



# ADA ACCESSIBILITY POLICY AND PROCEDURES

## 1. Purpose

The policy is to ensure that the City of Woodburn offers equal access to the City's services, programs, and/or activities, for persons with disabilities and maintains 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.

## 2. Policy

City of Woodburn is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. The City recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. The City 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. The City does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any program, service, or activity and the City will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate. No qualified 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 the City, or be subject to discrimination by the City.

The City also provides reasonable accommodations to qualified employees with a disability who request reasonable accommodations under Title I which is covered under another policy.

## 3. Definitions

Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, or a record of such an impairment, or being regarded as having such an impairment.

Interactive Process: When a request for accommodation is made, the communication process between the individual requesting an accommodation and the City, in good faith, to determine

the process for determining whether an accommodation will be provided, and the potential accommodations.

Reasonable modification: A change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. The City of Woodburn will make reasonable modifications to policies, practices and procedures when necessary to ensure access to services, programs, or activities for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the service, program, or activity,
- Making the accommodation would create a direct threat to the health or safety of others involved, or
- The individual with a disability is able to fully use City of Woodburn’s service without the accommodation being made.

Service Animals: A dog (or in some cases a miniature horse) that is individually trained to do work or perform tasks for an individual with a physical or mental disability is a service animal. Service animals are allowed at public meetings. If there is a question about whether a dog is a service animals, only two questions may be asked:

- 1) Is the animal required because of a disability; and
- 2) What work or task has the animal been trained to perform?

No other inquiries are allowed. A Service Animal may be removed if:

- 1) The animal is out of control and the animal’s handler does not take effective action to control it; or
- 2) The animal is not housebroken.

If a service animal is properly excluded for one of the two reasons outlined above, the City will give the individual with a disability the opportunity to obtain programs, services and activities without having the service animal on the premises. If the service animal is excluded, the individual with a disability may continue to access the programs, services, and activities, including the opportunity to seek a reasonable accommodation to access those programs, services, and activities.

#### **4. Procedures**

A. Mandatory Notice:

All program, activity, event or meeting announcements and/or agendas (paper or online) will contain the following note in English and Spanish:

*Individuals needing special accommodations such as sign language, foreign language interpreters, or equipment for the hearing impaired, must request such services at least 48 hours prior to the meeting. To request such an accommodation or interpretation, contact \_\_\_\_\_ at (503) xxx-xxxx, or Statewide Toll Free Relay (800) 735-1232.*

*Las personas que necesiten asistencia tal como lenguaje de señas, intérprete de idioma extranjero, o equipos para personas con impedimentos auditivos; deberán solicitar dichos servicios con anticipación. Y se les pide entregar su solicitud con un mínimo de 48 horas, antes de la reunión. Para solicitar tal arreglo o interpretación, comuníquese con \_\_\_\_\_ al (503) xxx-xxxx, o a la línea telefónica nacional sin costo, (800) 735-1232.*

If for space considerations, there is not adequate room in the brochure or flyer, the following language may be used in English and Spanish:

*If you need special accommodation, please contact (503) xxx-xxxx, or Statewide Toll Free Relay (800) 735-1232, at least 48 hours prior to the meeting.*

*Si usted necesita asistencia especial, comuníquese al (503) xxx-xxxx o a la línea telefónica gratuita, (800) 735-1232, con un mínimo de 48 horas, antes de la reunión.*

B. Auxiliary Aids and Services:

Upon receipt of a specific request, it may be necessary to provide auxiliary aids and services to individuals with disabilities to allow full participation in the program, service, activity or meeting. These include, but are not limited to: Sign language interpreters; audio tapes; computer diskettes; large print; real time transcription; and assistive listening devices. Individuals with service animals are welcomed in the City of Woodburn offices, even where pets are generally prohibited. Any flyers or brochures announcing services, programs or activities shall have the following note in English and Spanish:

*To receive this material in accessible formats, such as Braille, large format print, or in an alternative language, contact (503) xxx-xxxx.*

*Para recibir este material en otros formatos más accesibles, como el Braille, letras más grandes o en diferente lenguaje, favor de marcar el (503) xxx-xxxx.*

C. Requests:

To request an accommodation, alternative format of communication, and/or modification of policies and procedures in order to access and benefit from a program, service, meeting and activity, the individual must submit a request for reasonable accommodation. If an individual submits a request for reasonable accommodation less than two business days before the meeting, but the accommodation can still be made before the meeting begins, staff will make good faith efforts to provide the accommodation. The reasonable accommodation process begins as soon as the request for accommodation is made.

