



**MEETING
THE CHALLENGE**

Creating A More Accessible World For Everyone

**Adams County
Self-evaluation Executive Summary
May 2, 2014**



Evaluation of Adams County’s Policies, Practices & Procedures

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1.0 Introduction

Meeting the Challenge, Inc. (MTC) has been contracted by Adams County (Adams) to collect and analyze information relevant to Self-evaluation requirements of title II of the Americans with Disabilities Act (ADA).

The ADA requires each title II entity to “evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.”ⁱ This process is known as a self-evaluation.

At Adams’ request, MTC has inventoried, reviewed, and assessed policy documents provided by Adams as part of its self-evaluation process. Adams. This report serves to identify and summarize the conclusions resulting from this evaluation process. In addition, through this report MTC recommends steps to modify policies, procedures, and practices to ensure that Adams will come into and maintain compliance with the ADA’s requirements.

1.1 Adams County Overview

Adams is a title II entity as defined by the ADA. The ADA requires each title II entity to evaluate its current services, policies, and practices in order to develop a comprehensive report that outlines the barriers to programs for people with disabilities as they seek to use local government services and programs. When barriers exist, Adams is required by regulation to make necessary modifications to its services, policies, and practices to make them accessible to people with disabilities.

Adams has retained the services of Meeting the Challenge (MTC) to conduct a limited-scope review of county services, programs, and activities and report their findings and recommendations.

The scope of services for this project includes an inventory and review of Adams’ ADA policies and procedures, and interviews with key Adams staff to assess awareness and understanding of the ADA’s title II prohibition of discrimination on the basis of disability.

Adams had an estimated population in 2012, of 455,775. Of that population, a total of 44,795 (9.8%) have one or more types of disability. In the population age 65 and over 14,037 (35.0%) have one or more types of disability (see Appendix J).ⁱⁱ

1.2 Legislative Overview

Title II of the ADA provides that “no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any public entity.”ⁱⁱⁱ (§35.130 (a))

The U.S. Department of Justice, 28 C.F.R. Part 35 requirements are:

- Self-evaluation: Conduct a self-evaluation of its services, policies, and practices by July 26, 1992, and make modifications necessary to comply with the Department’s title II regulation, 28 C.F.R. § 35.105
- Notification: Notify applicants, participants, beneficiaries, and other interested persons of their rights and Adams’ obligations under title II, 28 C.F.R. § 35.106

- ADA Coordinator: Designate a responsible employee to coordinate its efforts to comply with and carry out Adams' ADA responsibilities, 28 C.F.R. § 35.107(a)
- Grievance Procedure: Establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b)
- Accessible Programs and Services: Operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. §§ 35.149 - 35.150, by:
 1. Delivery of services, programs, or activities in alternate ways, including, for example, redesign of equipment, reassignment of services, assignment of aides, home visits, or other methods of compliance or, if these methods are not effective in making the programs accessible
 2. Physical changes to buildings (required to have been made by January 26, 1995), in accordance with the Department's title II regulation, 28 C.F.R. §§ 35.150 and 35.151, and the 1991 ADA Standards for Accessible Design (Standards), 28 C.F.R. Part 36, App. D (2011), or the Uniform Federal Accessibility Standards (UFAS), 41 C.F.R. § 101-19.6, App. A
- Accessible Facilities: Ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards, UFAS, or the 2010 ADA Standards for Accessible Design (2010 Standards), 28 C.F.R. § 35.104 (title II) (defining the "2010 Standards" as the requirements set forth in appendices B and D to 36 C.F.R. part 1191 and the requirements contained in subpart D of 28 C.F.R. part 36), as applicable, 28 C.F.R. § 35.151
- Effective Communications: Ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. § 35.160:
 1. To provide direct access via TTY (text telephone) or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTYs, 28 C.F.R. § 35.162
 2. To provide information for interested persons with disabilities concerning the existence and location of Adams' accessible services, activities, and facilities, 28 C.F.R. § 35.163(a)
 3. To provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b)
- Transition Plan: Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must complete a transition plan by July 26, 1992, that provides for the removal of these barriers. As mandated by title II, any structural modifications should have been completed by January 26, 1995. A transition plan should contain at a minimum:
 1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;

2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
3. The schedule for taking the necessary steps to achieve compliance with title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,
4. The name of the official responsible for the plan's implementation.

1.2.1 Project Civic Access

Project Civic Access (PCA) is the U.S. Department of Justice's (DOJ) "wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life. The Department has conducted reviews in 50 states, as well as Puerto Rico and the District of Columbia." DOJ posts the settlement "agreements to help additional communities come into compliance with the Act."iv PCA settlement agreements inform us not only with regard to the specific barriers that DOJ targets, but the degree of importance that DOJ associates with various types of barriers to access. PCA settlement agreements have also created solid milestone dates for barrier removal. Recent trends show DOJ abbreviating the time periods for compliance. MTC's knowledge and understanding of DOJ priorities, based on the record of PCA settlements, is intrinsic to the findings and recommendations in this report.

1.3 Organization of Executive Summary

This report is organized into the following sections:

1.3.1 Methodology 2.0

This section will discuss the layered process by which MTC approached the evaluation of Adams' services, programs, and activities to discover areas where compliance with the ADA might be deficient.

1.3.2 Findings and Recommendations 3.0

This section will detail the observable characteristics of the delivery of services, programs, and activities at a regulatory section-by-section level.

1.3.3 Summary of Recommendations 4.0

This section will summarize recommendations provided in the previous section, on a department-by-department basis. Where possible and appropriate, we will identify policy development or revision needs and training needs for specific departments.

2.0 Methodology

MTC believes the self-evaluation process is like peeling the layers of an onion; that is, one can simply examine the written policies and procedures for correctness and stop there. This provides some degree of confidence that the organization may be in compliance with the law. At this level, there is little assurance that individuals within the organization either understand or implement the law correctly. At a more detailed level, individual personnel can be presented with situations and their responses evaluated. This degree of assessment is impractical from both a time and resource standpoint.

The process of assessing compliance with title II of the ADA is layered and requires observations and data collection through several approaches. This is why we have used the

analogy of peeling an onion to describe this process. This project's scope begins with the first three layers of that process.

