

# **AMERICANS WITH DISABILITIES ACT PLAN**

Including policies regarding General ADA Requirements and Reasonable Modifications

*for*

## **Lorain County Mobility Management**

**Approved by:**

United Way of Greater Lorain County Board of Directors

**Date Approved:**

January 1, 2023

**ADA Contact Information**

Name & Title: Ryan Aroney, President & CEO

Mailing Address: 642 Broadway Avenue, Lorain Ohio 44052

Phone Number: 440-277-6530

Email Address: [ryan.aroney@uwloraincounty.org](mailto:ryan.aroney@uwloraincounty.org)

**Reasonable Modification Contact Information**

Title: Ryan Aroney, President & CEO

## **I. Introduction and 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. Lorain County Mobility Management complies with ADA requirements with respect to the services it provides. These include: individual and group training on accessing and using public transit; written materials on transportation resources in Lorain County; individual assistance on brokering transportation for persons with disabilities, seniors, or low-income workers; employer training on federal transportation benefits; and coordination of 5310 and other vehicles for shared use.

### **ADA Policy Statement**

It is the policy of Lorain County Mobility Management to comply 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. Lorain County Mobility Management provides transportation information services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person will not be condoned or tolerated.

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

1. Provides information and assistance utilizing safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Provides information on and assistance accessing transportation resources that accommodate a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all Lorain County Mobility Management employees, and services. 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.

*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.

*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.

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## **II. General Guidance and Procedures for Implementing Policy**

### **Recruitment and Employment**

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

### **Complaint Procedure**

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to Ryan Aroney at United Way of Greater Lorain County and promptly and objectively investigated. Complaints are also be submitted to the ODOT Civil Rights Office.

Lorain County Mobility Management will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

## **Reasonable Modification Policy**

The purpose of the reasonable modification policy is to ensure that Lorain County Mobility Management offers equal and effective opportunities and access to 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.

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.

Lorain County Mobility Management is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Lorain County Mobility Management recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Lorain County Mobility Management 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. Lorain County Mobility Management does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Lorain County Mobility Management will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Lorain County Mobility Management, or be subject to discrimination by Lorain County Mobility Management.

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. Lorain County Mobility Management will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the service.
- ◆ Making the accommodation would create a direct threat to the health or safety of others.
- ◆ The individual with a disability is able to fully use Lorain County Mobility Management's service without the accommodation being made.

- ◆ Making the accommodation creates an undue financial burden on the Lorain County Mobility Management program.

#### 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.

#### REQUESTS FOR REASONABLE MODIFICATION

Lorain County Mobility Management shall make information about how to contact Lorain County Mobility Management to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Lorain County Mobility Management 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. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Lorain County Mobility Management will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Lorain County Mobility Management requests that individuals make such requests for modifications before Lorain County Mobility Management is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance, personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Lorain County Mobility Management's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

### INTERACTIVE PROCESS

When a request for accommodation is made, Lorain County Mobility Management and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Lorain County Mobility Management must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

### TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Lorain County Mobility Management will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Lorain County Mobility Management recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

### GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Lorain County Mobility Management 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, Lorain County Mobility Management 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.

### DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Lorain County Mobility Management determines that a request for reasonable accommodation will be denied, Lorain County Mobility Management 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 Lorain County Mobility Management's decision on the request.

### COMPLAINT PROCESS

Lorain County Mobility Management has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Lorain County Mobility Management's website and will be provided to any individual where the Lorain County Mobility Management has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

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 Lorain County Mobility Management's Reasonable Modification Complaint Form. Lorain County Mobility Management investigates complaints received no more than 30 days after receipt. Lorain County Mobility Management 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, Lorain County Mobility Management may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to Lorain County Mobility Management.

If Lorain County Mobility Management is not contacted by the complainant or does not receive the additional information within 10 business days, the Lorain County Mobility Management may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Lorain County Mobility Management investigates the complaint, a decision will be rendered in writing to the complainant. Lorain County Mobility Management 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 by Lorain County Mobility Management to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Lorain County Mobility Management has 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 Lorain County Mobility Management, an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of Lorain County Mobility Management.

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.

**DESIGNATED EMPLOYEE**

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

Ryan Aroney, President & CEO  
United Way of Greater Lorain County  
642 Broadway Avenue, Lorain Ohio 44052  
440-277-6530

**RECORD RETENTION**

Lorain County Mobility Management will maintain all records related to reasonable modification requests and denials for at least three (3) years.

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## **ADA/Title VI Complaint Form**

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### **Background**

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Lorain County Mobility Management is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at 440-277-6530. **Once completed, return a signed and dated copy to:**

**Ryan Aroney, President & CEO  
642 Broadway Avenue, Lorain Ohio 44052**

*Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call 440-277-6530.*

Please check one of the following below:

ADA Complaint or  Title VI Complaint

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Email Address:			
Accessible Requirements?	Format	Large Print TDD	Audio Tape Other
<b>Section II:</b>			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:  _____  _____  _____			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
[ ] Race	[ ] Color	[ ] National Origin	
Date of Alleged Discrimination (Month Day, Year) _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.  _____  _____  _____			
<b>Section IV</b>			
Have you previously filed a Title VI complaint with this agency?		Yes	No
<b>Section V</b>			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?			
[ ] Yes	[ ] No		
If yes, check all that apply:			
[ ] Federal Agency: _____		[ ] State Agency: _____	
[ ] Federal Court: _____		[ ] Local Agency: _____	
[ ] State Court: _____			
Please provide information about a contact person at the agency/court where the complaint was filed.			

Name:
Title:
Agency:
Address:
Telephone:
<b>Section VI</b>
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

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Signature

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Date

If information is needed in another language, contact 440-277-6530.

Please submit this form to:

**United Way of Greater Lorain County**  
**642 Broadway Avenue, Lorain, OH 44052**  
**440-277-6530**  
**Ryan.aroney@uwloraincounty.org**