

The Americans with Disabilities Act (ADA) Policy

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Notice of Nondiscrimination

The City of Philadelphia (“City”) does not discriminate against qualified individuals with disabilities in its services, programs or activities and complies with Title II of the Americans with Disabilities Act (“ADA”). The City does not discriminate based on disability in hiring or employment practices and complies with all Equal Employment Opportunity Commission regulations under the ADA.

The City provides effective communication and reasonable modifications for qualified persons with disabilities, so they can equally take part in City programs, services, and activities. Changes include alternative formats and case-by-case changes to programs, services or activities to ensure equal access. Effective communication and reasonable modifications are provided free of charge.

If alternative communication or modifications are needed for an event, allow as much time as possible, but at least five (5) business days prior to the event to process your request.

The ADA does not require the City to take action that would impose an undue financial or administrative burden or fundamentally alter the nature of its programs or services.

Complaints of discrimination by a City owned or operated program, service, or activity to persons with disabilities should be directed to the Director of ADA Compliance.

Director of ADA Compliance, City of Philadelphia
ADA.Request@Phila.gov
1400 John F Kennedy Blvd. City Hall, Philadelphia, PA 19107

Submit a reasonable modification request: phila.gov/reasonable-modification

Submit a grievance: phila.gov/ADA-grievance

Grievance and Appeal Policy

This policy and procedure shall apply to all City of Philadelphia entities*

Under the Americans with Disabilities Act (ADA), qualified people with disabilities can submit a grievance if they feel that have been discriminated against based on disability. City employees who believe the City has violated their rights under the ADA should contact their Department HR Manager or the EEO officer in the Office of Labor Relations. This document outlines the grievance and appeal policy and procedures.

Resident submits Grievance:

Resident has 14 days from perceived discrimination to make a complaint.

While the city has an online form for grievances, residents may submit requests with directly with departments. If the resident makes the request via email, mail, phone, or in person, the employee should enter the information from the request into the form at phila.gov/ADA-grievance.

The following information must be collected from the requestor:

- Name and contact information
- Description and date of the complaint
- Description of suggested relief

If further information is required, the Office of ADA Compliance (OAC) will request the information. Once all the information is received, the OAC will oversee the process and work with the department to resolve the request.

Department Level Grievance Process:

Step 1: Department will meet with the resident within 15 business days from receiving the request to determine possible resolutions to the grievance

After receiving the request, the department liaison will schedule a meeting with the resident within 15 business days to determine if the department can reach a mutually agreeable resolution. Meetings can be in person, electronic (skype, email, etc.) or phone. The Department will work closely with the OAC when processing the grievance.

Step 2: Department will create a written response to the grievance within 45 business days from the date of the request for the resident.

Responses from the City will be documented in writing. Departments are encouraged to use the Grievance Response template. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal.

If the written response refers to activities to take place in the future, the Department ADA Liaison will track and inform the resident when the activities have been fully implemented.

If the department is unable to propose a mutually acceptable resolution to a grievance, the department must seek review from the OAC. The Director of ADA Compliance will consult with the Law Department on potential denials or unresolved requests, when necessary.

Step 3: Resident has 10 business days from the date on the letter from the Department to request an appeal

Requests for appeals should be directed to ADA.Request@Phila.gov. If the resident does not request an appeal the Department decision is final on the 15th business day after the date on the letter. The Office of ADA Compliance will communicate any appeal requests or outcomes to departmental ADA Liaisons.

Level I Appeal Process:

Step 1: Office of ADA Compliance will meet with the resident within 15 business days from receiving the appeal to determine possible resolutions to the grievance

The Director of ADA Compliance will schedule a meeting with the resident within 15 business days to determine if the City can reach a mutually agreeable resolution. Meetings can be in person, electronic (skype, email, etc.) or phone. The Director of ADA Compliance will work closely with the Law Department and the City Department when processing grievance requests.

Step 2: Office of ADA Compliance will create a written response to the grievance within 45 business days from the date of the Level I appeal from the resident.

Responses will be in documented in writing. Use of the Grievance Response template is encouraged. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal. If the written response refers to activities to take place in the future, the Department ADA Liaison will track and inform the resident when the activities have been fully implemented.

If the department is unable to propose a mutually acceptable resolution to a grievance, the department must seek review from the Law Department.

