

POLICY NUMBER:

APM- 1 - 08

ISSUED BY:
Pedro G. Hernandez
City Manager

SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

DATE

January 25, 2008

REVISIONS

REVISED SECTION	DATE OF REVISION
Created	1/15/08

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SUBJECT: AMERICANS WITH DISABILITIES ACT OF 1990

PURPOSE: To provide a policy to ensure compliance with the Americans with Disabilities Act of 1990 (ADA).

The ADA is a federal law that prohibits public entities from discriminating on the basis of disability by providing comprehensive civil rights protection to qualified individuals with disabilities in the areas of employment, state and local government services, telecommunications and public accommodations. [28 CFR 35.104]

[Please see APM 1-03 (Equal Employment Opportunity) for the City's policy regarding ADA–Title I employment discrimination/harassment.]

THE POLICY WILL BE AS FOLLOWS:

I. Definitions

A. "Auxiliary aids and services" – some examples include (1) telephones compatible with hearing aids, closed caption decoders, open or closed captioning, telecommunication devices for deaf persons (TTY's/TDD's), videotext displays, qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices; and (4) other similar services and actions.

B. "Disability" – means (1) a physical or mental impairment that substantially limits one or more of the major life activities (i.e. walking, seeing, learning, hearing, speaking, breathing) of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.

- C. “Qualified individual with a disability” – means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.
- D. “Reasonable accommodation” – means a modification or adjustment to a job, the work environment or the way things are customarily done that will enable a qualified individual with a disability to perform the essential functions of the position, and enjoy equal benefits and privileged of employment. Reasonable accommodation may include (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and (2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers and interpreters, and other similar accommodations for individuals with disabilities.
- E. “Service Animals” – are working animals that assist individuals with a variety of tasks such as guiding, pulling, warning for changes in levels or sounds, and other specialized tasks. They are not pets. Under the ADA, any guide dog, signal dog, or other animal individually trained to provide assistance to an individual is considered a service animal. Service animals may or may not be licensed. Some service animals wear special ID collars or harnesses.
- F. “Supervisors” – for the purpose of this policy is intended to refer to employees with supervisory responsibilities over other employees (i.e., elected officials and appointed staff, including the City Manager, City Officers, Department Directors, first line supervisors, etc.)

II. Generally; No- Discrimination

The City of Miami does not discriminate on the basis of disability in employment or in the admission to, access to or operations of its programs, services and activities.

The City of Miami offers services, programs and activities for applicants, employees, residents and visitors. City of Miami services, programs and activities are those that are (a) operated by City of Miami employees; (b) operated by appointed or elected City of Miami officials; (c) operated by an entity hired by the City of Miami; and/or (d) funded by the City of Miami. City of Miami services does NOT include events or activities that are performed on City property by private organizations, businesses or individuals.

III. ADA Coordinator; Duties of Supervisors

A. ADA Coordinator

1. In accordance with ADA, the following individual has been designed as the City's ADA Coordinator:

Patrice E. Rey

Department of Risk Management

444 S. W. 2 Avenue, Miami, FL 33130

Tel. No.: 305-416-1732

Facsimile: 305-416-1760

TTY: 305-416-1735

Email: prey@ci.miami.fl.us

2. The ADA Coordinator is the responsible employee to coordinate the City's efforts to comply with the provisions of ADA-Title II, including coordinating efforts regarding programs and services access and facilitating and resolving grievance issues.
3. Requests for accommodations (including but not limited to auxiliary aids for effective communication in programs and services by the City), questions, concerns, complaints or request for additional information regarding the provisions of the ADA shall be directed to the ADA Coordinator or appropriate department.

B. Duties of Supervisors

1. To ensure that staff members know the identity and contact information for the City's ADA Coordinator. This information is contained in the City's web site and City directories.
2. To ensure that staff members are familiar with the ADA Grievance Procedure which is posted on the City's web site and in strategic City facilities.
3. Direct staff to refer individuals to the ADA Coordinator should a member of the public wish to initiate a grievance for alleged non-compliance with the ADA, with the exception of employment discrimination complaints which shall be directed to the EODP Office.
4. To schedule members of the staff for ADA awareness training sessions.

