of, and/or modification of the City’s programs. Thus, an addendum to this report can be added as needed to document the City’s good-faith effort to make the changes necessary to ensure appropriate access for the public, employees, and visitors to the City of Madera.

## S. Staff Who Contributed to this ADA Self-Evaluation

<b>Names</b>	<b>Department</b>
Arnoldo Rodriguez	Administration
Wendy Silva	Human Resources
Eric Battles	Human Resources
Keith Helmuth	Engineering
Ellen Bitter	Engineering
Dino Lawson	Police
Jamie Hickman	Public Works
Mark Souders	Information Services
Jennifer Stickman	Finance, Purchasing
Joseph Hebert	Parks & Community Services
Derrick Sanchez	Parks & Community Services
Anthony Forestiere	Finance
Gary Conte	Planning
Mercedes Bravo	Building
Ralph Duran	Fire
Nicki Rincon	Parks & Community Services
Brandi Garcia	Planning
Anthony Garcia	Fire
Alicia Gonzales	City Clerk
Will Tackett	Community Development

## T. Work Plan for the Self-Evaluation Implementation

Provided separately is the City of Madera's ADA Self-Evaluation work plan. It is contained in a spreadsheet designed to be modified as progress is made. It may also be modified when work is necessary that is not identified within the body of this Report. Such instances may occur pursuant to new regulations or case law developments.

The first column will contain a series of recommendations that come from interaction with the City of Madera officials. These are entitled "General Recommendations". The second column is "Action Taken by the City". This column is designed to record whether the City has accepted the recommendation, modified or rejected it. If the recommendation is rejected or modified it would be advisable to record the rationale for this action in the "notes" section, which is the seventh column to the right. Columns

titled "Staff Assigned," "Due Dates," "Reviewed by," and "Date" are designed to record progress in the implementation of the ADA Self-Evaluation.

Many of the recommendations are clustered by subject and can be addressed with one staff assignment. Occasionally, there will be one recommended action that addresses several issues noted within the report. For example, disability awareness training benefits the City's operation in several areas which are noted by findings. The provision of the training, therefore, addresses a wide variety of issues.

It is important that the dates on the work plan are updated each time an entry is made.

# APPENDICES

## Appendix A: 28 CFR 35.105 Self-Evaluation.

- (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:
  - (1) A list of the interested persons consulted;
  - (2) A description of areas examined and any problems identified;  
and
  - (3) A description of any modifications made.
- (d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous Self-Evaluation.

## Appendix B: California Government Code Section 11135

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

## Appendix C: California Government Code Section 12926

*Cal Gov Code § 12926 (2010)*

### **§ 12926. Definitions regarding unlawful practices**

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

**(a)** "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

**(b)** "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

**(c)** "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

**(d)** "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

**(e)** "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

**(f)** "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

**(1)** A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

**(A)** The function may be essential because the reason the position exists is to perform that function.

**(B)** The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

**(C)** The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

**(2)** Evidence of whether a particular function is essential includes, but is not limited to, the following:

**(A)** The employer's judgment as to which functions are essential.

**(B)** Written job descriptions prepared before advertising or interviewing applicants for the job.

**(C)** The amount of time spent on the job performing the function.

**(D)** The consequences of not requiring the incumbent to perform the function.

**(E)** The terms of a collective bargaining agreement.

**(F)** The work experiences of past incumbents in the job.

**(G)** The current work experience of incumbents in similar jobs.

**(g)** "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

**(h)** "Medical condition" means either of the following:

**(1)** Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

**(2)** Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

**(A)** Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

**(B)** Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development

of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

**(i)** "Mental disability" includes, but is not limited to, all of the following:

**(1)** Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

**(A)** "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

**(B)** A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

**(C)** "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

**(2)** Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

**(3)** Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

**(4)** Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

**(5)** Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

**(j)** "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

**(k)** "Physical disability" includes, but is not limited to, all of the following:

**(1)** Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

**(A)** Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

**(B)** Limits a major life activity. For purposes of this section:

**(i)** "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

**(ii)** A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

**(iii)** "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

**(2)** Any other health impairment not described in paragraph (1) that requires special education or related services.

**(3)** Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

**(4)** Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

**(5)** Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

**(6)** "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

**(I)** Notwithstanding subdivisions (i) and (k), if the definition of "disability" used in the Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as

defined in subdivision (i) or (k), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (i) and (k).

**(m)** "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

**(n)** "Reasonable accommodation" may include either of the following:

**(1)** Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

**(2)** Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

**(o)** "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice.

**(p)** "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in *Section 422.56 of the Penal Code*.

**(q)** "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

**(r)** "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

**(s)** "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

**(1)** The nature and cost of the accommodation needed.

**(2)** The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and

the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

**(3)** The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

**(4)** The type of operations, including the composition, structure, and functions of the workforce of the entity.

**(5)** The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

## **HISTORY:**

Added Stats 1980 ch 992 § 4. Amended Stats 1985 ch 1151 § 1; Stats 1990 ch 15 § 1 (SB 1027); Stats 1992 ch 911 § 3 (AB 311), ch 912 § 3 (AB 1286), ch 913 § 21.3 (AB 1077); Stats 1993 ch 1214 § 5 (AB 551); Stats 1998 ch 99 § 1 (SB 654); Stats 1999 ch 311 § 2 (SB 1185), ch 591 § 5.1 (AB 1670), ch 592 § 3.7 (AB 1001); Stats 2000 ch 1049 § 5 (AB 2222); Stats 2003 ch 164 § 1 (AB 196); Stats 2004 ch 700 § 4 (SB 1234).

## **Amendments:**

### **1985 Amendment:**

Added **(1)** "or her" after "employed by his" in subd (b); and **(2)** subd (i).

### **1990 Amendment:**

Added subd (j).