Requests for accommodation may be made either orally or in writing. 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.

Individuals requesting modifications shall describe what they need in order to use the service, program or activity. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request.

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. Staff may consult with the management before making a determination to grant or deny the request.

The City will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. However, 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.

As soon as the City 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.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. An interactive discussion with the individual making the request is encouraged when clarification regarding the type of alternative format to be provided is needed. The expressed choice of the individual with a disability will be given primary consideration unless the City can demonstrate that another effective means of communication exists.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The resolution of any specific accommodation requires consideration and balancing of circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue,

and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one complaint does not constitute a precedent upon which the City is bound, or upon which other complaining parties may rely.

As soon as the City determines that a request for reasonable accommodation will be denied, the City will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. The specific reasons for the denial;
- b. Any alternative accommodation that may create the same access to the services, programs, or activities, as requested by the individual; and
- c. The opportunity to file a complaint relative to the City's decision on the request.

## **5. Grievance Process**

The City of Woodburn has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. These procedures shall be posted on the City's website and will be provided to any individual when the City denied a request for accommodation. The process and any forms necessary to file a complaint are readily available on 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 that he or she, or any other program beneficiary, has been subjected to unequal treatment or discrimination in the receipt of benefits or services from the City because of a person's disability may file a complaint with the City's ADA Coordinator. *The ADA Title II and Title VI Complaint Form* is available on the City's website.

ADA Coordinator  
City of Woodburn  
270 Montgomery St.  
Woodburn, Oregon 97071  
Phone: 503-982-5231  
Fax: 503-9825-2376

A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. Once the complaint is received, the complainant will receive an acknowledgement of receipt. The ADA Coordinator shall investigate, as may be appropriate, and issue a written determination and resolution within 30 days of the complaint's submittal. If more information is needed to resolve the complaint, the ADA Coordinator may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the City. If the City is not contacted by the complainant or does not

receive the additional information within 30 business days, the ADA Coordinator may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case or the complaint is not within the scope of this policy.

After the ADA Coordinator investigates the complaint, a decision will be rendered in writing to the complainant. The City will issue either a Letter of Closure or Letter of Finding.

- a. Letter of Finding – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by the City to address the complaint.
- b. Letter of Closure – This letter will explain why the City 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 the City, an opportunity to appeal the decision may be pursued, provided the complainant files notice of appeal within 21 days of the initial decision of the City by bringing the appeal to the City Administrator. The City Administrator shall review the investigation materials and consider the complainant's concerns prior to making a final determination.

The right of a person to a prompt and equitable resolution of the complaint filed, hereunder, shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These procedures shall be construed to protect the substantive rights of interested persons to meet the appropriate due process standards, and to assure that the City of Woodburn complies with the ADA and implementing regulations.

## **6. Records Retention**

The City will maintain all records related to reasonable modification requests and denials for at least three (3) years. The ADA Coordinator shall maintain the files and records of the City of Woodburn relating to the complaints as required under the ADA and the City Records Retention Schedule.

All decisions shall be sent by regular mail to the complainant within 30 calendar days of the date the complaint is made to the ADA Coordinator or an appeal made to the City Administrator and shall be retained in the program file. Other forms of notification may be provided upon request.

The ADA Coordinator may modify this grievance and appeal process in order to assure equal access to programs, services and activities for people with disabilities.

This grievance process is not meant to be used for any personnel, EEO, or labor agreement grievance procedure for the City of Woodburn. Contact the City Human Resources Department for further information regarding Title I grievances.

## **7. Designated Employees**

Each Department shall designate one official within the department/division responsible for processing reasonable modification requests. The phone number to reach this person shall be specified in each program, activity, event or meeting announcements per 4.A above.

## **8. References**

Americans with Disabilities Act, 1990

[American with Disabilities Act as Amended, 2008](#)

[Section 504 of the Rehabilitation Act of 1973, as amended](#)

[Department of Transportation Federal Transit Administration, 49 CFR Parts 27 and 37](#)

## **9. Forms**

HR-ADA/07 ADA Title II and Title VI Complaint Form

## **10. Review of Policy and Procedures**

This policy will be reviewed every three years or as state and federal regulations are revised and necessitate a change in the policy or procedures.

Adopted: July 2017