Step 3: Resident has 10 business days from the date on the letter from the Department to request an appeal

Requests for appeals should be directed to the ADA.Request@Phila.gov. If the resident does not request an appeal the Level I decision is final on the 15th business day after the date on the letter. The Office of ADA Compliance will communicate any appeal requests or outcomes to departmental ADA Liaisons.

Level II Appeal Process:

Step 1: The Level II Committee will meet with the resident within 15 business days from receiving the appeal to determine possible resolutions to the grievance

The Director of ADA Compliance will schedule a meeting with the resident within 15 business days to determine if the City can reach a mutually agreeable resolution. Meetings can be in person, electronic (skype, email, etc.) or phone. The Level II Committee will work closely with the Law Department and the City Department when processing grievance requests.

Step 2: Level II Committee will create a written response to the grievance within 45 business days from the date of the Level I appeal from the resident.

Responses will be in documented in writing. Use of the Grievance Response template is encouraged. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal.

If the written response refers to activities to take place in the future, the Department ADA Liaison will track and inform the resident when the activities have been fully implemented.

If the Level II Committee is unable to propose a mutually acceptable resolution to a grievance, the Committee may seek review from the Law Department.

Step 3: The decision from the Level II Committee is final

The decision from the Level II Committee is final. The request will be closed. Residents may enter new requests in the future and submit substantially different information that was not considered.

Timelines

The time frames in the above procedure shall be maintained unless there are unusual or unforeseen circumstances. The City will respond as quickly as possible and will act without undue delay.

Written Responses

Responses from the City will be in writing and communicated in an alternative format, if requested. The response from the City Department and Level I Appeal must indicate a right to appeal.

If the written response refers to activities to take place in the future, the Department or Director of ADA Compliance will inform the resident when the activities have been fully implemented. All complaints will be retained by the City of Philadelphia for at least three (3) years.

Resident Requests for Reasonable Modifications

This policy and procedure shall apply to all City of Philadelphia entities*

Policy:

Under Title II of the Americans with Disabilities Act (ADA), the City is responsible for physical accessibility and program accessibility. Physical accessibility ensures that individuals can access the built environment and program accessibility ensures equal access to programs, services, activities, and information provided by the City.

This policy upholds the commitment of the City of Philadelphia (City) to operate the policies, practices, procedures, services, buildings, and activities so that, when viewed in their entirety, they are accessible to and useable by qualified people with disabilities.

Implementing Procedure:

Under the Americans with Disabilities Act (ADA), qualified people with disabilities can request “reasonable modifications*,” which are changes in the way the City operates, to give people with disabilities equal opportunity to participate in city activities.

Reasonable modification requests must allow a qualified person with a disability to participate in, and enjoy the benefits of programs, services, and activities in the same manner as residents who are not disabled.

Step 1: Resident makes reasonable modification request

Residents may submit reasonable modification requests online or with departments. If the resident makes the request via email, mail, phone, or in person, the employee should enter the information from the request into the form at phila.gov/reasonable-modification. City employees shall enter the request online as soon as possible but no later than two (2) business days upon receipt of an oral or written request.

The following information must be collected:

- Name and contact information of person who needs the modification
- Name of the program, service, activity, or location of request
- Description of modification being requested

If additional information is needed, the City may request only that information necessary to confirm the need for the modification.

Step 2: Department works with the Office of ADA Compliance to process the request

After receiving all information for the request, the department will respond to resident to acknowledge receipt of the request. The department ADA liaison should work with the Office of ADA Compliance (OAC) to evaluate requests.

In general, the city will approve requests so long as they meet the following criteria:

- There is a disability-related need
- The request is reasonable and would not pose an undue burden

If Department does not intend to approve request, ADA Liaison shall consult with the OAC. The Director of ADA Compliance and the Law Department will review the request and advise the department on next steps.

Step 3: Department responds to resident

The Department will respond to the resident as soon as possible, but no later than fifteen (15) business days. The response will acknowledge the request, inform the person of the outcome of the request, and provide notice that the resident has a right to appeal a decision, if so desired. The response shall include the name and contact information of the Director of ADA Compliance.

Responses will be in documented in writing. Departments are encouraged to use the Reasonable Modification Response template. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal.

If the request cannot be completed within fifteen (15) business days, the department Liaison shall contact the resident and the Director of ADA Compliance to show the need for the delay and establish a reasonable date for completion.

Step 4: Department notifies Office of ADA Compliance of request completion

After completing the request, the department ADA Liaison must inform the OAC that the request has been completed.

