

Policy and Process for ADA Related Requests for Accommodation or Grievances

Purpose

It is the policy of the City of Arlington, Texas, (hereinafter called “City”) to comply with the Americans with Disabilities Act of 1990, (hereinafter called “ADA”), as amended.

Scope

This document provides the policy and process for public service recipients and applicants for all ADA-related requests for accommodation or grievances related to City programs, services, or activities, submitted by a person with a disability (or any person by his/her association with a person with a disability) who believes:

- He/she has been subjected to discrimination by the City because of his/her disability, or his/her association with a person with a disability;
- He/she has been denied by the City any right guaranteed under the ADA;
- The City is not in compliance with any applicable requirements established by the ADA; or
- An accommodation is required to participate in a program, service, or activity provided by the City.

Current employees not engaged in the application process for a position within the City shall refer to Section 305.05, Americans with Disabilities Act (ADA), of the City of Arlington Personnel Manual for direction.

Nothing in this policy shall be construed as a restriction or waiver of the right of any person to seek relief for an alleged violation of the ADA or Rehabilitation Act.

General Information

The City has the right, on a case-by-case basis, to determine whether a request is “reasonable” and whether or not the accommodation can be provided without jeopardizing the safe operation of the program, service, or activity. The City shall not be required to make any modification that fundamentally alters the nature of the program, service, or activity, or would result in undue administrative or financial burdens, as determined by the head of the department offering the program, service, or activity.

Notice Under the ADA

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under the ADA.

Applicants requesting an accommodation shall submit the request to the hiring manager of the position for which he/she is applying. The hiring manager shall be responsible for coordinating with the appropriate Human Resources Consultant and ensuring all reasonable accommodations are in place.

Effective Communication and Modifications to Policies and Procedures: The City will generally, upon request, provide appropriate auxiliary aides and services for effective communication for qualified persons with disabilities so they can participate equally in City

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programs, services, and activities. Auxiliary aides may include sign language interpreters, documents in alternative formats, and other ways of making information and communications accessible to persons with speech, hearing, or vision impairments.

The City will make all reasonable modifications to policies and procedures to ensure that individuals with qualified disabilities have an equal opportunity to enjoy all City programs, services, or activities.

Individuals who need auxiliary aids or services for effective communication, or modifications to policies and procedures in order to equally participate in City of Arlington programs, services, or activities may submit the request to any City employee. Requests should be submitted as far in advance as possible, but not later than 48 hours prior to need for the accommodation.

Facility Access: The City welcomes and requests input from persons with disabilities regarding the accessibility of its facilities, including curb ramps and sidewalks.

Individuals who wish to request an accommodation for facility access may submit the request to any City employee.

The ADA Coordinator shall send the requestor written acknowledgement of the request within 10 days of receiving the request.

The City shall have 20 days from the day the original concern was received by the ADA Coordinator to render a decision to remediate and/or bring the concern into compliance, or determine the inapplicability of the concern.

The ADA Coordinator shall provide the City's written response to the requestor no later than 21 days from receipt of the request.

Grievances: Grievances regarding alleged incidents of discrimination or violations must be submitted in writing directly to the ADA Coordinator via email, online form, mail, or fax no later than 60 days after the date of the alleged incident or violation.

Upon receipt of the grievance, the ADA Coordinator shall have 20 days from the date the ADA Coordinator received the grievance to coordinate an investigation into the alleged incident and render a decision to remediate and/or bring the concern into compliance, or determine the inapplicability of the grievance.

The ADA Coordinator will provide the City's written response to the complainant no later than 21 days from receipt of the grievance.

Appeal

Requestors or complainants who are not satisfied with the City's response, planned action, implementation of a planned action, or the timeliness of a response, may submit a written appeal to the ADA Coordinator. The ADA Coordinator, or designee, will offer to meet in person at a mutually agreeable, accessible location, to discuss and seek to resolve any issues, and to make an agreed plan to implement any resolution reached during the meeting, if possible.

If after meeting with the ADA Coordinator, or designee, the requestor or complainant is still

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dissatisfied, the requestor or complainant may file a written appeal within 10 days of that meeting to the City of Arlington City Manager for review. The appeal must contain a statement of the reasons why the decision or accommodation does not meet the subject accessibility needs or issues. The City Manager will issue a written decision on the appeal no later than 30 days after receiving it. The City Manager's written decision will be mailed to the address indicated by the requestor or complainant.

For additional information regarding the City of Arlington ADA policy, please visit www.arlingtontx.gov.