2.1 Policy Inventory

The first layer begins with an inventory of policies that demonstrate the intent to ensure compliance with the title II prohibition of discrimination on the basis of disability in access to public services, programs, and activities. While the ADA does not specifically mandate the existence of policies on service animals or other power-driven mobility devices, the absence of certain policies may demonstrate the lack of proactive efforts to avoid discriminatory practices within an institution, particularly an institution as large and complex as Adams. In our analysis, the absence of a policy that ensures that a specific requirement of the ADA is being met generates a finding of deficiency. While a policy may in fact exist, in some instances the fact that its existence has not been discovered during the policy inventory indicates that knowledge of, and compliance with, the policy is not likely.

2.2 Policy Review

The second layer of this process is to review the content of existing policies. Due to insufficient or inaccurate content, some policies may fail to ensure actions consistent with ADA regulations. A finding of deficiency is generated when the content of policies is insufficient or inaccurate.

2.3 Awareness and Understanding of ADA Policies – Staff Interviews

The third and final layer addressed by this project is the degree to which those in Adams tasked with implementing policy are aware, and have the functional comprehension of, Adams' ADA policies. To measure comprehension of these policies, MTC completed interviews with key members of Adams staff (identified primarily by County Attorney, Heidi Miller). These interviews were conducted as relatively casual telephone conversations that asked individuals what actions they would take in response to certain types of circumstances. Responses would indirectly demonstrate their level of understanding of ADA policies. Other questions asked more directly whether individuals were aware of the existence of specific Adams policies, or who they would contact in the event of questions regarding ADA policies. When ADA-related policies were absent or insufficient, individuals were unable to demonstrate the knowledge necessary to confirm compliance with the ADA. Such instances do not generate an additional finding of deficiency as the deficiency has been identified in a previous layer of this process.

MTC tailored the interview questions to be based on the interviewee's job description and how an interviewee might handle a specific situation. The purpose was to determine the employee's "understanding" of the regulations. Rather than asking questions about compliance with a portion of the law, the individual was asked how they would respond to certain circumstances. For example, employees were asked, "What animals do you recognize as service animals?"

MTC ADA Information Specialists conducted all interviews via telephone with Adams' personnel suggested by Heidi Miller and other Adams staff. The interview process was non-adversarial and the names of interviewees are not associated with responses. This was done to maintain candid responses. For purposes of employee confidentiality, any information linking employee names with interview responses is being retained by MTC as *work papers*. Content of those interviews, and conclusions drawn from them for this report, will be presented in summary format to protect the identities of interview subjects.

In order to maintain data integrity, the telephone interviews were recorded so responses could be transposed into the assessment database. All sound files were deleted upon the completion of the database.

The interviews explored how Adams interfaces with people with disabilities in various ways and included general inquiries about:

- How Adams notifies applicants, participants, beneficiaries, and other interested people of their rights and Adams' obligations under the ADA
- Grievance procedures for resolving complaints of violations of the ADA
- Information for interested people with disabilities concerning the existence and location of Adams' accessible services and activities
- Eligibility for, and participation in, Adams' programs and services
- Rules for service animals in an employee's area of responsibility
- Effective communication with employees and members of the public with disabilities, and the use of auxiliary aids and services that enable effective communication for people with disabilities
- Employee interactions with people with disabilities

The interview approach was chosen over employee surveys because surveys contain a fixed set of questions. Surveys do not provide the flexibility necessary to collect the appropriate data. Since the type of data being collected is subjective versus objective, the interview process allows for interactive discussions and for a better understanding of the different roles and procedures of each department/division.

- Airport
- Assessor
- Clerk and Recorder
- Coroner
- County Attorney
- County Administrator
- District Attorney
- Emergency Management
- Facilities
- Human Resources
- Human Services
- Neighborhood Services
- Planning and Development
- Public Trustee
- Retirement Plan Administrator
- Risk/Benefits
- Sheriff
- Treasurer

Attempts to schedule interviews with representatives of Finance and Parks were unsuccessful.

3.0 Findings & Recommendations

This section of the report describes the individual regulatory requirements placed on public entities by the ADA. Requests for policy documents, review of such documents, and interviews with Adams' employees generated the observations in this section.

3.1 General Observations

Adams has limited policy documents relevant to compliance with the ADA. Such documentation of Adams' policy as does exist is generally insufficient and not readily discoverable to Adams' employees or the public. Deliberate step-by-step procedures have not been documented, published, and widely disseminated that describe the process by which a person can request a modification of a policy, a change in a program, or the removal of an architectural barrier that would accommodate a person with a disability.

Additionally, Employees who are unaware of or unformed about ADA related policies cannot be expected to consistently conduct themselves in a manner that avoids discriminatory actions.

3.2 Self-Evaluation §35.105

The Self-evaluation is a comprehensive report that outlines barriers to programs for people with disabilities as they seek to use a public entity's services and programs. It is to be drafted by Adams in collaboration with and review by a sample user group of people with disabilities. It includes a transition plan of architectural and administrative barriers to programs that need to be removed in order to make the program accessible. It establishes a timeline for barrier removal over a three year time frame.

The Self-evaluation does not require that all architectural barriers be removed. Adams must "operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities."^v If no modifications can be made to make the program accessible (*i.e.*, relocating the program to an accessible location, service at home, or service at an accessible location), then architectural barriers need to be removed to make the program accessible.

When barriers to program access have been identified, a group of concerned citizens with disabilities will participate in the process of analyzing those barriers and determining the best means of resolving them. After finishing the analysis and problem resolution process, a report is written and made available to the public or federal investigators for review. This report will serve as a demonstration of good faith to comply with the access requirements of the ADA.

- Included in this aspect are examples about how Adams will handle requests for modification of policy and procedure from people with disabilities. In addition, information about what resources Adams will use should be included.
- A facilities survey identifying the architectural barriers for citizens who are deaf, blind, or have mobility impairments should be initiated. If the ADA Self-evaluation Committee identifies programs that need architectural barrier removal in order to be accessible, they should prioritize those barriers that need to be addressed first. This becomes the transition plan. The public entity then has up to three years to remove barriers on this list.
- A list of the programs reviewed during the Self-evaluation should be included.
- Identification of facilities surveyed and what facilities were not audited and why.

Although the obligation to engage in barrier removal is clearly a continuing duty, the DOJ has declined to establish any independent requirement for an annual assessment or self-evaluation. Even in the absence of an explicit regulatory requirement for periodic self-evaluations, the DOJ still urges state and local governments to establish procedures for an ongoing assessment of their compliance with the ADA's barrier removal requirements.