### **1992 Amendment:**

**(1)** Added subd (a); **(2)** redesignated former subds (a)-(d) to be subds (b)-(e); **(3)** amended the introductory clause of subd (d) by **(a)** deleting ", except as hereinafter provided," before "includes"; and **(b)** substituting ", except as follows:" for a period; **(4)** added subdivision designation (d)(1); **(5)** added subd (d)(2); **(6)** added subd (f); **(7)** redesignated former subdivisions (e) and (f) to be subds (g) and (h); **(8)** substituted "includes, but is not limited to," for "means" in subd (h); **(9)** added subd (i); **(10)** redesignated former subd (g) to be subd (j); **(11)** substituted "disability, mental disability" for "handicap" in subd (j); **(12)** substituted subd (k) for former subd (h) which read: "(h) 'Physical handicap' includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services."; **(13)** added subds (l) and (m); **(14)** redesignated former subds (i) and (j) to be subds (n) and (o); and

(15) added subd (p) and the last paragraph. (As amended 1992 ch 913, compared to the section as it read prior to 1992. This section was also amended by two earlier chapters, ch 911, ch 912. See Gov C § 9605.)

**1993 Amendment:**

(1) Substituted "functions" for "duties" after "Essential" both times it appears in subd (f); (2) deleted ", but is not limited to," after "includes" in subd (h); (3) deleted former subd (l) which read: "(l) 'Reasonable accommodation' may include either of the following:

"(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

"(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.*, 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., § 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."; (4) designated the former last paragraph in the section to be subd (l); and (5) substituted "of" for "or" after "size of the business" in subd (p)(3).

**1998 Amendment:**

(1) Amended subd (d) by (a) substituting the comma after "indirectly" for the semicolon; and (b) adding the comma after "thereof"; (2) substituted "that" for "which" after "organization" in subd (g); (3) amended subd (h) by adding (a) "(1) genetic characteristics, or (2)" after "include" in the first sentence; and (b) the second sentence; and (4) added "and" before "(5) the geographic" in subd (p).

**1999 Amendment:**

(1) Amended subd (d) by (a) substituting "of the state" for "thereof" in the introductory clause; (b) deleting subdivision designation (d)(1) at the beginning of the second paragraph; and (c) deleting former subd (d)(2) which read: "(2) 'Employer,' for purposes of provisions defining unlawful employment practices related to mental

disability, means any person regularly employing 15 or more persons, or any person directly or indirectly acting as an agent of such an employer, and also includes the state and municipalities and political subdivisions of the state."; **(2)** substituted subd (h) for former subd (h) which read: "(h) 'Medical condition' includes (1) genetic characteristics, or (2) any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence. For purposes of this section, 'genetic characteristics' means any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or is determined to be associated with a statistically increased risk of development of a disease or disorder, or inherited characteristics that may derive from the individual or family member, that is presently not associated with any symptoms of any disease or disorder."; **(3)** substituted "or age" at the end of subd (j); **(4)** added subd (m); **(5)** redesignated former subds (m)-(o) to be subds (n)-(p); **(6)** added subds (q) and (r); and **(7)** redesignated former subd (p) to be subd (s). (As amended Stats 1999 ch 592, compared to the section as it read prior to 1999. This section was also amended by two earlier chapters, ch 311 and ch 591. See *Gov C § 9605*.)

#### **2000 Amendment:**

**(1)** Amended subd (h) by **(a)** adding "means" in the introductory clause; and **(b)** substituting "cancer or a record or history of cancer" for ", for which a person has been rehabilitated or cured, based on competent medical evidence" in subd (h)(1); **(2)** substituted subd (i) for former subd (i) which read: "(i) 'Mental disability' includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. However, 'mental disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (*42 U.S.C. Sec. 12211*). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a mental disability."; and **(3)** substituted subd (k) for former subd (k) which read: "(k) 'Physical disability' includes, but is not limited to, all of the following:

"(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

"(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

"(B) Limits an individual's ability to participate in major life activities.

"(2) Any other healthy impairment not described in paragraph (1) that requires special education or related services.

"(3) Being regarded as having or having had a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) and (2).

"(4) Being regarded as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

"It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.* (1982) 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., Sec 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."

**2003 Amendment:**

(1) Added the second sentence of subd (p); and (2) amended subd (s) by substituting (a) "The" for "the" at the beginning of subds (s)(1)-(s)(5); and (b) the period for the comma at the end of subds (s)(1)-(s)(3) and the period for ", and" at the end of subd (s)(4).

**2004 Amendment:**

Substituted "*Section 422.56 of the Penal Code*" for "*Section 422.76 of the Penal Code*, except that, for purposes of this part, the reference in that definition to the "victim" shall mean the employee or applicant and the reference in that definition to the "defendant" shall mean the employer or other covered entity or person subject to applicable prohibitions under this part" in subd (p).

## Appendix D: Sample Notice of Compliance Under ADA & California State Law

### The City of Madera

#### Notice of Compliance Under ADA & California State Law

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135 and other applicable codes, the City of Madera does not discriminate against individuals on the basis of disability in its services, programs or activities.

**Employment:** the City of Madera does not discriminate on the basis of disability in its hiring or employment practices and will comply with the Fair Employment and Housing Act, as well as Title I of the ADA, including the regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC), including the requirement to provide reasonable accommodations.

**Effective Communication:** the City of Madera will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities, including sign language interpreters, documents in Braille and other alternate formats to ensure information and communication is accessible to people who have speech, hearing, vision, or cognitive impairments so they can participate equally in the programs, services and activities.

**Modification to Policies and Procedures:** the City of Madera will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in all of its programs, services and activities. *For example, individuals with service animals behaving within applicable standards are welcome in offices and City facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a program, service or activity in the City of Madera should communicate with the Disability Manager contact as soon as possible, but no later than **72 hours** before the scheduled event.

Neither the ADA, nor state law requires the City of Madera to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints that a program, activity or service of the City of Madera is not accessible should be directed to Director of Human Resources, Wendy Silva, p. (559) 661.5400 option 8, [hrinfo@madera.gov](mailto:hrinfo@madera.gov).

The City of Madera will not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids and services or making a reasonable modification to a policy to create access.

