

SAMPLE—FOR TRAINING PURPOSE ONLY 10/01

ADA CHECKLIST SAMPLE ADA POLICIES AND PROCEDURES FOR MDPH CONTRACTED PROVIDERS *

This *Sample* of a set of ADA Policies and Procedures has been developed for training purposes. It provides examples of the content that must be covered by MDPH contractors in developing your agency's ADA policies and procedures. The sample is based on some submitted by real agencies, but since your program may have important differences, do not assume it contains all of the detailed agency-specific information and procedures required.

Your agency may directly adopt the *Sample* format or use one that fits your agency's unique organizational structure. If you use an alternative format, however, be careful to cover the full range of content described in this *Sample* and the *ADA Checklist* and *Guide to the ADA Checklist*. Copies of the *Sample Policies and Procedures* are available on computer diskette to facilitate use of this material.

After you have developed a draft set of your ADA policies and procedures, use the *MDPH ADA Score Sheet* to review your work and ensure that you have completed each section of the *ADA Checklist* before submitting it to your technical assistance provider or MDPH for review and approval.

PLEASE NOTE: a cover sheet with your agency's Vendor Code #, Contract #, and License # (if applicable) at the top, as well as the contact information listed on the following page, must accompany your final draft.

VENDOR CODE# _____
CONTRACT# _____ LICENSE# _____

AGENCY: **'AGENCY'**
PROGRAM NAME: **Healthy Smiles**
PROGRAM TYPE: **Health Education**

PROGRAM ADDRESS
(Actual site):

MAILING ADDRESS
(if different than site):

'AGENCY' Main Office
32 Health Care Way
Pittsfield, MA 01234

'Agency' South County Satellite
33 Health Care Way
Stockbridge, MA 02345

'Agency' North County Satellite
34 Health Care Way
North Adams, MA 03456

NAME & TITLE OF INDIVIDUAL COMPLETING THIS GUIDE:
John Smith, Personnel Director

PHONE # **617-555-1212 (VOICE)**

TTY#**617-555-3333 (TTY)**

FAX#**617-555-7777**

E-MAIL# **THEAGENCY@HEALTH.COM**

I. ADMINISTRATION

A. ADA Coordinator:

**John, Smith Personnel Director
32 Healthcare Way
Appleton MA 02134
617-555-1212 (VOICE)
617-555-3333 (TTY)
617-555-7777 (FAX)**

B. Public Notice of ADA Compliance:

B.1. Distribution of Public Notice:

A Public Notice describing the ‘Agency’s’ compliance with the requirements of the Americans with Disabilities Act will be posted in prominent locations at all program sites and in short form on all brochures and manuals.

B.2. ADA Public Notice Text:

THE ‘AGENCY’ *AMERICANS WITH DISABILITIES ACT*

The “**AGENCY**” does not discriminate on the basis of disability and is committed to the full participation of persons with disabilities in our programs, services, and activities and on our work force.

The following person is responsible for coordinating the ‘Agency’s’ compliance with the Americans with Disabilities Act. Inquiries, complaints and requests for communications aids and other accommodations and assistance should be directed to:

**JOHN SMITH, PERSONNEL DIRECTOR
32 HEALTHCARE WAY
Pittsfield MA 01234
617-555-1212 (VOICE)
617-555-3333 (TTY)
617-555-7777 (FAX)**

Copies of this notice are available in large print, audiotape, Braille, and on computer disk. The ‘Agency’s’ ADA grievance procedure, self-evaluation, policies, and procedures are also available on request.

Signed:

C. ADA GRIEVANCE PROCEDURE:

This Grievance Procedure is established to meet the requirements of the *Americans with Disabilities Act*. Disabled individuals or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment or the provision of services, activities, programs, or benefits are encouraged to use it to bring their complaints to the attention of the 'Agency'.