3.2.1 Document Review

Adams date of last evaluation: Unknown

3.2.2 Recommendations

- The data collected from the Self-evaluation interviews provide a good sampling of Adams' daily practices and procedures. In addition, we recommend further sampling by way of a survey tool to reach a larger pool of staff.
- Provide further and additional training

3.3 Public Notice §35.106

A Public Notice is required to include relevant information regarding title II of the ADA and how it applies to the programs, services, and activities of the public entity. This notice should state the basics of what the ADA requires of the state or local government without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA Coordinator. It is a one page document, in a standard font, which describes the protections against discrimination assured by the ADA and includes brief statements about:

- employment
- effective communication
- making reasonable modifications to policies and programs
- not placing surcharges on modifications or auxiliary aids and services
- filing complaints

3.3.1 Document Review

Adams' *Modifications in Policies, Practices, or Procedures* (in its last paragraph) indicates that Adams provides public notification; however, there is no indication what information this notice contains.

3.3.2 Interview Results

- Confusion exists among the interviewees regarding what ADA Public Notice *is*, where it should be presented or published, and what content and language should be included in the notice.
- Many responses indicated that Adams' Public Notice is available on the website. However, discovery of this document was not accomplished, therefore does not meet the requirements to provide public notice.

3.3.3 Recommendations

- Provide easy access to the content of this document to individuals who need reasonable modifications, auxiliary aids and services, or information about Adams's policy of nondiscrimination on the basis of disability.

- Provide the Notice (for sample, see Appendix F) in a variety of formats and by using multiple types of media such as Adams’s website, bulletin boards in buildings, print, radio, social media, or television. It is also recommended that the notice be available through an ADA link on Adams's homepage.
- Provide the Notice to all agency heads for staff distribution.
- Update the contact information contained in the Notice, as necessary.
- Provide the Notice to any person upon request.
- Once the Public Notice has been modified to conform to ADA requirements, inform County staff about Notice content and where the Notice is posted and published.

3.4 ADA Coordinator §35.107 (a)

If a public entity has 50 or more employees, the entity must designate at least one employee as its ADA Coordinator to coordinate its efforts to comply with the ADA. This includes overseeing any investigation of any complaint communicated to it that alleges noncompliance with the ADA or claims actions that would be prohibited by the ADA. The public entity must make available to all interested individuals the name, office address, and telephone number of the employee, or employees, designated as the ADA Coordinator

3.4.1 Document Review

In the *Adams County Policy on Modifications in Policies, Practices, or Procedures*, Charles DuScha is named as Adams’ ADA Coordinator. While Adams designation of employee responsible for coordinating efforts to comply with, and carry out, Adams’ responsibilities per title II regulation is generally appropriate, that information is not readily available to all employees and the public.

3.4.2 Interview Results

- Very few interviewees named Charles DuScha as Adams’ ADA Coordinator.
- In general, most responses name others within Adams as the ADA Coordinator or that the ADA Coordinator was unknown.

3.4.3 Recommendations

- Provide information to Adams’ employees and the public that identifies the appropriate person to contact for specific requests for modifications in policy or for filing a complaint. Make clear in this process the distinct responsibilities to provide for nondiscriminatory services, programs, and activities.
- Provide ADA Coordinator contact information on an ADA public notice hyperlink on Adams homepage and other website landing pages.
- Provide ADA Coordinator contact information on bulletin boards in public buildings and in any publications in print, radio, social media, or television, where the public might reasonably expect to find this information.

3.5 Complaint Procedure §35.107(b)

Adams must adopt and publish grievance procedures providing prompt and equitable resolution of complaints alleging any action that would be prohibited.

3.5.1 Document Review

Information on the ADA/Complaint Procedure was observed in the *Adams County Policy on Modifications in Policies, Practices, or Procedure*.

3.5.2 Interview Results

- Interviews revealed that there is a general lack of knowledge with how ADA complaints are handled within Adams.
- There are inconsistent procedures and many responses indicated that Adams does not have a formal process.

3.5.3 Recommendations

- Provide Complaint Procedure (see sample, Appendix G) in a variety of formats. Provide this information on bulletin boards in public buildings, and any publications in print, radio, social media, or television where the public might reasonably expect to find this information.
- We also recommended providing the Complaint Procedure through an ADA public notice hyperlink on Adams homepage.
- Once the Complaint Procedure has been established to conform to ADA requirements, train Adams staff on the Complaint Procedure process.

3.6 General Nondiscrimination Policy §35.130

The ADA prohibits a qualified individual with a disability to be excluded from participation or be denied the benefits of the services, programs, or activities of Adams.

3.6.1 Document Review

A general nondiscrimination statement on the ADA/Complaint Procedure was observed in the *Adams County Policy on Modifications in Policies, Practices, or Procedure*.

3.6.2 Interview Results

- There is an overall confusion on what the term *integrated* means within the ADA. MTC interviewers received a variety of responses ranging from, “No plan in place” to “Rooms are wheelchair accessible”
- In general, there are inconsistent practices on how Adams handles requests for modifications to programs, services, or activities. There are also inconsistencies on the procedures taken in handling these requests.
- Based on responses, it does not appear that the policy modification request procedure is documented.
- Though eligibility requirements may vary by program, there is no clear policy to eliminate or avoid eligibility criteria that tend or may tend to exclude individuals with disabilities from programs.
- Lastly, Adams has a general nondiscrimination policy. However, Adams’ employees are not consistent in their practices, which may cause Adams’ staff to unintentionally exclude individuals with disabilities from Adams programs.

3.6.3 Recommendations

- Reword the existing policy so that it addresses proper procedures for handling all elements of Adams' nondiscriminatory practice and procedures.
- Modify the policy to include a 'qualified individual with a disability' definition.
- Provide policy information on bulletin boards in public buildings, and in any publications in print, radio, social media, or television where the public might reasonably expect to find this information.
- Create an ADA public notice hyperlink, on Adams' homepage, with the General Nondiscrimination Policy.

3.7 *Illegal Use of Drugs § 35.131*

With the exception of access to health services and drug rehabilitation, title II regulation does not prohibit discrimination against an individual based on that individual's current illegal use of drugs. A public entity is prohibited from discrimination on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who has completed successful drug rehabilitation, is participating in a supervised rehabilitation program, or is erroneously regarded as engaging in such use. A public entity must not deny health services, or services associated with drug rehabilitation, because of an individual's current illegal use of drugs, if the individual is otherwise eligible for such services. A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

3.7.1 Document Review

It is not obvious if Adams has a policy that addresses present or past illegal drug use, either in Adams' employment practices or any Adams programs.