## Appendix E: Sample Grievance Procedure

### **Grievance Procedure under ADA or California State Disability Civil Rights Laws**

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Madera. The City’s Disability Discrimination Policy governs employment-related complaints of disability discrimination.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem(s). The City’s Grievance Procedure form is available online at <https://www.madera.gov/home/departments/human-resources/ada-advisory-council/>. Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, are available to persons with disabilities upon request.
2. The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to the City’s ADA Coordinator. The contact information is:  
Wendy Silva, Director of Human Resources  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637  
Phone: (559) 661-5400, option 8  
Email: [hrinfo@madera.gov](mailto:hrinfo@madera.gov)
3. An investigation, as may be appropriate, shall follow the filing of a complaint. The appropriate investigation will be conducted by the ADA Coordinator or a designated representative. These rules contemplate an informal but thorough investigation affording all interested persons an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53, the City need not process complaints from applicants for employment or housing. Such complaints will be referred to the California Civil Rights Department.
4. A written determination as to the validity of the complaint and a description of resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 30 calendar days after its filing.
5. The complainant may appeal the ADA Coordinator’s decision to the City Manager within 10 calendar days of receipt of the decision. The City Manager will review the decision and within 30 days provide complainant with a written response to the appeal.
6. The complainant may appeal the decision of the City Manager by filing an appeal with the City Council. All such appeals must be submitted within 10 days of the

complainant's receipt of the decision from the City Manager. Such appeals will be heard by the City of Madera ADA Advisory Council at its next regularly scheduled meeting. The City of Madera ADA Advisory Council will make findings and recommendations in writing regarding the complaint and appeal, and such findings and recommendations will be forwarded to the City Council at its next regularly scheduled meeting for which an agenda has not already been published. The City Council will consider the findings and recommendations of the City of Madera ADA Advisory Council and make a final decision regarding the complaint and the matter will be closed. The City Council's decision will be provided in writing to the complainant within 10 calendar days after the matter is heard at a public meeting.

# Appendix F: City of Madera Grievance Form

## ADA Grievance Form

Today's Date \_\_\_\_\_

The City of Madera ADA Advisory (MADAAC) wants to know where you are experiencing barriers in the City of Madera under ADA Title II. Title II of the ADA covers programs, activities, and services of public entities.

What barriers have you experienced in accessing City programs, activities, or services? Examples may include sidewalks, buildings, crosswalks, parks, program activities, etc. Please use the map on the back to show location, if appropriate.

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What do you feel is the appropriate solution or remedy to your barrier?

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Your concerns will be reviewed by the Madera ADA Advisory Council and directed to the correct city department. In case we have questions, please provide your information below:

Name \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Thank you!

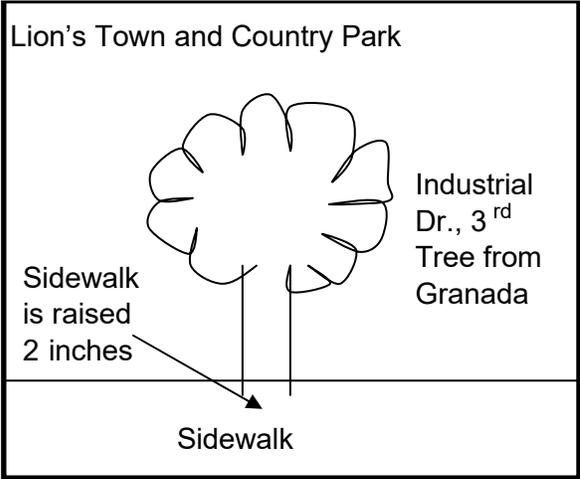
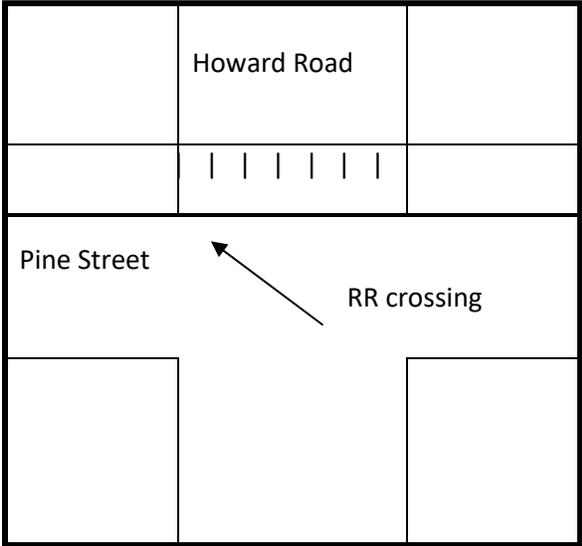
The City of Madera ADA Advisory Council

Please use the box below to help the City identify the location of your concern. Draw the area surrounding your area to the best of your ability. Examples are provided at the bottom as a reference.

Location Name: \_\_\_\_\_

N ↑

Examples:



## Appendix G: City of Madera ADA Coordinator

Contact Information for the Director of Human Resources:

Wendy Silva

205 West 4<sup>th</sup> Street, Madera, CA, 93637

Phone: 558-661-5400, option 8

Email: [hrinfo@madera.gov](mailto:hrinfo@madera.gov)

## Appendix H: Self-Evaluation Survey Questions

### Printed Communications

1. Do all of your Department's printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities?
  - a. If yes, is this mandated by the City or specific to your Department?
  - b. If yes, is the notification language standard to the City or created by your Department?
  - c. If yes, please provide a copy of the text offering alternative formats.
2. Do all of your Department's printed publications and notices use a certain font type and size for City published documents?
  - a. If yes, what font type and size is used?
  - b. If yes, is this mandated by the City or specific to your Department?
3. Has your Department reviewed all publications and notices to determine whether they portray persons with disabilities in a demeaning or offensive manner?
  - a. If yes, when was this review last performed?
  - b. If yes, how regularly is this review performed?
4. Has your Department trained its staff to ensure that all publications and correspondence use "person first language"?
  - a. If yes, is this training provided by the City or the Department?
  - b. If yes, how often are staff provided this training, and how is this training tracked and recorded?

### Communication With People Who are Deaf or Hard of Hearing (DHH)

1. Does your Department list "711 the California Relay" on business cards and letterheads?
2. Are your Department's telephone lines accessible to persons who are DHH?