If the modification request is approved, but the request is to be completed at a later date, the department ADA Liaison shall contact the resident and the Office of ADA Compliance (OAC) to indicate the projected date of completion. Additionally, at completion, the department ADA Liaison shall inform the resident and the OAC.

The ADA Liaison shall track the 1) requests received, 2) outcome, and 3) responses to requests.

Effective Communication Policy

This policy and procedure shall apply to all City of Philadelphia entities*

Policy:

The Americans with Disabilities Act (ADA) ensures civil rights protections to qualified people with disabilities*. Under Title II, the City is required to ensure that their communications with people with disabilities are as effective as communications with others.

This policy upholds the commitment of the City of Philadelphia (City) to operate the policies, practices, procedures, services, buildings, and activities so that, when viewed in their entirety, they are accessible to and useable by qualified people with disabilities. The City will provide aids and services* to facilitate effective communication, upon request, to ensure that qualified individuals with disabilities are able to participate in, benefit from, and are not subject to discrimination under City programs.

Implementing Policy:

1. Residents may request aids and services to facilitate effective communication. The request must allow a person with a disability to participate in, and enjoy the benefits of programs, services, and activities in the same manner as residents who are not disabled. Residents may enter effective communication requests online at phila.gov/reasonable-modification using the reasonable modification policy and procedure.
2. Departments shall ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. The purpose of effective communication is to ensure that people with communication disabilities can receive information from, and convey information to, the City.
3. The type of aid or service necessary to ensure effective communication will vary on a case-by-case basis.
 - I. Consider the nature, length, and complexity of the communication.

- II. When more than one type of communication can meet the need, give primary consideration to the communication requested by the individual with a disability.
4. Departments shall provide appropriate aids and services free of charge.
5. The City is responsible for providing interpreters. Residents are not required a person to bring someone to interpret for him or her.
6. The City can rely on a companion to interpret only when the following are true:
 - I. There is an emergency involving imminent threat to safety or welfare.
 - II. The resident prefers that a companion interpret, *and* the companion agrees, *and* reliance on the companion is appropriate under the circumstances.
7. Information about the location of accessible services, activities, and facilities must be available in a format that is accessible to people with disabilities. Accessible formats may include posting location information in large print or posting information on a webpage.
8. Signage* must be provided in accordance with the 2010 ADA Standards.
9. Departments must be able to make and receive telephone calls with individuals who are deaf, hard of hearing, deaf-blind, or have difficulty speaking. Pennsylvania Relay provides service and training.
 - I. To use Pennsylvania Relay Dial 7-1-1 or 800-654-5988.
 - II. To obtain training for Pennsylvania Relay contact amy.strawser@hamiltonrelay.com
10. City employees designated as emergency personnel who provide direct telephonic services to the public must have and proficiently operate a dedicated TTY. Operators must use the TTY when they receive a silent call in addition to when they receive TTY tones.

Liaison Policy

ADA Liaisons are employees from each department who ensure that qualified individuals with disabilities can participate in, benefit from, and are not subject to discrimination in City programs, services, and activities.

1. Liaisons shall be assigned by the director of the department, or designee, to carry out the roles and responsibilities in ADA policies and procedures. If a Liaison is not able to fulfil their duties, due to workload or other concerns, the department is required to assign a new Liaison.
2. Departments will assign one or more ADA Liaisons, as necessary. Multiple Liaisons are necessary when the following is true:
 - a. The department receives more than 25 reasonable modification requests per year.
 - b. The assigned ADA Liaison does not have full knowledge of, or access to, the entire department.
3. All new Liaisons will attend training on ADA related policies and procedures. Training may take place in a group or individually.
4. Liaisons will obtain information and updates on policies and procedures and distribute the information to new and existing employees within their department as needed. Liaisons will disseminate training materials, regulatory updates, and best practices to departments.
5. Liaisons will gather information and data from departments and share with Director of ADA Compliance, as requested.
6. Liaisons will assist departments with ADA concerns, compliance and requests. Liaisons will collaborate with the Director of ADA Compliance, as needed, for guidance.
7. Liaisons will ensure that reasonable modification and effective communication requests are routed correctly, addressed, and completed according to policy.

Definitions and Additional Information:

Aids and Services:

Aids and Services may include materials in alternative format such as large print, braille, additional time or assistance to complete an application, written notes rather than spoken conversation, or a sign language interpreter.

These examples are not meant to be an exhaustive list.

Aids & Services and modifications are provided free of charge:

Best practice: proactively budget for aids and services such as sign language interpreters, braille, transcription, readers, and assistive listening systems.