3.7.2 Interview Results

- In general, responses varied greatly on the topic of requirements regarding previous illegal drug use, current illegal drug use, and Adams' drug testing policy.
- Responses indicate that there is not a clear process or policy on this subject matter.

3.7.3 Recommendations

- Adams is not prohibited from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs. Nothing in the title II regulation should be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.
- Adams should establish an employment policy regarding drug testing and it should clearly identify the specific jobs that require drug testing and ensure that all employees and applicants – not just those who have a history or might be suspected of current illegal drug use – are equally subject to this requirement.
- Adams should create a policy specific to drug testing of individuals who participate in correctional or probation programs. The policy should ensure that all participants – not just those who have a history or might be suspected of current illegal drug use – are equally subject to this requirement. Policy should ensure that treatment of individuals

who test positive for current illegal use of drugs is not different from treatment of others, particularly with regard to access to health care or rehabilitation programs.

- Once the Illegal Use of Drugs Policy and Procedure has been established to conform to ADA requirements, train Adams staff on the Illegal drug Use process.

3.8 Maintenance of Accessible Features § 35.133

Adams must maintain, in operable working condition, the features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. The regulations do not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

3.8.1 Document Review

No statement of policy was discovered on Maintenance of Accessible features.

3.8.2 Interview Results

- A majority of responses indicated this area was the responsibility of the Facilities Dept.
- There was no indication as whether Adams has a policy or procedure in place that addresses this issue.

3.8.3 Recommendations

- A policy outlining the necessary procedures that provides for the maintenance of accessible features would benefit the staff responsible for this maintenance.

3.9 Retaliation or Coercion § 35.134

Adams shall not discriminate against any individual because that individual has opposed any act or practice made unlawful by the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA.

Adams shall not coerce, intimidate, threaten, or interface with any individual in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the ADA.

3.9.1 Document Review

A brief statement on retaliation was observed in the *Adams County Policy on Modifications in Policies, Practices, or Procedure*.

3.9.2 Interview Results

- Almost all responses indicated that Adams Attorney would be who they would look to for guidance on the topic of retaliation and coercion.
- No indication as to whether employee knows if a policy exists.

3.9.3 Recommendations

- The policy created by Adams should ensure that retaliation or coercion is not used to prevent individuals with disabilities from filing complaints or otherwise securing their civil rights.
- Once the Retaliation and Coercion Policy and Procedure has been established to conform

to ADA requirements, train Adams staff on the process to ensure consistent practices throughout Adams.

3.10 Personal Devices and Services § 35.135

The ADA does not require Adams to provide individuals with disabilities personal devices such as wheelchairs or individually prescribed devices such as prescription eyeglasses, hearing aids, and readers for personal use or study. Adams is also not required to provide services of a personal nature including assistance in eating, toileting, or dressing.

3.10.1 Document Review

No statement of policy was discovered that limits Adams's obligation to provide personal devices (e.g., wheelchairs) and services (e.g., feeding and toileting).

3.10.2 Interview Results

- In general, responses varied on the topic of providing personal devices. A couple indicating that Adams would try to accommodate these requests.
- There were consistent responses that Adams does not have to accommodate requests for personal services like feeding or toileting.
- Overall, responses indicate that there is not a clear process or policy on this subject matter.

3.10.3 Recommendations

- A policy should be created that explains that Adams is not required to provide personal devices and personal services.
- Once the Personal Devices/Services Policy has been established to conform to ADA requirements, train Adams staff on the process to ensure consistent practices throughout Adams.

3.11 Service Animal Policy § 35.136

Generally, a public entity must modify its policies, practices and procedures to permit the use of a service animal by an individual with a disability. The right of individuals with disabilities to be accompanied by service animals is one of the most complicated and most frequently questioned provisions of the ADA.

3.11.1 Document Review

Adams does not currently have a service animal policy.

3.11.2 Interview Results

- There is apparent confusion among interviewees on what type of animals are recognized as service animals (35.136(a))
- Similarly, interviewees expressed confusion on how to identify an animal as a service animal. Most interviewees think it is based on the wearing of a vest, harness, or completion of a service animal "certification" process.
- In general, there is a consistent understanding that, although Adams has a "No Pets" Policy, Service Animals are allowed. A few departments noted that they are not aware that Adams County has any policies or rules in place regarding animals in general.
- Furthermore, there is consistent understanding on not charging a fee for a service animal.

- Interviewees expressed an inconsistent understanding on how departments address animals in general being brought into the facilities. Most often the responses show that access is allowed for every animal, service or not.
- Answers revealed inconsistent practices and confusion on how to handle a service animal not in control of its handler.
- There is also a consistent understanding on allowing the service animal owner to return to the program after properly excluding the service animal.
- Lastly, uncertainty exists on whether there may be activities or areas within County facilities that may prohibit service animals.

3.11.3 Recommendations

- After developing a policy to address service animals and allowed restrictions for animals in certain unique facilities in Adams, such as work areas and correctional facilities, provide staff training across all departments for a consistent understanding of the Service Animal Policy and the procedures for addressing the use of service animals.

3.12 Mobility Device Policy § 35.137

Adams must permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids and must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless Adams can demonstrate that powered mobility devices cannot be operated in accordance to legitimate safety requirements. Document Review

3.12.1 Document Review

Adams has no policy to ensure compliance with the regulatory requirement to make reasonable modifications in its policies, practices, or procedures to permit the use of mobility devices and other power-driven mobility devices by individuals with mobility disabilities on County grounds and in facilities that are open to pedestrian use.

3.12.2 Interview Results

- In general, responses indicate that either Adams does not prohibit the use of wheelchairs or other mobility devices or that this topic is unknown.
- Answers revealed inconsistent practices and confusion on what questions may be asked of a wheelchair or mobility device user.
- Based on the responses, it is clear that there is not a clear process or policy on this subject matter.

3.12.3 Recommendations

- Adams should create a comprehensive policy permitting and limiting the use of mobility devices and other power-driven mobility devices (e.g., as Segways or golf cars) in its parks, recreation facilities, buildings, and programs, which recognizes and assesses factors for allowing or prohibiting various devices in specified locations at specified times. For example, while there may or may not be reason to restrict the use of gasoline-powered mobility devices in parks and bikeways, such mobility devices may be restricted from interior use. The policy should address the inquiries about disabilities that are allowed, as well as inquiries into the use of other power-driven mobility devices. The

policy may include consideration of environmental, natural, or cultural resources, as well as legitimate safety concerns.