- a. If yes, please describe how the Department ensures this accessibility.
  - b. If yes, how often are your Department's telephone lines tested to ensure accessibility?
3. Has your Department identified local resources that can provide auxiliary aids for communication as needed?
  - a. If yes, please describe.
  - b. If yes, please describe how the public is informed of these resources, and how they are informed on how to request them.
4. If your Department uses video for any reason or in any forum (e.g. internal employee training, public outreach via the web on social media, YouTube, etc.) is that video captioned?
  - a. If yes, please describe how the Department ensures that video is captioned, including any processes or vendors utilized to caption videos.
  - b. If yes, are videos captioned before use, or at some later date after they have been released?
5. Does your Department have a policy in place for securing video remote interpreting services (VRI)?
  - a. If yes, please attach a copy of the policy and/or describe in detail.
6. If your Department has a Public Information Officer that communicates with the press and releases critical information, is an American Sign Language interpreter visible and within the screenshot if television cameras are in use or is a captioning service used?
7. Does the Department play videos in public spaces, e.g. waiting rooms or lobbies, for the public?
  - a. If so, are these videos captioned?
8. Does the Department use any public address systems?
  - a. If so, how does the Department ensure that information broadcast by these systems is available to people who may be DHH?

## Software & Digital Communication

1. Does the Department ensure that its webpage is accessible to persons with disabilities by applying Web Content Accessibility Guidelines (WCAG)?
  - a. If yes, is this mandated by the City?
  - b. If yes, how does the Department make sure its webpage meets the WCAG?
  - c. If yes, how does the Department ensure that any updates meet the WCAG?
  - d. If yes, what version of the WCAG does the Department apply to its webpage access requirements?
2. Does the Department use any web-based forms for use internally or by the public?
  - a. If yes, how does the Department ensure that these meet WCAG?
3. Does the Department use any internally-developed software, including mobile applications and payment systems, either internally or externally?
  - a. If yes, how does the Department ensure that these meet WCAG?
4. Does the Department use any third party software, including mobile applications and payment systems, either internally or externally?
  - a. If yes, how does the Department ensure that these meet WCAG?
5. Does the Department use any touch screen information systems for public interaction?
  - a. If yes, is there an independent operating system for persons with visual impairments?
6. Does the Department offer any type of computer or digital device for use by the public?
  - a. If yes, are they equipped with software that makes them accessible to persons with visual impairments?
  - b. If yes, how does the Department ensure that these devices and the software on them is accessible?
7. In email communications (both internal and external), does the Department ensure that all communications – including attachments – comply with WCAG?

- a. Are PDFs checked for accessibility?
- b. Are PDFs also sent out as Word documents?
- c. Are all photos captioned with descriptive text?

## Staff & Employees

1. Does the Department affirmatively recruit persons with disabilities for available positions?
  - a. If yes, please describe these efforts and outreach.
2. Does the Department ensure that all of its job listings are accessible to persons with disabilities?
  - a. If yes, please describe, and attach any pertinent documents.
3. Do Department job listings contain a statement of non-discrimination against persons with disabilities?
  - a. If yes, please provide a copy (or text) of this statement.
4. Does the Department offer candidates for employment the opportunity to request reasonable accommodation?
  - a. If yes, please describe, and attach any pertinent documents.
5. Are interview panel members trained regarding disability awareness and appropriate interactions with people with disabilities?
  - a. If yes, please describe the training, including how often it is offered, and how attendance is tracked and recorded.
  - b. If yes, please attach copies of any pertinent documents.
6. When your department conducts employment interviews, is the decision to hire based upon which candidate is best qualified to perform the essential functions of the job with or without reasonable accommodations?
7. How are the essential functions of a position determined?
8. Does the Department offer Staff and Employees an opportunity to self-identify as a person with a disability?
9. How does the Department ensure that all employee events (e.g. holiday parties), are fully accessible?

10. Does the Department offer training on accessibility best practices and/or the ADA to staff, employees and/or volunteers?
  - a. If so, how often is this training offered?
  - b. If so, is this training optional or mandatory?
  - c. If so, how is attendance tracked and recorded?
  - d. Please provide a copy of all training(s).
11. Does the Department ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability? This includes, but is not limited to certifications, workshops, trainings, conferences, meetings, etc.
12. Does the Department have a process for its staff and/or employees to request a reasonable accommodation?
  - a. Please describe and/or attach copies of any pertinent policies or procedures.
  - b. Please also fully describe the interactive process, as well as how documentation regarding these processes are maintained.
13. Does the Department's reasonable accommodation process include a search for transfer into a vacant, funded role as an accommodation of last resort?
  - a. If yes, please provide all Departmental documentation and guidance regarding this process.
  - b. If yes, please describe in detail how this process is implemented, including how long a search is conducted, and what criteria are utilized to determine whether a transfer is appropriate and can be achieved.
  - c. If yes, does the Department require persons seeking this reasonable accommodation to compete for the vacant role?
14. If reasonable modifications are used to create access, are they approved before they are put in place?
  - a. If yes, by whom? Please include name, position and contact information
15. When reasonable modifications are put in place, are they documented to ensure staff implements them appropriately?

- a. If yes, how is the reasonable modification(s) documented? What information is included in the documentation?
16. Does the Department ensure that its facilities and offices are fully accessible?  
Please describe.
17. Is there an anti-disability harassment policy? If yes, when was it last updated?  
Please attach the policy.
  - a. Is it based upon zero tolerance or the legal definition of disability harassment?
  - b. How often is it disseminated to all staff?
18. Does your Department's grievance system:
  - a. Offer assistance to people with disabilities who, due to their disability, are not able to independently complete the grievance?
  - b. Provide timelines when a complainant can expect a result?
  - c. Have a second level of review? If yes, please state the position responsible.
  - d. Contain a notice regarding availability of the grievance system in alternative formats: braille, large print, audio?
  - e. Contain the name and contact information of the ADA Coordinator?
19. Has your Department received any complaints or grievances regarding failure to reasonably accommodate and/or lack of accessibility by candidates, employees, or visitors to any of your offices?
  - a. If yes, please describe these including how they were resolved.
20. Does your Department supervise any maintenance staff?
  - a. If yes, do maintenance staff receive training regarding maintaining an accessible built environment?
21. Does the Department have a policy regarding service and/or support animals for its employees?
  - a. If yes, please provide a copy of the relevant policies.