The complaint should be submitted in writing or on audiotape to the ADA Coordinator named below. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of 'Agency' involved. The complaint should also include the name, address, phone number of the person bringing the complaint or their authorized representative. If assistance is needed to file or pursue the complaint, the ADA Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged discriminatory incident to:

**JOHN SMITH, PERSONNEL DIRECTOR
32 HEALTHCARE WAY
APPLETON MA 02134
617-555-1212 (VOICE)
617-555-3333 (TTY)
617-555-7777 (FAX)**

Within 15 calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator, will respond in writing, or if needed for effective communication, in an alternate format preferred the complainant, such as large print, Braille, or audio tape. The response will explain the position of the 'Agency' and present options for substantive resolution of the complaint.

If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within 15 calendar days of its receipt to the Executive Director. Within 15 calendar days of receipt of the appeal, the Executive Director or his or her designee will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within 15 calendar days of the meeting the Executive Director or his or her designee will respond in writing or alternate format with a final resolution of the complaint.

All complaints received by the ADA Coordinator, appeals to the Executive Director, and responses from the ADA Coordinator or Executive Director will be kept by the "AGENCY" for at least three years.

II. EMPLOYMENT

A. Reasonable Accommodation Policy.

It is the policy of the ‘**AGENCY**’ that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from employment or employment related benefits. Employment, hiring, and advancement will be based solely on the employee or applicant’s ability to perform what “**AGENCY**” determines to be the essential functions of a position.

Further, it is the policy of the “**AGENCY**” that reasonable accommodation will be made for an otherwise qualified applicant or employee with a disability, unless the “**AGENCY**” can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs.

Notice of the availability of reasonable accommodations for job applicants will be included in postings and advertisements and will be made available upon request to applicants with disabilities during the pre-employment process as necessary to ensure equal opportunity for the applicant to secure employment with “**AGENCY**.”

All applicants will be informed at the initial interview that the “**Agency**” does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential job functions or for the enjoyment of other benefits of employment should be made following receipt of a conditional offer of employment, preferably at the post employment offer meeting.

Persons with disabilities employed by the “**Agency**” are encouraged to request reasonable accommodation at any time when such accommodation becomes necessary to the employee’s performance of essential functions of their position or to the enjoyment of any other benefits of employment.

Requests for reasonable accommodations should be present verbally or in writing to the employee’s immediate supervisor or to the ADA Coordinator. The request should include a description of the nature and purpose of the accommodation. Assistance will be made available to any employee requiring assistance in identifying an appropriate accommodation or in documenting the reasons why such accommodation is needed.

A decision will be made within ten business days of the submission of a reasonable accommodation request accompanied by any supporting documentation needed by the “**Agency**” to fairly evaluate the request. The effectiveness of the accommodation and the need for changes or additions to the accommodation will be assessed during first month of the employee’s use of the accommodation.

All reasonable accommodation requests and documentation, discussions, decisions and other matters relative to an employee's status as a person with a disability will be kept confidential.

The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the Executive Director. Applicants and employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure. In the case of a denial based on undue hardship by the Executive Director the employee or applicant may appeal in writing to the President of the Board of Directors.

B. Employment Training Assurance

It is the policy of “**AGENCY**” that staff training and development activities provided for agency personnel include information about ADA employment requirements. Yearly staff training and the Employee Manual include a full explanation of ADA policies, procedures, and practices regarding employment. Yearly in-service trainings and the manual include general information on reasonable accommodation, grievance procedures, essential vs. nonessential job functions, permissible vs. impermissible inquiries and confidentiality standards. All new employees receive training in ADA policies and procedures by the end of their orientation period. Supervisors and human resources personnel receive additional training appropriate to their respective positions and responsibilities.

III. NON-DISCRIMINATORY OPERATIONS

A. Equal Opportunity Policy

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of “**AGENCY'S**” programs or activities.

In providing its services, programs, and activities, the “**AGENCY**” will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.

3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

B. Reasonable Modification Policy

The “**AGENCY**” will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

Requests for reasonable modifications can be made to program staff or the ADA coordinator and can be presented verbally or in writing. It is responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion—generally not more than two working days.