- After developing a policy to address proper use and limitations of mobility devices, provide staff training across all departments for a consistent understanding of the Mobility Device Policy and the procedures.

3.13 Direct Threat § 35.139

The ADA does not require Adams to permit an individual to participate in or benefit from the services, programs, or activities of Adams when the individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, Adams must make an individualized assessment based on reasonable judgment, current medical knowledge, or on the best available objective evidence, to ascertain:

- the nature, duration, and severity of the risk
- the probability that the potential injury will actually occur
- whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk

3.13.1 Document Review

A statement addressing Direct Threat and the ADA was observed in the *Adams County Policy on Modifications in Policies, Practices, or Procedure*.

3.13.2 Interview Results

- There are inconsistent procedures and many responses indicated that Adams does not have a formal process in addressing Direct Threats.
- Interviews revealed that the encounters they have experienced have not been from individuals with disabilities. It is unclear, how it is established whether the person may have been an individual with a disability.

3.13.3 Recommendations

- Overall the policy addresses that Adams is not required to provide a modification to permit an individual to participate or benefit from Adams' goods and services if an individual poses a direct threat and that practices addressing situations where an individual's disability may be perceived to be an imminent threat to the safety of the individual or others, adheres to the regulatory requirements.
- Establish a procedure for employees to follow when a situation may arise to ensure consistent, nondiscriminatory practices.
- Provide refresher training to staff on an ongoing basis to ensure continued understanding of Adams's direct threat policies.

3.14 Equal Employment Policy § 35.140

No qualified individual with a disability may, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by Adams.

3.14.1 Document Review

It is not clear if Adams has an Equal Employment Policy. However, based on a basic search on Adams' website, an EEO statement was observed.

3.14.2 Interview Results

- In general, departments look to Human Resources for the topics of employment and nondiscrimination.
- There are inconsistent responses as to whether Adams has a nondiscrimination policy.
- Departments rely on Human Resources for guidance on reasonable accommodations, in determining if an employee needs and accommodation, how the process of reasonable accommodation is handled, and how to address requests for expensive accommodations.
- Overall, there is a fair understanding of defining the essential functions of a job. Again, several responses look to HR to define essential job functions.
- ADA requirements for non-discriminatory hiring and employment practices, including processes for providing reasonable accommodation, are not widely known outside the HR Department.

3.14.3 Recommendations

- After creating a new or revising an existing employment policy to ensure compliant practices in hiring and reasonable accommodation processes for applicants and employees, provide training to all personnel within Adams' departments who are directly involved in these practices with either regular or contractual applicants and employees. Training should ensure that any County employee who interviews or otherwise interacts with any applicant, pre-offer of employment, is fully aware of ADA employment policy.
- Provide refresher training to staff on an ongoing basis to ensure continued understanding of Adams County's nondiscrimination policies.
- Provide training to ensure that any services provided through contractual, licensing, or other arrangements adhere to Adams's nondiscrimination policies and procedures.

3.15 Reasonable Accommodation in Employment Policy §§ 35.140 (b)

“It is unlawful for a covered entity not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business.”^{vi} Employers must have policy and process to ensure that they do not discriminate against qualified individuals with disabilities.

3.15.1 Document Review

No statement of policy was discovered that addresses Adams' policies and procedures to provide reasonable accommodations either in pre-employment or employment situations.

3.15.2 Interview Results

- Overall, the responses show there is general knowledge of how to determine if an employee needs a reasonable accommodation.
- There are inconsistent practices on addressing requests for expensive accommodations.

3.15.3 Recommendations

- Create a policy and provide a clear procedure to employees who may need to request a reasonable accommodation.
- Provide a clear procedure to applicants who may need to request a reasonable accommodation during the application, interview, or testing processes.
- Ensure essential job functions are clearly defined for any given job description.
- Provide the Policy in a variety of formats and multiple types of media, such as Adams' website, print, radio, social media, or television. It is also recommended that the notice be available through an ADA link on Adams' homepage.
- Policy should not require presentation of medical documentation or other means of verification of disability when an individual's disclosed impairment is apparent to a reasonable person. Reasonable accommodation does require disclosure by the individual. However, subsequent to passage of the ADA Amendments Act, it is clear that Congress intended the determination that an applicant or employee is a *qualified individual with a disability* should be a relatively low hurdle. This is particularly true when an individual's impairment or disability is apparent.
- Provide training

3.16 Existing Facilities § 35.150

Adams must operate each service, program, or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

The regulations do not require Adams to make each of its existing facilities accessible. Nor does it require Adams to take any action that would threaten or destroy the historic significance of a historic property or require Adams to take any action that would result in a fundamental alteration in the nature of service, program, or activity or would cause an undue financial and administrative burden.

Adams may comply with the requirements of this section through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. Adams is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

In addition to a transition plan that identifies structural changes required to achieve program access, a statement of policy is required that addresses the procedures for choosing the methods for achieving accessible services, programs, and activities.

3.16.1 Document Review

No statement of policy was discovered that addresses Adams' policies or procedures to address accessibility in their existing facilities.

3.16.2 Interview Results

- Overall, responses indicated this is the responsibility of the Facility Management.
- Response from the Facilities Department indicated that they are currently in process of gathering information for a Transition Plan.

3.16.3 Recommendations

- Create a Transition Plan that clearly identifies structural changes required and an appropriate timeframe in which to address.
- Provide the Transition Plan to any person upon request.

3.17 *New Construction and Alterations § 35.151*

All new construction or facility alterations, for the use by Adams commencing after January 26, 1992, must be designed and constructed in such a manner that the facility, or part of the facility, is readily accessible to and usable by individuals with disabilities.

3.17.1 Document Review

No statement of policy was discovered that addresses Adams' policies or procedures to address accessibility in their existing facilities.

3.17.2 Interview Results

- In general, responses indicate that this is the responsibility of Facilities Management.
- Adams relies heavily on contracted support such as Architects and Engineers.