## Information Technology

1. How does IT ensure that all Information & Communication Technology services within its purview are fully accessible?
2. How does IT ensure that all mobile applications developed on your behalf are fully accessible?
3. What version of the Web Content Accessibility Guidelines (WCAG) does IT apply in software development?
4. Have you ever received any complaints regarding a lack of digital / web accessibility by any of your employees, volunteers, users?
  - a. If yes, please describe, and include how these complaints were resolved.
5. How and how often does IT conduct accessibility checks, and how encompassing are these checks?
6. Does the IT Department offer and/or receive regular training regarding digital and web accessibility?
  - a. If yes, please describe the training, provide copies of any relevant documents, and describe how training is tracked and recorded.

## Purchasing, Contracts, Vendors

1. When the purchase of new equipment is made, (purchases including, but not limited to, communication and transportation equipment) is it reviewed to ensure the equipment is accessible to users with disabilities?
  - a. If yes, please describe how accessibility reviews of new equipment are performed.
2. Are all public documents related to bidding and contracting available to persons with disabilities in alternative format if needed?
3. Are meetings related to bidding and contracting held in accessible locations?
4. Do all City contracts have language in place holding contractors and vendors to applicable State and Federal disability civil rights mandates?
  - a. If yes, how is this enforced?

5. How does the Department ensure that all products and services offered by third parties and vendors are fully accessible?
6. Is an accessibility plan check done when vendors are conducting tenant improvements in public service areas?
7. Is guidance in place for staff and vendors regarding clear space and furniture placement?
  - a. If yes, when was it last updated? Please attach the guidance.
8. If an employee or member of the public with a disability believes they have been discriminated against by a City vendor or contractor, what steps are available to them to remedy their concerns?

#### Construction and Remodels

1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?
2. Do design contracts encourage design professionals to exceed the maximum access standards when possible to ensure that construction tolerances are built into the project?
3. Is a policy in place that mandates CASp inspections at key points of construction and at completion, before final payment is made?
4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?

#### General Purchases

1. When purchasing items for installation, what checks are in place to ensure installation will be compliant with current building standards? (e.g. toilet paper dispensers must be located below the grab bar; items may not protrude more than 4" from the wall in a path of travel if they are placed at an elevation above 27" or below 80"; clear space available for a wheelchair user to approach the item for use; an item must not require a person to reach higher than 48" or lower than 15" to operate unless the user must reach over other items to operate, etc.)

- a. Please describe how you ensure that purchased and installed items are compliant with current building standards.
  - b. Please describe how you ensure that purchased and installed items are *maintained* so as to ensure current building standards (e.g. waste baskets are not kept in required maneuvering clearances; subsequently installed items do not obstruct clear spaces and reach ranges, etc.)
2. When purchasing an item that contains an operational part, do you consider accessibility requirements, e.g. ability to operate with one hand; maximum 5lbs operational pressure; no grasping, pinching, and twisting; etc.)?
  - a. If yes, please describe how these considerations are made and implemented.
  - b. If yes, how does the Department ensure that any operable part is *maintained* to remain accessible (e.g. parts do not get rusty, stuck, or otherwise outside operable part accessibility requirements)?
3. When furniture is purchased, does the Department consider accessibility factors such as is knee clearance for tables and clear space within a room?
  - a. If yes, please describe how these considerations are made and implemented.
  - b. If yes, please describe how these features are maintained (e.g. items are not placed beneath tables which may obstruct knee clearances, or additional furniture is added to a room which may obstruct clear space).

## Facilities and Real Estate Management

1. Does your Department ensure accessibility of any public rights of way (PRoW)?
  - a. If yes, please describe how your Department achieves this, including accessibility requirements of sidewalks, parking lots, paths of travel to and from Department facilities.

- b. If yes, please provide a copy of any policies and/or Department procedures, and include information on when these were last updated.
  - c. If yes, please describe how the Department monitors PRow for accessibility issues, including but not limited to broken sidewalks, PRow obstructions (including temporary obstructions), and overhangs into the PRow that interfere with clear head space.
  - d. If yes, does your Department receive complaints from the public regarding inaccessible PRow? How does the Department ensure that methods for receiving these complaints (e.g. via telephone, web-based forms, email) are accessible to people with disabilities?
2. Does your Department have an accessibility construction inspection checklist for use by building code officials/building inspectors as a reference guide to assist with on-site inspection of accessibility features and construction elements affecting accessibility compliance to your facilities?
- a. If yes, when was it last updated? Please attach a copy of the checklist.
3. Is there a policy and/or procedure in place ensuring proper maintenance of accessible features?
- a. If yes, when was this last updated?
  - b. If yes, how are the relevant staff made aware of these policies and procedures?
  - c. If yes, how are these policies and/or procedures enforced?
  - d. Please attach a copy of the policy and procedure.

### Planning, Construction, Buildings

1. When examining plans, does the Department evaluate accessibility requirements?
- a. If so, please describe how the Department does this, and please attach any relevant Departmental documentation (e.g. guidelines, checklists, procedures).
2. During construction, does the Department evaluate construction sites for accessible paths of travel along public rights of way for persons with disabilities?

- a. If so, please describe how the Department does this, and please attach any relevant Departmental documentation (e.g. guidelines, checklists, procedures).
3. Does the Department receive public complaints regarding building accessibility for persons with disabilities?
  - a. If so, please describe how these are submitted to the Department by the public.
  - b. If so, please provide examples of complaints, including how those were resolved.
  - c. If so, please provide any relevant Departmental documentation, including intake forms, internal processes, etc.)
4. Does the Department have any staff or employees who evaluate accessibility of built environments for persons with disabilities?
  - a. If so, please provide supplemental information, e.g. # of FTEs, certifications required, job description(s).