5. To assign designated staff to work with the City's ADA Coordinator to ensure that new programs and/or services in that department are evaluated for accessibility compliance which may include special events scheduled by that department. For example, the City's web page information is a "program" for the purposes of this policy and shall be evaluated for accessibility information and usage by people with disabilities.
6. To ensure that staff is familiar with the process for providing means of effective communication to the public which may include sign language interpreting services for the hearing impaired, and materials in alternate format for the vision impaired such as Braille and audiotapes.
7. To ensure that individuals with disabilities accompanied by service animals are granted full access to those departmental facilities which are open to the public, regardless of whether pets are allowed in those facilities.
8. Evaluate from time to time the need for the department to install a TTY/TDD (text telephone used by the hearing impaired). This can be monitored by logging the number of telephone calls received from the Florida Relay service which is a third-party operator used by deaf or hard of hearing individuals. If the department currently has a TTY/TDD, ensure that staff is trained and familiar with usage.

IV. Guidelines for Service Animals

- A. Service animals are permitted to generally accompany their owners in City facilities into all areas of the facility where the public is normally allowed. Exceptions to this policy may be made when the program or services offered would be fundamentally altered or its safe operation would be in jeopardy.
- B. It is permissible to ask an individual whether their animal is a service animal but it is not permissible to ask the nature of the individual's disability or to require proof that it is a service animal.
- C. The service animal may not be segregated from its owner to pass through any security checkpoints.
- D. An individual with a service animal may not be charged a separate fee for the service animal to accompany an individual during a city function or event.
- E. The service animal is permitted to enter any area generally open to the public.
- F. The care and supervision of the service animal is the sole responsibility of its owner.
- G. A service animal must be restrained by its owner on a leash or harness while in City facilities.

- H. The service animal may be prohibited from entering a facility or remaining in a facility if the animal's behavior poses a direct threat to the health or safety of others.
- I. Employees may not pet, feed or otherwise interact with a service animal. The only exception would be a request from the owner for assistance with providing water or food to the service animal.

V. Requesting Modifications to City Services, Programs or Activities

- A. The City encourages anyone to request modifications to provide qualified individuals with a disability better access to its services, programs or activities.
- B. Anyone who would like to request a modification to a City service, program or activity should contact the appropriate Department Director, or ADA Coordinator.
- C. Procedure and Regulations
 1. The request for an aid or service should be recorded in writing, including the name of the individual, date of request and type of request being made.
 2. Primary consideration shall be given to the type of service or aid preferred by the individual.
 3. No individual shall be denied an auxiliary aid or service without first notifying and consulting with the City's ADA Coordinator.
 4. If a sign language interpreter is requested, allow for at least three (3) business days advance notification in order to procure the service
 5. To request documents in Braille, the Lighthouse for the Blind can generally provide the service. Contact the City's ADA Coordinator for information on procuring this service.
 6. The City has procured the services of Real Time Closed and Open Capt-Stenography, from Caption First, Inc., under existing Miami-Dade County Contract No. 7392-3/08-2, effective through February 29, 2008, pursuant to resolution adopted by the City Commission on September 11, 2007 and signed by the Mayor, on 9/17/07.
 7. Requests for auxiliary aids and services to ensure effective communication for qualified individuals with a disability for public meetings should be directed to the Office of the City Clerk at (305) 416-1786; by TTY/TDD at (305) 250-5472.
 8. The Department Director or the ADA Coordinator shall respond to each request for modification in writing, within a reasonable time of the request but no later than thirty (30) days after receipt of the request.

VI. Grievance Procedure

- A.** The following Grievance Procedure is established to meet the requirements of ADA. It may be used by non-employees who wish to file a complaint alleging discrimination on the basis of disability in programs or benefits offered by the City of Miami, Florida.
- B.** Individuals unsatisfied with any decision of the Department Director or ADA Coordinator may register a grievance. A grievance form may be obtained from the City of Miami website at www.miamigov.com.
- C.** The complaint should be in writing and contain information regarding the alleged discrimination, citing the policy, statute or section of the federal regulations which have allegedly been violated as well as the specific location of the alleged violation. The complaint should contain the name, address and phone number of the individual initiating the complaint. Alternative formats for filing a grievance, such as personal interviews or tape recordings, will be available upon request for persons with disabilities. (See attached Grievance Form.)
- D.** The complaint should be submitted by the individual and/or his/her designee to the ADA Coordinator as soon as possible.
- E.** Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the issue and possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and when appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Miami on the matter and options for resolution of the complaint.
- F.** If such response does not satisfactorily resolve the matter, the complainant and/or his/her designee may file an appeal within 15 calendar days of receiving the response from the ADA Coordinator. The appeal should be in writing and directed to the Risk Management Administrator/Director. The Risk Management Administrator/Director will attempt to meet with the complainant within 15 calendar days of receiving the appeal. Within 15 calendar days of the meeting, the Risk Management Administrator will respond in writing or in a format accessible to the complainant.
- G.** All written grievances and appeals will be kept on file in the City of Miami for at least three years.