

**SOCIETY FOR EQUAL ACCESS/ILC ADA PLAN INCLUDES THE FOLLOWING:**

1. PURPOSE, POLICY, AND GOALS
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# ADA Complaints

Society for Equal Access operates in compliance with Title II of the ADA Act. Society for Equal Access does not discriminate on the basis of disability. If you feel you have been discriminated against on the basis of a disability you may file an ADA discrimination complaint. To file a complaint call the Executive Director, Ada Mears (330)343-3668 (TTY 711 or (888)213-4452; email [amears@seailc.org](mailto:amears@seailc.org) or visit our administrative office at 22 Bank Lane, Dover, Ohio 44662

## Title VI

### Americans with Disabilities Act of 1990 (ADA)

#### **Purpose:**

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

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Society for Equal Access/ ILC operates a demand-response service and complies with ADA requirements with respect to such services.

#### **Policy:**

Society for Equal Access/ILC complies with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. SEA provides quality transportation and other services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by SEA employees will not be condoned or tolerated.

#### **Goals:**

**Service is provided in a manner that meets the following goals:**

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.

2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all

do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation of Ohio. If state requirements service will be accessible. Vehicles purchased for demand response service will only be passengers, regardless of mobility status.

3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:**

**This policy applies to all employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.**

**Definitions:**

**Disability**- With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

**Fixed Route Service**- Operates along a prescribed route according to a fixed (regular) schedule.

**Mobility Device**- A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

**Securement Area or Station**- A designated location for riders using wheelchairs, equipped with a securement system.

**Securement Device, Equipment or System**- Equipment used for securing wheelchairs against uncontrolled movement during transport.

**Service Animal**- Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

**Wheelchair**- A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

## **Procedure or Guideline:**

### **1. Recruitment and Employment:**

As stated in the SEA personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

### **2. Facility and Vehicle Accessibility**

The transit system, administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

### **3. Vehicle and Route Assignment**

All demand response vehicles operated by SEA are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.

### **4. Maintenance of Accessible Features**

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. SEA has our own in house Mechanic that provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift is cycled as part of each pre-trip inspection.

### **5. Inoperative Lifts and Ramps**

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

### **6. Wheelchair Accommodation**

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), SEA will transport the device (and its user). An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

## 7. Boarding

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly driver can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

## 8. Wheelchair Securement

SEA requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly, unless the securement system will not accommodate the wheelchair. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

## 9. Seat Belt Usage

When riding in SEA vehicle, seat belts and shoulder harnesses are required for ALL passengers.

## 10. Driver Assistance

Drivers will make themselves available to assist individuals with disabilities.

## 11. Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device

The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

## 12. Accommodation of Other Mobility Devices

Mobility devices that are not wheelchairs, but which are primarily designed for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

## 13. Transfer to Fixed Seating

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles.

#### 14. Accommodation of Portable Oxygen

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

#### 15. Priority Seating

With the exception of the wheelchair securement stations, SEA does not require any passenger to sit in designated seating.

#### 16. Service Animals

In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. SEA does not impose species or breed restrictions. However, any animal which is not under the passenger's control, or which becomes a direct threat to the health or safety of other passengers may be restricted from riding. Emotional support animals or "comfort animals" are not service animals within the context of the US DOT ADA regulations.

#### 17. Alighting

It is the responsibility of the driver to determine that the location for passenger alighting is safe. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

#### 18. Staff Training

All drivers are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment. SEA employees will be trained on this policy annually.

#### 19. Rider Information

All printed informational materials are made available in accessible formats upon request.

#### 20. Personal Care Attendants

If a PCA accompanies a passenger, the PCA will ride free of charge.

#### 21. Stop Announcements

SEA doesn't run a route that needs stops announced.

## 22. Complaint Procedure

All complaints of discrimination on the basis of disability will be investigated and forwarded to the Director and promptly and objectively investigated. Complaints will be submitted to the ODOT Civil Rights Office. SEA will response and it will be documented. Corrective or disciplinary action will be taken kept on file for a minimum of year. A summary of all complaints will be kept for at least five years.