3.17.3 Recommendations

- A construction and alteration policy that outlines the steps required to achieve ADA-compliant design is necessary for the construction of new and altered County buildings.
- MTC recommends that Adams create and implement a policy addressing design and construction of new facilities, renovation of existing facilities, and determination of the sites or locations of Facilities. The policy must require that the design, construction, or other determinations, do not have the effect of excluding individuals with disabilities from programs, denying them the benefits of programs, or otherwise subjecting them to discrimination. Adams should adopt a current building code that includes accessibility provisions or the 2010 ADA Standards that references the ADA facility policy. The reliance on the assurance of outside sources, consultants, or contractors to determine compliance with the ADA does not relieve a public entity of its responsibility to comply with the law.
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3.18 *Jails, Detention and Correctional Facilities, and Community Correctional Facilities § 35.152*

Counties that are responsible for the operation or management of adult and juvenile justice jails, detention and correctional facilities, either directly or through contractual, licensing, or other arrangements with public or private entities, must ensure that qualified inmates or detainees with disabilities must not, because a facility is inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services,

programs, or activities, or be subjected to discrimination by Adams. Adams must make certain that inmates, or detainees with disabilities, are housed in the most integrated setting appropriate to the needs of the individuals. Adams must also implement reasonable policies, including physical modifications to additional cells in accordance with the 2010 Standards, which allow each inmate with a disability to be housed in a cell with the accessible elements necessary to afford the inmate access to safe, appropriate housing.

3.18.1 Document Review

No statement of policy was discovered that addresses Adams' policies or procedures to provide accessible facilities or programs in their Jails, Detention and Correctional Facilities, and Community Correctional Facilities.

3.18.2 Interview Results

- In general, responses indicate that the Sheriff's office is independent of Adams and therefore practices by their own policies. Such policies are in the midst of re-writes due to a recent litigation.
- Overall, due to a recent litigation, the Sheriff's office is re-evaluating their current practices.

3.18.3 Recommendations

- The Sheriff's Department should create a policy to ensure that practices in Adams' correctional programs do not discriminate on the basis of disability.
- The Sheriff's Department should make these documents readily available to individuals who need reasonable modifications, auxiliary aids and services, or knowledge of the Sheriff's department policy of nondiscrimination on the basis of disability.
- Notice should be provided in a variety of formats and by using multiple types of media such as bulletin boards in buildings, print, radio, social media, or television, in addition to Adams Sheriff's Department website.
- The Sheriff's Department policy of non-discrimination on the basis of disability should be readily apparent in the normal channels used by applicants for employment or members of the public seeking to participate in the Sheriff's Department services, programs, or activities.

3.19 Effective Communication Policy § 35.160

Adams must take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

3.19.1 Document Review

No statement of policy was discovered that addresses Adams' policies or procedures to provide effective Communication.

3.19.2 Interview Results

- Responses varied greatly on the topic of how effective communication is provided. A general confusion exists on what effective communication means in regards to the ADA.
- There are inconsistent procedures of how one might determine what auxiliary aid or service is provided.

- Many responses indicated that respondents have never experienced this need and that Adams does not have a formal process in addressing Effective Communication.
- There are inconsistent procedures on how Adams handles requests for auxiliary aids and services.
- Procedures on how Adams provides interpreter services are inconsistent as well as how an individual would go about requesting interpreter services.
- Overall, there is a general consensus that Adams would never refuse to provide an interpreter.
- In general, there is confusion on allowing an accompanying individual, such as a family member to provide interpreting services.
- Responses indicate that VRI services are not provided by Adams and no training has been provided.

3.19.3 Recommendations

- It is a common best practice to furnish each program with a unique Effective Communication (EC) policy that is suitable to the needs of the activities and services held within the program.
- Adams should develop a comprehensive EC policy that can be utilized within each program with minor adjustments to fit the specific needs of the program when viewed in its entirety. This policy should include a statement of requirements to comply with the ADA, definitions of terms, ADA Coordinator information, contact information for any vendors that provide auxiliary aids and services, types of auxiliary aids services that may be requested, and the proper procedure for responding to requests for auxiliary aids and services. Information about the availability of TTY's and other communication devices should be included in the policy.
-

3.20 Telecommunications § 35.161

Where Adams communicates by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

When Adams uses an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communications with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including internet-based relay systems.

In addition, Adams must respond to telephone calls from a telecommunications relay service established under title IV of the ADA in the same manner that it responds to other telephone calls.

3.20.1 Document Review

No statement of policy was discovered that addresses Adams' Telecommunication policies or procedures.

3.20.2 Interview Results

- Responses indicate that TTYs are not provided or used by Adams and no training has been provided.

3.20.3 Recommendations

- Create a policy that provides for telecommunications that establishes the parameters that Adams will employ to communicate with people with hearing or speech disabilities.
- Provide continued and effective training to all departments on the new policy.

3.21 Telephone Emergency Services/911 § 35.162

Telephone emergency services, including 911 services, must provide direct access to individuals who use TTYs and computer modems.

3.21.1 Document Review

No statement of policy was discovered to ensure that telephone emergency services were provided either directly by Adams or through arrangements with private entities.

3.21.2 Interview Results

- Responses indicate that Adams' telephone emergency services are contracted through Ad Com and it is not clear what policies this contracted entities follow to provide their service.

3.21.3 Recommendations

- Ensure Adams' contracted businesses Nondiscrimination Policies match up to those of Adams.
-

3.22 Information and Signage § 35.163

Interested persons, including persons with impaired vision or hearing, must be able to obtain information as to the existence and location of accessible services, activities, and facilities. Adams must also provide signage, at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities.

3.22.1 Document Review

It is not clear if Adams has a policy or any procedures in place that addresses the availability of alternate formats and how an individual would go about obtaining.

3.22.2 Interview Results

- In general, a majority of the responses indicate that Adams does not provide alternate formats other than electronic and hard copy.
- It is apparent by responses, that Adams does disseminate a variety of information to the public.
- Overall, there is a general consensus that most of their buildings have accessible entrances and are marked accordingly with signage.

3.22.3 Recommendations

- Create a document or policy addressing Adams' policy on providing alternate formats to the public. Within this document include the process and procedures for the public to request such documents.
- Once this document or policy is created, provide training to all County employees for consistent practices.

3.23 Duties (Fundamental Alteration/Undue Burden) § 35.164

The ADA does not require Adams to take any action that would result in a fundamental alteration in the nature of a service, program, or activity, or in an undue financial and administrative burden. Adams has the responsibility of proving that compliance with the Regulation would result in a fundamental alteration or undue financial and administrative burden.