Final decisions regarding requests for reasonable modifications that in the opinion the ADA Coordinator may represent an undue burden or fundamental alteration will be made by the Executive Director in a timely fashion and no longer than 10 working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

C. Eligibility and Safety Requirements Assurance.

It is the policy of the ‘Agency’ that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed. Eligibility requirements have been reviewed by the ADA Coordinator and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decision to limit the participation a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that that the decision is based on facts, not myths or stereotype, and that all appropriate mitigating measures are taken to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

D. Assurance Regarding Surcharges.

It is the policy of “**AGENCY**” that surcharges will not be charged to persons with disabilities, their family members or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

E. Integrated Services Assurance.

It is the policy of “**AGENCY**” that all of our services, programs, and activities are provided in the most integrated setting possible. People with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet the needs of persons with disabilities are offered.

F. Significant Assistance Assurance.

It is the policy of the “**AGENCY**” that programs that receive significant assistance, either financial or in-kind, from the “**AGENCY**” may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator to inform organizations receiving assistance of this policy and to respond to any questions regarding its meaning and application. It is also the Coordinators responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the Executive Director termination of assistance.

G. Accessible Transportation Policy.

It is the policy of “**AGENCY**” that transportation services are accessible to and usable by participants in our programs regardless of disability. Individuals requiring accessible transportation should make their requests in writing or verbally to the ADA Coordinator. Requests should be made at least three days (3) in advance. Effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one day before the date of the requested trip.

The following local transportation providers equipped with accessible vehicles will be contacted when needed:

- (Transportation provider name & telephone #)
- (Transportation provider name & telephone #)
- (Transportation provider name & telephone #)

H. Community Referral Assurance.

When providing referral other programs or services, it is the “**AGENCY’s**” policy to determine whether primary referral agencies—those commonly used—are accessible to person with disabilities and aware of the obligations of the ADA. When making referrals “**AGENCY**” provides clients with disabilities information regarding community programs that—to the best of our knowledge—are accessible to persons with disabilities and comply with ADA. In each program area operated by the “**AGENCY**” at least one accessible provider has been identified in each of the categories of services in which we commonly make referrals. A list of accessible, ADA responsive referral agencies is available through the ADA Coordinator on request.

I. Training Assurance Regarding Non-Discriminatory Program Operation

The “**AGENCY**” provides training on the ADA to new employees during orientation and to all employees through in-service at least yearly. Training covers the general information about the ADA and the principles of non-discriminatory operation including but not limited to, how to respond to requests for reasonable modifications to policies and procedures, and how to identify and respond to safety issues.

IV. EFFECTIVE COMMUNICATION

A. Effective Communications Policy.

It is the policy of the “**AGENCY**” that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities effect communication. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will by given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication is available.

Requests for auxiliary aids or services should be made verbally or in writing to program directors or to the ADA Coordinator. Unless otherwise specified, the agency urges requests to be made at least 10 days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice. The person requesting the service will be notified as soon as possible if the agency is unable to meet their request and an effective alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The Executive Director will be responsible for making any decision related to undue burden or fundamental alteration.

B. TTY/TDD Assurance.

TTY’s are available at the “**AGENCY**” Main Office, in the office of the ADA Coordinator and in each branch office(s). TTY training is provided to all new employees

during their orientation period and updated for all employees on an annual basis. The TTY number is 000-0000 and is listed under “**AGENCY**” in the telephone directory. The TTY number is printed on all documents and mailings that contain the ‘Agency’s’ voice telephone number.

C. Alternative Format Policy and Procedures.

It is the policy of the “**AGENCY**” that all documents, publications, and materials used in agency programs be made available to persons with disabilities who need them in alternate formats. . Procedures have been established to respond to requests for alternative formats including large print, audiotape, Braille, and computer diskettes in a timely fashion. Three weeks notice is generally required for the preparation of Braille materials which are purchased through (AGENCY NAME) telephone # (XXX) XXX-XXXX). Reasonable efforts will be made to respond on shorter notice.

