ORANGE COUNTY SOCIAL SERVICES AGENCY
Administrative Policies & Procedures Manual

Subject: **Americans with Disabilities Act, Title II (ADA II)** Number: D 31

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Approved: Date: 01-03-03

I. PURPOSE

To provide guidelines to fully implement the Americans with Disabilities Act, Title II (ADA II).

II. POLICY

- A. Agency staff will be familiar with ADA II requirements and ensure a non-discriminatory work and public service environment providing access to programs and services for people with disabilities.B. Agency staff will handle all complaints regarding barriers to public access to Agency programs and services as efficiently and expeditiously as possible and make or recommend accommodations as necessary.C. Agency staff will be knowledgeable of the County's grievance procedures for those individuals with disabilities that are not, or can not be accommodated, or for those individuals that do not accept accommodations provided.

III. BACKGROUND AND DEFINITIONS

- A. ADA II: Requires elimination of barriers to public access to programs and services of public entities. It is a civil rights statute that prohibits discrimination (the denial of services or benefits) against qualified individuals with disabilities by public entities.B. Integration Mandate: A 1991 regulation issued by the Attorney General under a congressional directive. It provides that services or programs be offered "in the most integrated setting (least restrictive) appropriate to the needs" of people with disabilities.C. Accommodations: To provide accessibility to regularly provided services or programs for disabled clients. "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in" or "be subjected to discrimination" by a government program or service.D. Compliance Survey: A physical survey (self-evaluation) of County owned and leased facilities to identify those facilities which are not in compliance with ADA II requirements. E. Transition Plan: A plan for the removal of structural barriers (identified by the compliance survey) at facilities to allow programs to achieve accessibility.F. Grievance Procedure: A procedure established to allow disabled clients to formally address accommodation concerns.G. Equality of Opportunity: ADA provides for equality of opportunity, but does not guarantee equality of results.H. Additional Background: Attachment A, ADA II Technical Notes (Excerpts).
  - 1. SSA is covered by Subtitle A, implemented by the Department of Justice's (DOJ) Title II regulation. It extends prohibition of section 504 of the Rehabilitation Act of 1973 (RA) to all activities of State and local governments, including those that do not receive federal financial assistance.2. Title II does not disturb other Federal laws or any State laws that provide protection for individuals with disabilities at a greater level or equal to ADA. ADA prevails over conflicting State laws.3. Title II also applies to government services carried out by contractors.

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IV. PROCEDURE

- A. AdministrationManagement Services will provide coordination of the Agency's ADA II program. The ADA II Coordinator will be a designated Management Services analyst.B. Agency ADA II CoordinatorThe ADA II Coordinator will act as Agency representative to CEO/Risk Management in all ADA II matters. The coordinator will investigate all formal complaints and maintain the required ADA II files and records, keeping executive management advised accordingly. The coordinator will also monitor ADA II training programs and investigate unresolved complaints, providing informational updates as required.C. Training and Career Development Training and Career Development will provide new staff ADA II training as part of the Civil Rights training curriculum.D. Program ManagersProgram Managers will ensure that all program staff are trained in, and familiar with ADA II requirements, including making accommodations and processing complaint forms and procedures.E. Departmental Safety Representatives (DSR's)The DSR at each facility will act as a staff resource for ADA II issues and as an on-site contact recommending/helping resolve program accommodation problems. F. Program StaffAll program staff will become familiar with ADA II accommodation provisions and complaint form submission/non submission procedures.G. TrainingA. Grievance Procedure and Complaint Form
  - 1. New StaffNew staff will receive ADA II regulations training as part of Civil Rights training given by Training and Career Development. Completion of training will be reflected in the Agency's Master Training Data Base maintained by Training and Career Development. 2. Training of previously trained staff will be done routinely by program. a. Training and Career Development will train new staff and provide refresher training to key staff as necessary. b. ADA II Coordinator will provide training and updating DSRs and other designated staff as required.c. Departmental Safety Representatives will provide training and assist in training and updating staff as requested by programs. DSR's will also maintain custody of any ADA II audio/visual or other training materials for use in their facility safety training or to lend to programs for their training.
  - 1. All complaints regarding barriers to public access to programs and services will be handled as efficiently and effectively as possible. When a member of the public contacts any SSA employee on a perceived barrier to public service access, or with a request for accommodation, those matters, that can not be immediately accommodated, shall be forwarded or referred to the SSA ADA II Coordinator for investigation and resolution. The matter should be referred using the ADA II Complaint Form (Attachment C). 2. Program operations will ensure that Complaint Forms are available at all facility reception areas. Program staff shall provide assistance to any member of the public who requires help in filling out the form. The Complaint Form is available on the Agency's computer P-Drive under "Agency Forms". It can be printed as needed at each facility where P-Drive access is available and reproduced (2-sided) on facility copy machines, or a hard copy may be obtained from Management Services by calling (714) 541-7738 or (714) 245-6125.3. Staff must be aware that any member of the public may drop off a completed complaint form, even one concerning other County agencies, at any County facility. Any Complaint Form received in this manner will be forwarded to the SSA ADA II Coordinator for processing or further forwarding as appropriate.4. Programs will ensure a current ADA II poster, that identifies the Agency ADA II Coordinator, is posted in all public reception/waiting areas.

ATTACHMENTS

Attachment A: ADA II Technical Notes (Excerpts)

Attachment B: "Put People First, A Disability Etiquette Handbook"

Attachment C: ADA, Title II, Public Access to Programs and Services, Complaint Form

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