Purchase systems rather than services when possible.

For Example:

Purchase a braille machine rather than paying per document.

Purchase a transcription machine to create multiple transcriptions.

These examples are not meant to be an exhaustive list.

City of Philadelphia entities:

The policies and procedures do not include quasi-public agencies and authorities. As separate authorities which receive federal funding, they are directly responsible for maintaining compliance with federal laws and regulations governing accessibility:

- Transportation Services for Individuals with Disabilities (SEPTA)
- Fair Housing, Residential, and Long-term Care Facilities (PHA)
- Education (School District)
- Philadelphia Redevelopment Authority
- Philadelphia Industrial Development Corporation

Director of ADA Compliance Contact and statement:

The City of Philadelphia has designated the Director of ADA Compliance, as the entity to coordinate the responsibilities related to the ADA. You may contact the Director of ADA Compliance using the following information:

Director of ADA Compliance, City of Philadelphia
1400 John F Kennedy Blvd.
City Hall, RM 112
Philadelphia, PA 19107
ADA.Request@phila.gov

Reasonable modifications can be entered at: phila.gov/reasonable-modification
Grievances can be entered at: phila.gov/ADA-grievance

Employees with disabilities

Information about Title I reasonable accommodations for employees can be found at <https://www.phila.gov/personnel/ADAFAQ.html>

Individual with a disability for the purposes of a modification:

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities.

When determining disability consider the following:

I. Does the person have an impairment?

Physical impairments affect bodily systems such as nerves, muscles, and immune system. Mental impairments include emotional or mental illness, behavioral disorders, and autism. Physical and mental impairments often overlap. For example, an injury can affect the brain, spinal cord and nervous system, which can influence emotional regulation and learning.

II. Does the impairment substantially limit major life activities?

An impairment is only a disability if it causes a limitation to a major life activity. Major life activities are activities essential to daily life such as walking, breathing, learning, and many others. An impairment is “substantially limiting” if the person cannot perform the major life activity the way an average person can. The “substantially limits” standard is not to be overly restrictive.

The ADA Amendments Act of 2008 requires that the definition of disability be interpreted broadly and should not require extensive analysis.

Reasonable modification – Review

“Reasonable” in the phrase “reasonable modification”:

Reasonable means that there is a connection between the request and the disability.

Examples:

A person who is blind may request someone to read a document while at an appointment with a City employee.

A person who is deaf or hard of hearing may ask for a sign language interpreter or assistive listening device.

A person with a mobility disability may ask for a meeting to be held in an accessible location.

These examples are not meant to be an exhaustive list of examples.

A request may not be reasonable if the request can be met in a different, but equally effective, manner. The City will consider the residents preference when determining which modification is reasonable.

The City does not provide individually prescribed devices or services that are not available to other, non-disabled, people.

For example:

Joel is not able to remove the snow from his sidewalk due to his disability; therefore, he asked the City to shovel the snow. Because the City does not provide this service for any resident, the City will not provide the service as modification.

This example is not meant to be an exhaustive list.

“Modification” in the phrase “reasonable modification”:

A modification is a change in the way the City currently operates that is necessary for a qualified person with a disability to have an equal opportunity to participate in civic activities.

Record Retention:

All information related to disability requests is confidential.

The City department will provide a copy of any written correspondence related to reasonable modification requests to the Director of ADA Compliance and department ADA Liaison.

Requests to access disability related documents or information from entities not related to the City shall be made to the Director of ADA Compliance.

Documents will be maintained in accordance with the record retention schedule.

Signage:

- I. Accessible entrances and restrooms must be marked with the international symbol for accessibility.
- II. A sign that depicts the international access symbol and an arrow pointing in the direction of the closest accessible entrance or element must be placed at all inaccessible public entrances and bathrooms.
- III. Signs must be designed and placed according to standards in the 2010 ADA and other relevant laws.

“Qualified” in the phrase “Qualified” Individual with a disability:

For participation in programs, services and activities of the City, a person is qualified if they meet the eligibility requirements of the program, service or activity.

Undue Burden:

The ADA does not require any action that would result in a fundamental alteration to the nature of the program or activity, would create a direct threat, or would cause an undue financial or administrative burden.

Additional information:

- I. Undue burden: If removing a barrier would be burdensome, then the department will consider if access or services can be provided in another form.
- II. Direct threat: Must be based on real, rather than perceived, threat and consider if the threat can be eliminated.