### Capital Projects

1. Does your department have an accessibility checklist for that it uses for all Capital projects?
  - a. If yes, please attach a copy of this checklist and/or any pertinent documentation.
  - b. If yes, when was this last updated?
  - c. If yes, how does your Department ensure that accessibility is implemented in all Capital projects?

### Public Meetings

1. Does the Department hold or sponsor events that are available to the public?
  - a. If yes, please continue with the questions in this section.
  - b. If no, please skip this section.
2. Does the Department have an event planning accessibility checklist to ensure that all public meetings and events are fully accessible?

- a. If yes, please provide a copy of this checklist.
  - b. If yes, is this checklist maintained by the Department or the City?
3. If security checks are required to attend any public function, are security personnel trained in best practices for conducting security checks for persons with disabilities?
  - a. If yes, please describe or provide a copy of this training, including how often it is updated and offered, and how attendance is tracked and recorded.
4. Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?
  - a. If so, please provide a copy of the text that is included in all notices of public meetings.
5. Are all persons who administer public meetings trained in how to respond to requests for reasonable accommodations by members of the public?
  - a. If so, please describe what training is provided, including how often it is provided and how attendance is tracked and recorded.
6. Does the Department take steps to ensure that all meetings are held in buildings and rooms that are fully accessible?
  - a. If so, please describe how the physical accessibility of public meeting spaces (including: paths of travel; entrances; circulation routes; registration counters or tables; building amenities such as water fountains, restrooms and public telephones; and seating) is evaluated and implemented.
  - b. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?
7. Are the indoor or outdoor surfaces where persons with disabilities will travel smooth, stable and slip resistant?
8. Are public meetings held on sites that are accessible by public transportation?
  - a. If no, please explain why not.

9. Do public meeting notices contain language indicating that service animals are welcome?
  - a. If so, please provide the text of this notification.
10. Are service animal relief areas identified before every public meeting?
11. Are emergency exits identified before every public meeting?
12. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible?
  - a. Note: When considering microphone access please take into account podium elevations, touch screen control systems, gooseneck microphone attached to the center of tables without knee clearance for wheelchair users, and persons who will not be able to hand hold any equipment.
13. Do all public meetings have reserved seating for people who use wheelchairs?
  - a. Does this reserved seating also include integrated companion seating?
14. Are all presenters at public meetings trained on best practices for presenting content to persons with disabilities, eg. reading powerpoints aloud?
  - a. If yes, how and how often are these trainings offered, and how is attendance tracked and recorded?
15. Are FM Loop systems (Assistive Listening Devices) available for persons who are hard of hearing?
  - a. If FM Loop systems are being used, do meeting hosts ensure that all comments made during the meeting go through the PA system?
  - b. If FM Loop systems are used, are all meeting hosts trained on how to operate these? How often, and how is this training tracked and recorded?
16. Are sign language interpreters and/or real-time captioners available for all public meetings?
  - a. If yes, please indicate how these resources are made known and available to the public.
  - b. If yes, is there reserved seating at the front of the room for persons needing these accommodations?
  - c. If yes, are sign language interpreters positioned beneath adequate lighting, and close to the speaker?

- d. If yes, are two sign language interpreters retained for meetings or events lasting more than two hours?
  - e. If yes, are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?
17. What processes are in place to ensure that people with disabilities are able to participate in public speaking at all events, e.g. public comment?
- a. Please describe in detail, and answer the additional questions, below.
  - b. If speaker cards are used, is staff available to assist persons with disabilities, as needed, in completing the cards?
  - c. Are podiums or dais' used for public speaking or public comment accessible (e.g. lowered podiums, adjustable microphones, etc.)?
  - d. If public comment time is limited, is the time increased for persons who have speech impairments?
18. Do any public events utilize security measures (e.g. magnetometers, wands, bag checks)?
- a. If yes, are Security personnel trained in best practices for conducting security checks of persons with disabilities?
  - b. If training is provided, please describe or provide a copy of that training, including how and how often it is offered, and how attendance is tracked and recorded.
19. What processes are in place to ensure that exhibits, displays, and other materials offered to the public are fully accessible?
- a. If events include displays, are the displays accessible and on an accessible route?
  - b. If parts of an exhibit are inaccessible due to technical infeasibility, is video with captioning used to display the exhibit?
  - c. Are all brochure racks, holders and literature displays accessible to people with disabilities, including, e.g. all materials on an accessible route, with appropriate reach ranges and clear floor space?

## Emergency Procedures

1. Does your Department have procedures in place regarding the evacuation of persons with disabilities?
  - a. If yes, please describe and/or provide a copy of those procedures.
  - b. If yes, how often are relevant Department staff trained on those procedures, and how is this training tracked and recorded?
  - c. If staff are trained on these procedures, how often is this training updated and/or reviewed?
2. Does your Department utilize Department vehicles for transporting civilians in any instance, including emergency evacuation incidents?
  - a. If yes, are transport vehicles equipped to transport persons with disabilities? (Please describe in detail, if applicable).
  - b. If yes, are relevant Department staff trained in how to transport persons with disabilities? (Please describe in detail, if applicable).
3. Does your Department work in partnership with other entities regarding the set up and administration of evacuation shelters or centers?
  - a. If yes, please describe the Department's role in this partnership.
  - b. If yes, does the Department have a checklist regarding accessibility at evacuation shelters or centers? (Please provide a copy of that checklist, if applicable).

## Custody

1. Have the Department's first responders been trained regarding the disability civil rights mandates that the City is held to under State and Federal laws?
2. Have holding and booking areas been reviewed for access since the 2010 ADA Standards for Accessible Design became effective?
  - a. If visitor areas are offered, are they accessible?
3. If inmate phone systems are provided, is there a phone system for inmates who are deaf or hard of hearing?
4. When arrests are made:
  - a. How are service animals dealt with?