Large print, short audio tapes, and computer diskettes will be prepared by staff persons who have been identified by the ADA Coordinator and trained in the necessary skills and procedures. Preparation of long audiotapes will be purchased through (AGENCY NAME) telephone # (XXX) XXX-XXXX).

The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his/her preferred alternate format to the program director or the ADA Coordinator either verbally or in writing 10 working days in advance of the event or activity for which the material is needed. Reasonable effort will be made to meet requests made less than 10 days before an event or activity.
2. The materials will be provided in the requested format at no charge.
3. Primary consideration will be given to the format preferred by the person making the request, and the ‘Agency’ will decide whether to provide the preferred format or an effective alternative format.
4. If a request cannot be met the person making the request will be informed as soon as possible but at least 2 days in advance of the event or activity.
5. The Executive Director will make final decision regarding any request that may represent an undue financial or administrative burden.

D. Interpreter Services Policy

It is the policy of the “**AGENCY**” that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the agency. Requests should be generally made at least 20 working days in advance of the scheduled event or meeting, but reasonable effort will be made to meet requests made on shorter notice. Requests should be made either verbally, by TTY or in writing to a program director or the ADA coordinator.

Within four (4) hours of receipt of the request, the ADA Coordinator or other responsible employee will contact the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), (telephone # (617) 695-7500) to schedule the interpreter service.

In addition to MCDHH the “**AGENCY**” maintains a list of names and phone numbers of at least three (3) qualified freelance sign language interpreters working in the region. If informed that MCDHH has not been successful in scheduling interpreters as requested, staff of “**AGENCY**” will immediately attempt to contact and schedule a freelance interpreter.

If an interpreter cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication or the opportunity to postpone the meeting until such a time as an interpreter can be scheduled.

E. Assistive Listening Device Assurance.

It is the policy of the “**AGENCY**” that assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services and activities of the agency. Assistive listening devices will be rented through ADCare Educational Institute (ADC).

Denise Henry
ADCare Educational Institute
5 Northampton St.
Worcester, MA 01605
508.752-7313 (voice), 752.8111 (fax)

The procedure for requesting an assistive listening device is for the person needing the device (or his/her representative) to identify the need for a device verbally or in writing to the ADA Coordinator or other Program Director at least 10 days before the scheduled event or activity will take place.

The ADA Coordinator or Program Director, or other responsible member of the staff will contact ADCare within 24 hours of receipt of the request and arrange for rental and timely delivery of the device by express mail. *(Every reasonable effort will be made to meet requests made with less than 10 days notice.)*

F. TV Captioning Assurance.

It has been determined that the television used by the “AGENCY” located at its office is equipped with a captioning decoder chip, the procedure for using the decoder function has been tested and described in writing in the *effective communications resources manual* maintained by the ADA Coordinator

G. Video Assurance.

It is the policy of the “AGENCY” to provide captioned versions of video tapes when such captioning is available in order to ensure that presentations are accessible to all individuals with disabilities.

H. Training Assurance

It is the policy of “AGENCY” that staff training and other staff development activities provided by agency personnel and volunteers including training on the use of a TTY, the operator relay service and other equipment necessary to assure effective communication, personnel also receive training in procedures and policies on receiving and handling requests for auxiliary aids and services and for ensuring that primary consideration is given to the type of service or format preferred by the person with disability. Training on effective communication is given during orientation and at scheduled quarterly in-service programs.

V. V. SUMMARY OF PROGRAM AND FACILITY ACCESSIBILITY

The three offices operated by the ‘Agency’ have been reviewed using the Facility Accessibility Checklist—the Central Office, the South County Office, and the North

County Office. The following is a summary of the barriers identified that limit access to and/or use of programs funded by the Massachusetts Department of Public Health. The complete checklists for the three sites are on file with the ADA Coordinator and are available for inspection on request.