### **A. Reasonable Modification Policy**

#### Purpose:

The purpose of the reasonable modification policy is to ensure that SEA offers equal and effective opportunities and access to public transportation services as well as all services, for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

#### Policy:

This policy applies to all safety-sensitive drivers including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b) (7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

SEA is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. SEA recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. SEA will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. SEA will not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities.

SEA will make reasonable modifications to policies, practices, and procedures when Necessary to ensure access to transit or other services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the public transportation service/other service.
- ◆ Making the accommodation would create a direct threat to the health or safety of other passengers/other participants.
- ◆ The individual with a disability is able to fully use SEA’s service without the accommodation being made.
- ◆ Making the accommodation creates an undue financial burden on the transit system or other applicable SEA program.

## **Procedure:**

### **1. ELIGIBILITY CRITERIA**

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

### **2. REQUESTS FOR REASONABLE MODIFICATION**

SEA will make information available on how to contact SEA to make requests for reasonable modifications, to the public through its website, brochures, and other rider policy guidelines. SEA shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- b. SEA personnel will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, SEA requests that individuals make such requests for modifications before SEA before day of service.
- d. Where a request for modification cannot be practical, (e.g., because of a condition or barrier at the destination of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request.

### **3. INTERACTIVE PROCESS**

When a request for accommodation is made, SEA and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided.

### **4. TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION**

SEA will process requests for reasonable accommodation and then provide accommodations, where appropriate

### **5. GRANTING A REASONABLE MODIFICATION REQUEST**

As soon as SEA determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, SEA shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.



## 6. DENIAL OF REASONABLE MODIFICATION REQUEST

Once SEA determines that a request for reasonable accommodation is denied, SEA will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;
- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the SEA's decision on the request.

## 7. COMPLAINT PROCESS

SEA has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the SEA's website and will be provided to any individual where the SEA has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a SEA's Reasonable Modification Complaint Form. SEA investigates complaints received no more than 30 days after receipt. SEA will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, SEA may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to SEA. If SEA is not contacted by the complainant or does not receive the additional information within 30 business days, SEA will administratively close the complaint. After SEA investigates the complaint, a decision will be rendered in writing to the complainant. SEA will issue either a Letter of Closure or Letter of Finding.

- ◆ Letter of Finding – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken to address the complaint.
  - ◆ Letter of Closure – This letter will explain what was determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed. If the complainant disagrees with the decision of SEA, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision.
- In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

## 8. DESIGNATED EMPLOYEE

SEA shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Society for Equal Access/ ILC  
22Bank Lane  
Dover, Ohio  
44622  
330-343-3668  
amears@seailc.org  
RECORD RETENTION

### **B. No-Show Policy – SEA**

#### Policy:

- This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip.
- This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

#### Definitions:

##### No-Show-

Any passenger who is unavailable for pick-up of a scheduled trip that has not notified SEA to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

#### Procedure:

1. The driver will wait for passengers for 10 minutes beyond the early arrival pick-up time. The driver will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 10 minutes, the driver must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the driver is to continue without the passenger.
2. Upon permission to continue without the passenger, the driver is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.
3. Scheduled trips are to be cancelled at least one (1) hour prior to the time of the trip request. Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

4. Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact SEA as soon as practicable following the missed trip and a new driver will be dispatched as soon as possible if applicable.

#### HABITUAL NO-SHOW PROCEDURE

1. Passengers who have no-shows equal to or greater than 20% of the scheduled trips in a Sixty (60) Day period service will be suspended for 10 days.

2. All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

3. SEA will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

4. Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

#### Suspension Appeals Procedure

1. A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

2. Appeals must be submitted in writing to Ada Mears, Executive Director, by email at [amears@seailc.org](mailto:amears@seailc.org) within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. SEA management will inform all Schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

3. An Appeals Committee will review all applicable information from SEA and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Executive Director regarding the submitted appeal And/or circumstances that led the suspension and subsequent appeal.

4. after a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Executive Director for final review and implementation.

5. SEA administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

6. All communications will be made available in alternate format upon request

Addendum(s):

ADA/Title VI Complaint Form

References:

Americans with Disabilities Act of 1990