- b. How are medical appliances (canes, walkers, hearing aids, oxygen tanks, etc.) addressed?
  - c. How are power wheelchairs, scooters and other large mobility devices transported after an arrest?
  - d. How are medication needs handled?
5. When an officer is giving information (direction or Miranda Rights) to a person with a communication related limitation, how is it determined that the person understands the information being communicated?
6. How do officers communicate with persons who are deaf?
7. Does the 911 system have TTY? If yes, how often does training occur regarding its use?
8. Is there a procedure in place for officers to obtain a sign language interpreter when one is needed on an emergency basis?
9. Have officers been trained regarding the best techniques for communication with persons with disabilities and officer safety? If yes, were the following disabilities covered?
  - a. Vision Impairments
  - b. Deaf, Hard of hearing and Speech Impairments
  - c. Developmental Disabilities
  - d. Traumatic Brain Injury
  - e. Post-Traumatic Stress Disorder
  - f. Learning Disabilities
  - g. Mobility Impairments
  - h. Multiple Chemical Sensitivities
  - i. Mental Disorders
  - j. Competing Disabilities (i.e. someone is on the bus with a service dog and another person on the bus has a phobic response to the dog and wants it removed as an accommodation. Both have rights to be considered. The passengers are in conflict)
10. Are there other issues you feel should be addressed in dealing with disability civil rights and your role within the City? If yes, please explain.

## Records

1. In what format does your Department maintain records that are available to the public? (e.g. hard copy, digital).
2. How does your Department ensure that digital records are fully accessible to persons with disabilities?
3. Does your Department permit members of the public to visit your facility or facilities to physically examine hard copies (printed) records?
  - a. If so, how does your Department ensure that public records' examination areas are accessible to persons with disabilities?
4. Does your Department offer assistance to persons with disabilities with regard to public records services, e.g. filing, requesting documents, reviewing documents?
  - a. If so, please describe the assistance you offer, including how this assistance is publicized and how the public may make a request for assistance.

## Other

1. Does your Department have an ADA Notice of Compliance posted?
  - a. If yes, please describe where this notice is posted.
2. Does your Department have any policies regarding service and/or emotional support animals for its employees and/or the public?
  - a. If yes, please describe and provide a copy of any pertinent documentation.
3. If your Department offers public services on site, e.g. intake and counseling, please describe how your Department ensures that these services are fully accessible.
4. Does your Department offer transportation services?
  - a. If yes, please describe how the Department ensures that these services are fully accessible to persons with disabilities.

5. Does your Department have electronic informational kiosks?
  - a. If yes, are they accessible to people with disabilities?
6. Does your Department offer printed informational brochures to the public?
  - a. If yes, are these offered in large print formats?
  - b. If yes, are these brochures offered in accessible locations (e.g. with adequate clear floor space and within reach ranges for persons who use mobility devices)?
7. Does your Department issue any warnings, penalties and/or citations?
  - a. If yes, how do you ensure that people with disabilities are able to access the information included on these documents (e.g. persons who may be blind or visually impaired)?
8. Does your Department offer or host any trainings, meetings, or other events available to the public?
  - a. If yes, does your Department have a checklist to ensure accessibility? Please attach.
  - b. If yes, are these events in accessible facilities?
  - c. If yes, are these event facilities on public transportation routes?
9. Is your Department is involved in automation initiatives (e.g. web and mobile applications) that interface with the public?
  - a. If yes, how do you ensure that these are fully accessible to persons with disabilities?
10. How does your Department receive complaints of lack of accessibility or requests for reasonable accommodation from the public?
  - a. Please attach any pertinent policies and/or procedures.
11. Has your Department received any complaints regarding a failure to reasonably accommodate or lack of accessibility?
  - a. If yes, please describe how these were resolved.
12. Does your Department have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program?

- a. If yes, when was it last updated?
  - b. Please attach a copy of the policy.
13. Based on all of the above, are there areas where you feel training of Department staff would be beneficial?
- a. If yes, please list the areas of training you think may be useful.

## Appendix I: List of documents appended to survey responses

1. **On behalf of the City Clerk's office:**
  - a. **Sample City Council Agenda, see last page for language regarding requesting accommodations**
2. **On behalf of City Hall departments (shared postings/facility):**
  - a. **Picture of ADA compliance posting**
  - b. **Picture of Council Chambers designated seating**
  - c. **Picture of posting on how to obtain CASp Inspection Services**
  - d. **Picture of posting on Equal Housing Opportunity**
3. **On behalf of Madera Police Department**
  - a. **Excerpts from policy manual (4 attachments)**
  - b. **Sample training – scenario-based training on policy manual and training on employment/hiring**
  - c. **MPD Policy 370**
  - d. **MPD Policy 1054**
4. **On behalf of Madera City Fire (staffed by CalFire)**
  - a. **Sample training and certification on web communication (2 documents)**
5. **On behalf of Building**
  - a. **Additional documents following our last call (4 attachments)**
6. **On behalf of Planning**
  - a. **15 attachments from application packets, corresponding checklists, and an example of a typical mailed notice of public hearing**
7. **On behalf of Human Resources**
  - a. **ADA Concerns Form**

## Appendix J: Glossary of Terms and Basic information

The following glossary of terms is designed to give a basic overview of common elements of access within the Americans with Disabilities Act, Title II, and California State law. For more specific information concerning the terms described below please review 28 CFR 35 and the California Government Code 12926.

### **Definition of Disability:**

Under California State law, Government Code Section 12926, a person with a disability is: 1) A person having a physical or mental impairment that limits a major life activity. This limitation must be considered in the unmitigated status. This means that the determination of whether the limitation exists would be considered in terms of how the individual would function without the use of medication, personal devices or habits that have been formed to mitigate the disability. 2). or, A person who has a record of a disability, such as described in number one. 3). or, A person who is regarded as having a disability, such as described in number one.

**Note:** This is an abridged definition of disability under California State law. For further information, please see California Government Code 12926. The California definition of disability is being used, as it is more stringent than the definition found under the Americans with Disabilities Act of 1990 or the Americans with Disabilities Amendments Act of 2008.

### **Qualified Person with a Disability**

A qualified person with a disability has a disability as described above and is qualified to receive the programs, services or activities of the entity in question.