Central Office:

The building, owned by the 'Agency', was completely renovated in 1992 in accordance with the accessibility standards of both the Americans with Disabilities Act and the Massachusetts Architectural Access Board. However, the site survey conducted by the ADA Coordinator and the building maintenance engineer, using the DPH Facility Accessibility Checklist, revealed three minor barriers resulting from maintenance oversights.

1. Replacement door hardware at the counseling room entrance is not accessible.

Solution: replace knob with lever type hardware. (To be completed within 1 month of submission of this report.)

2. Toilet paper dispenser in the accessible men's room stall removed by vandals.

Solution: replace dispenser. (Completed)

3. A concrete paver on the walkway to the main entrance has shifted 1.5 inches creating a tripping hazard;

Solution: due to the onset of cold weather a temporary asphalt patch has been installed; a replacement paver will be installed by the end of May of the next calendar year.

South County Office: The office is rented by the 'Agency' under a long-term lease.

- 1) Accessible parking space does not have proper signage and the access aisle is not wide enough to provide van accessible parking (4' rather than the 8' needed).

Solution: Access aisle will be widened and repainted and 'van accessible' sign will be installed within 3 months.

- 2) Ramp to main entrance has handrail on one side only; landing at base of ramp is unevenly sloped asphalt.

Solution: A temporary wood handrail has been installed and the landlord has been contacted in accordance with the lease with a request for installation of a permanent metal handrail and a level concrete landing area as soon as possible after the spring thaw. The 'agency' ensures that permanent renovations will be

completed, with or without financial participation by the landlord, no later than July 1st next year. We may request assistance from the ADA compliance project in communicating to the landlord his barrier removal responsibility under title III of the ADA.

3) Restrooms: both the women's and the men's restrooms have doors that swing inward limiting maneuver space, faucets have non-accessible hardware, drain pipes are not insulated and the towel and soap dispensers are too high.

Solutions:

- Lower towel and soap dispensers and install insulation on drainpipe. (Completed)
- Install lever handles on sinks. (Within 1 month)
- Reverse door swings. (Within 3 months)

North County Office: The office is rented with three years remaining on lease.

1. The building is a historic wood frame Victorian house located on a hilly site. There are five steps to the main entrance at the front of the house and the stairs are set back from the public sidewalk less than two feet. The slope falls away towards the rear entrance, which has ten steps. The ADA Coordinator has consulted the local Center for Independent Living and the building inspector, both of whom are in agreement that a ramp is not feasible because of the sloping terrain and space limitations. Installation of an exterior vertical lift would require extensive structural modifications to the front porch in addition to the cost of the lift itself. Total cost of installation would exceed \$25K and is not readily achievable. Preliminary discussions indicate that such a lift would also be unacceptable to the local historical commission.

The Agency is therefore proposing the following three-part solution, which has been developed with the assistance of the MDPH's regional technical assistance provider.

- a. The 'Agency' will relocate its office to an accessible site upon expiration of the current lease.
- b. Until accessible office space is secured, the following program accessibility solution will be used: Individual and group services and programs will be provided upon request to persons for whom the current site is not usable in office and meeting space to be rented from the local Center for Independent Living or the Community Action Agency. Both of these facilities have been determined to be fully accessible by a site inspection using the Facility Accessibility Checklist.

- c. The 'Agency' will carry out readily achievable removal of barriers as needed to ensure that persons with disabilities not needing a ramped entrance route will be able to enter and use the current facility.

- 2. The exposed rear of the main stairway to the second floor poses a hazard to persons who are blind:

Solution: A display table will be permanently positioned to provide a cane detectable warning.

- 3. The men's and women's restroom doors have knob handles.

Solution: Install lever handles. (Within 3 months)

- 1. Women's restroom toilet lacks handrails and is too low (15" high).

Solution: Install handrails and 2' extenders on toilet seat. (Within 3 months)