Title II regulations contain procedural requirements for public entities that wish to assert a fundamental alteration or undue burden defense:

- A decision that a particular action, modification or provision of auxiliary aids and devices would be a fundamental alteration or undue financial or administrative burden must be made by the head of the public entity or his or her designee.
- Before such a determination is made, all of the resources available for use in the operation of the program or service must be considered.
- The public entity's determination must be accompanied by a written statement of the reasons for the decision.
- If an agency determines that a particular action would be an undue financial or administrative burden, this is not a justification for the public entity to do nothing. Instead, the public entity must take any other action that would not be a fundamental alteration or undue burden, but would ensure to the maximum extent possible that individuals with disabilities receive the benefits and services of the entity.

3.23.1 Document Review

A statement within the *Adams County Policy on Modifications in Policies, Practices, or Procedure* was observed. It does indicate that Adams is not required to take any action that would fundamentally alter or cause undue financial hardship.

3.23.2 Interview Results

Overall, respondents indicated that Adams' legal council would be consulted when determining if a communications request may cause Adams undue burden.

In general, confusion exists on what a fundamental alteration may be under the ADA.

3.23.3 Recommendations

- Create a document or policy that addresses how Adams addresses request for services that may cause a fundamental alteration or undue burden.
- A Fundamental Alteration/Undue Burden policy should designate an authorized individual(s) who is responsible for following the procedural requirements above.
- Provide training on the practices and procedures Adams should take in determining a fundamental alteration or undue burden.

3.24 County Transportation Systems §37.5

It is not apparent that Adams operates any transportation services at this time.

In the event Adams provides transportation in conjunction with any of its services, programs, or activities, including but not limited to corrections, Adams must create a policy that addresses the provision of accessible transportation that does not discriminate against an individual with a disability. This policy should provide for a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities.

3.25 Emergency Management Plan

One of the primary responsibilities of state and local governments is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. The DOJ, in its settlement agreements precipitating from Project Civic Access investigations, identifies the existence of emergency management activities as a universal function of public entities. State and local governments must comply with title II of the ADA in the emergency and disaster-related programs, services, and activities they offer. This requirement applies to programs, services, and activities provided directly by Adams, as well as those provided through contracted third parties such as the American Red Cross, private nonprofit organizations, and religious entities.

To be clear, the DOJ regulation does not require public entities to have an emergency management plan. However, when an emergency management plan exists, it is a program subject to the same consideration as all other programs. Under title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities and generally may not use eligibility criteria that screen out or tend to screen out people with disabilities.

The ADA also requires making reasonable modifications to policies, practices, and procedures, when necessary, to avoid discrimination against a person with a disability and also requires taking the steps necessary to ensure effective communication with people with disabilities.

The ADA generally does not require Adams' emergency management programs to take actions that would fundamentally alter the nature of a program, service, or activity, or impose undue financial and administrative burdens.

Regardless of the fact that the title II regulation makes no specific reference to or requirement for accessible emergency management planning, virtually every Project Civic Access settlement has a section identifying the deficiencies of emergency preparedness programs. As any other service, program, or activity of a public entity's emergency management planning should include participation of individuals with disabilities and advocates for people with disabilities. Planning must include measures to ensure that services provided during an emergency event do not exclude people with disabilities or otherwise limit the benefits of those services on the basis of disability.

3.25.1 Document Review

It is unclear if Adams has developed a plan for emergency management. It is not apparent that there is any policy to ensure either inclusion of people with disabilities in the planning process, or that plans specifically address accessibility of the program or facilities, such as shelters, used for the program.

3.25.2 Interview Results

- Many responses on the various topics mirrored the responses of those throughout Adams.
- There are no policies specific to Emergency Management

3.25.3 Recommendations

- We recommend a thorough reading of Chapter 7 of the DOJ ADA Best Practices Tool Kit for State and Local Governments (see Appendix A) and use of the checklists found there to identify possible barriers to access. In emergency management, a public entity must frequently adapt broad and varied policies to deal with the unique scope of disasters that can occur within its jurisdiction. Floods, wildfires, earthquakes, and tornadoes, are among some of the most common natural disasters that possess the capacity for large losses of life and property and with the potential to effectively destroy a community. Man-made crises also can pose a serious threat to life and property. In order to preemptively reduce or prevent the severity of emergency situations, communities must coordinate and implement policies to effectively eliminate unnecessary risks and decrease potential losses. While the DOJ does not mandate a specific policy, MTC recommends development of a plan that allows for consistent, nondiscriminatory practices and procedures for emergency preparedness. Include key stake holders (*i.e.*, Red Cross, organizations for people with disabilities, and any other departments or community organizations that may contribute to emergency management) in Adams, to ensure that accessibility concerns are integral to emergency management planning.
- All considerations and policies that ensure nondiscriminatory participation by individuals with disabilities in other Adams' services, programs, and activities should be incorporated in Adams' emergency management plan. Note that outsourcing, contracting, or delegating responsibilities within the emergency management plan, does not eliminate the requirement for Adams to ensure that the people with disabilities are not excluded from or limited in the benefits of this critical program.
- Within the policy, the following key elements should be addressed:
 - Facility selection
 - Personal devices and services
 - Service animals
 - Wheelchairs and other power-driven mobility devices
 - Effective communication
 - Emergency services
 - Accessible transportation
 - Alternate format information
 - Staff training

4.0 Summary of Recommendations

In this section we will review and summarize the extent to which policies and practices that ensure compliance with the ADA have been adopted at the top level of County management, whether and to what extent those policies and procedures have been promulgated to the various departments, and how that may impact the delivery of services to people with disabilities.

4.1 Organizational Summary

Responses to questions about public notice, with regard to nondiscrimination on the basis of disability, indicate a general lack of knowledge about the regulatory requirement for a public entity to “make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by”^{vii} the ADA’s Part 35 regulations. Of those interviewed, no County employee was able to provide a copy of such a notice or relate any of the information that ought to be provided there.

A brief review of comments collected during interviews reveals that in the essential category of having a procedure for accepting and responding to complaints, there is no consistency, awareness of the process, or formal policy to guide County employees. There is no evidence that Adams has made sufficient efforts to “adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.”^{viii}

There is little to no evidence that policies on nondiscrimination, service animals, mobility devices, ticketing, equal employment, reasonable accommodations (in the workplace), or effective communication exist at the organizational level. While responses often indicated that there was a policy, the most frequent response given was: “Not our department.” Suggestions that policy existed in Adams County Guidelines or the Human Resources Department, indicate that even general knowledge that County employees should have, regarding access to County services by people with disabilities, is lacking.