### **Self-Evaluation**

A comprehensive evaluation of all programs, services and activities to ensure that access for qualified persons with disabilities is in place. The Self-Evaluation must be vetted with interested stakeholders. The Self-Evaluation was due in 1993.

### **Transition Plan**

A physical access evaluation of all sites from which programs, services and activities are provided. The Transition Plan contains four parts: 1. A list of physical barriers; 2. A statement of method to be utilized for mitigation of barriers; 3. A statement regarding the schedule of barrier mitigation; and 4. The designation of an official who is responsible for the administration of the Transition Plan. The Transition Plan was due in 1992. The Transition Plan must be vetted with interested stakeholders.

**Note:** The intent was to create access within facilities that were online in 1992 and that new construction or remodels would be accessible.

### **Program Access**

A designated alternative manner in providing programs, services and activities in order to ensure that appropriate access is in place. For example, accessible meeting space may be secured on the ground floor of the building to hold meetings with people who have mobility impairments, who are not able to go to the second floor because of the absence of an elevator.

### **ADA Grievance Procedure**

A grievance process that is published and capable of addressing issues that may arise from access policies that impact the delivery of programs, services and activities. The grievance procedure must be widely disseminated, offer a second level review, notify the grievant of the outcome, state the ADA Coordinator's name and contact information and offer assistance to a person with a disability who may not be able to complete the grievance document independently due to their disability.

### **Notice of ADA Compliance**

Notice of ADA Compliance is a widely disseminated notice that provides information concerning the elements of ADA compliance that the entity has in place. It is recommended that the Notice of ADA compliance be accompanied by a dissemination plan.

### **ADA Coordinator**

This position is required for state and local government entities that have 50 or more employees. Initially, the position was envisioned to coordinate the grievance process. The national trend is that this position is now used to coordinate a variety of matters relative to ADA implementation and administration. Caution must be exercised concerning an appropriate separation of duties. It is inappropriate to have the ADA Coordinator engaged in both providing reasonable accommodations through the interactive process and investigating issues concerning the accommodations that have been provided or denied.

### **Direct Threat**

Direct threat is a significant risk of substantial harm that cannot be mitigated through policy modification or reasonable accommodation. The danger must be real and not speculative or remote.

### **Policy Modification Request and Fundamental Alteration**

A qualified person with a disability may request that an entity modify its policies to create an appropriate level of access. A system must be in place for entertaining these requests and determining whether said request would result in a fundamental alteration of the programs, services and activities impacted. Should there be an inability to grant the initial request, other measures must be considered if available, to address the access issue in question. Should it be determined that the request results in the fundamental alteration, a senior official should expeditiously sign off on the determination.

### **Auxiliary Aids and Services**

These are measures provided to ensure that appropriate access to programs and services and activities is in place upon request. Auxiliary aids and services include, but are not limited to, providing documents in an alternative format such as Braille, providing sign language interpreting services, note takers, real-time captioning services or assistive listening devices.

### **Video Remote Interpreting (VRI)**

VRI is permitted in the 2010 Title II ADA regulations. It provides a system in which sign language interpreting can be conducted via video with the interpreter offsite. Caution needs to be exercised to ensure that the technical quality of the system is sufficient to appropriately transmit the information being communicated.

### **California Relay Service**

The California Relay Service was created by ADA, Title IV. It is a free service to facilitate effective telephone communication between persons who are Deaf and Hard of Hearing and persons who are hearing. This is done via a relay operator who uses both a teletype device and a telephone. The California Relay service may be reached at 711. **Note:** Some entities have chosen to include "California Relay Service 711" on business cards and letterheads to facilitate communication.

### **Reasonable Accommodation**

Reasonable accommodation technically refers to the employment relationship. It is an adjustment that provides the employee or applicant an opportunity to participate in: the performance of essential functions of the job, the selection process or to receive benefits and privileges offered to other employees in the work situation. Reasonable accommodation solutions often vary widely. Accommodation requests must be handled through an "interactive process".

### **Interactive Process:**

The interactive process is required in state law and federal case law, yet neither defines it clearly. Problems have occurred when disputes have arisen and the employer has not clearly documented the interactive process. For that reason, the following steps are recommended:

1. The employer becomes aware that there is a disability that impacts elements of the employment relationship.
2. The employer and employee/applicant meet to discuss the barrier in question and potential resolutions. In this stage needed data is gathered from medical providers, consultants or the Jobs Accommodation Network.
3. After giving primary consideration to what the employee/applicant is requesting, the employer makes a prompt decision regarding what effective accommodation will be provided. Or, if the accommodation in question would result in an undue hardship the employer is not obligated to provide said accommodation.
4. The employer promptly implements the reasonable accommodation.
5. The employer initiates follow-up discussions with the recipient of reasonable accommodation to ensure that the accommodation was, in fact, effective.

**Note:** The reasonable accommodation process is ongoing and may need to be revisited at any point in the employment relationship, as disabilities and technology may change.

### **Medical Inquiry**

Medical inquiry is the acquisition of pertinent medical information to determine whether a bona fide legal disability exists and what limitations it may present that necessitates a reasonable accommodation. Medical inquiry should be limited in scope. Data related to genetic characteristics should not be solicited, obtained or retained. Medical information may not be lawfully stored in an employee's personnel file.

### **Undue Hardship**

An undue hardship would be the provision of a reasonable accommodation that is extensive, disruptive, fundamentally alters the nature of the program or is unduly expensive. It is important to note that the expense issue is extremely difficult for a state or local government entity to use as a defense. In doing so, one would need to consider the total budget of the entity in question.

### **Service Animal**

A service animal is a dog or miniature horse that has specifically been trained to perform tasks for a person with a disability that they are not able to perform for themselves due to their disability.

**Note:** This is a subject that generates the highest number of complaints received by the US Department of Justice.

### **Maintenance of Accessible Features Policy**

This relates to the requirement set by 28 CFR 35.133 in which an entity must maintain accessible features. Policy and procedure in this area is designed to give staff guidance unifying, repairing or reporting issues within access elements on sites where programs, services and activities are conducted.