Adams must develop comprehensive policies to ensure: consistent institutional delivery of nondiscriminatory services, programs, and activities; a process to identify, respond to, and resolve complaints about physical and policy barriers; and nondiscriminatory access to all aspects of employment, including application, interviews, and requests for reasonable accommodation. These policies must be compiled in one place – such as a comprehensive ADA policy manual or a webpage accessible from all departmental webpages and Adams’ homepage – to ensure that the public, job applicants, and employees can easily access needed information. All employees should receive training on ADA basics, disability awareness or disability etiquette, and provisions of ADA regulations that directly impact operations in their departments.

As new policies are established and existing policies are revised to ensure compliance with the ADA, all employees and new-hires should receive training. Periodic refresher training should be provided. All employees should have knowledge of key components of the ADA’s regulatory requirements such as Adams’ public notice of nondiscrimination on the basis of disability, Adams’ grievance procedure, who Adams’ ADA Coordinator is, and the interactive process for requesting and receiving reasonable accommodations in employment.

All ADA-related policies must be available to the public. Public notice should be provided – through bulletin boards in buildings, on websites, and in conjunction with any other media publication or broadcast – to facilitate to the greatest degree possible public awareness of Adams’ policy of nondiscrimination on the basis of disability. Inherent to such public notice is the intent to ensure inclusion of people with disabilities in all Adams services, programs, and activities.

4.2 Departmental Summary

Adams Attorney's Office, Department of Human Services, the District Attorney's Office, Human Resources, and the Sheriff's Office demonstrated considerable knowledge despite the lack of policies and procedures to ensure their compliance with title II of the ADA. Often departments assume that questions about service animals, sign language interpreters, or reasonable accommodations can be addressed by another department, such as Human Resources or Adams Attorney. Often departments assume that information on how to request a sign language interpreter is "on the website." While the Sheriff's Office demonstrates a high level of understanding and training on VRI (video remote interpreting service), this capability is virtually unknown in other departments.

It would be inappropriate here, to single-out particular departments for lacking knowledge of how to respond to requests for effective communication, reasonable modification of policies, or the provision of auxiliary aids and services, as there is little to no evidence that comprehensive policies exist or that sufficient training is available to implement policies when they do exist. However, each department should ensure, as new policies are developed and existing policies are enhanced, that all of their employees, particularly those who have everyday interaction with the public, receive thorough and ongoing training. Specific ADA refresher trainings should be offered regularly. A consolidated resource – print or web-based – should be created to assist employees in quickly accessing specific policies and procedures as issues occur. While having a list resources (such as, the ADA coordinator, or Human Resources office) may be helpful, in most instances County employees ought to have enough knowledge of ADA policies and procedures to provide real-time, seamless modifications in policies or to provide a sign language interpreter or to channel complaints or inquiries to the appropriate office or person responsible.

4.2.1 Summary Tables

Two tables, *Summary of Policy Inventory and Review* (see Appendix 5.4) and *Training Needs by Department/Division* (see Appendix 5.5), summarize respectively the inventory and review of ADA-related policies and the recommendations for training by departments in Adams. Training to increase awareness of disability etiquette and ADA basics should be provided for all County employees as soon as possible. Training on most issues must be provided subsequent to creation of new or revision of existing policies.

MTC did not conduct interviews with representatives from all departments and divisions. We are not making specific recommendations for those department and divisions with which no interviews were conducted. However, it is advisable that all departments and all employees have knowledge of ADA-related policies necessary to provide nondiscriminatory services, programs, and activities. The highest priority for training of Adams employees must be for those who have direct interaction (whether face-to-face, by phone, or by other electronic means) with the public.

5.0 Appendices

5.1 Title II Regulations

5.2 Project Civic Access Settlement

5.3 Guidance on Service Animals

5.4 Policy Inventory and Review

5.5 Training Needs by Department/Division

5.6 ADA Best Practices Tool Kit for State and Local Governments, Chapter 7: Emergency Management

5.7 Disability Census Data

5.8 List of Sections/Subsections/Questions

5.9 Project Civic Access, Cities and Counties: First Steps Toward Solving Common ADA Problems

5.10 Notice Under the Americans with Disabilities Act

5.11 Correctional Facilities Policy

5.12 Grievance Procedure

5.13 Guidance on Effective Communication

5.14 Guidance on Wheelchairs, Mobility Devices, and OP-DMDs

6.0 End Notes

ⁱ U.S. Department of Justice, Nondiscrimination on the Basis of Disability in State and Local Government Services, September 15, 2010, (Title II Regulations, Title 28 C.F.R. Part 35, 35.105(a)), p. 33.

ⁱⁱ U.S. Census Bureau, Age by Number of Disabilities, Civilian Noninstitutionalized Population, 2012 American Community Survey 1-Year Estimates, accessed March 11, 2014 at http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_C18108&prodType=table.

ⁱⁱⁱ U.S. Department of Justice, Nondiscrimination on the Basis of Disability in State and Local Government Services, September 15, 2010, (Title II Regulations, Title 28 C.F.R. Part 35, 35.130(a)), p. 33.

^{iv} U.S. Department of Justice, Civil Rights Division, Project Civic Access webpage, accessed April 11, 2014 at <http://www.ada.gov/civicac.htm>.

^v U.S. Department of Justice, Nondiscrimination on the Basis of Disability in State and Local Government Services, September 15, 2010, (Title II Regulations, Title 28 C.F.R. Part 35, 35.105), p. 33.

^{vi} Equal Employment Opportunity Commission, Regulation to Implement the Equal Employment Provisions of the Americans with Disabilities Act, (ADA Title I, Title 29 C.F.R. Part 1630, 1630.9), accessed January 13, 2014 at <http://www.eeoc.gov/cgi-bin/text-idx?c=ecfr&sid=e21d7d731cd42999c38bc3ee597463f3&rgn=div5&view=text&node=29:4.1.4.1.20&idno=29#29:4.1.4.1.20.0.26.9>.

^{vii} U.S. Department of Justice, Nondiscrimination on the Basis of Disability in State and Local Government Services, September 15, 2010, (Title II Regulations, Title 28 C.F.R. Part 35, 35.106), p. 33.

^{viii} U.S. Department of Justice, Nondiscrimination on the Basis of Disability in State and Local Government Services, September 15, 2010, (Title II Regulations, Title 28 C.F.R. Part 35, 35.107(b)), p. 33.