

# AMERICANS WITH DISABILITIES ACT POLICY

*FOR*

*The Arc of Wabash County, INC*

Approved by: Jeffery Patton

Accepted Date: 06/01/2023.

Revised Date: Board of Directors Approved on November 14th.

Revised Date: \_\_\_\_\_

**Board President Zwiebel called the meeting to order at 5:30p.**

## **AGENDA**

- 1. Consent Agenda A**
  - a. Minutes of the October 10, 2023, Board Meeting**
  - b. Treasurer's Reports for September and October 2023**
  - c. Subcontract Report for October 2023**
  - d. President's Report for November 2023**
  - e. Risk Management Report for FY2023 (Period Ending 06/30/23)**

**Zwiebel read a few items from the Director's Report. CEO Patton noted he'll meet quarterly, up from annually, with his Directors to discuss their goals, tasks, and responsibilities. CFO Guthrie noted October was a three-paycheck month. Zwiebel asked for a motion to approve Consent Agenda A, Parson motioned, Trotter seconded, and the motion carried.**

## I. Introduction and Purpose:

It is the policy of THE ARC OF WABASH COUNTY, INC to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and US Department of Transportation (USDOT) implementation regulation found at 49 CFR Parts 27, 37 and 28 as amended, to include all programs, services, activities, operations and relationships with—and accommodations/modifications of—employees, client-customers, and the general public, including but not limited to those stated below.

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.

Specific transportation provisions of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended, include but are not limited to the following requirements:

## II. ADA Requirements:

**Equivalent Service:** As required by the ADA, THE ARC OF WABASH COUNTY, INC has a sufficient number of, or access to, wheelchair accessible vehicles in our fleet regardless of employment status to ensure that individuals needing an accessible vehicle have equivalent access to our transportation services as ambulatory individuals.

**Maintenance of Accessible Features on Vehicles:** As required by the ADA, the accessible features on our vehicles are maintained in operative condition so that individuals needing these features receive equivalent service to individuals not needing those features.

All recipients must keep federally funded equipment and facilities in good operating condition. Recipients must maintain, in operative condition, those features of facilities, vehicles, and other capital equipment that are required to make them accessible. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

Drivers are required to report lift and ramp failures promptly and accessibility features must be repaired promptly if they are damaged or out of order.

**Transporting Wheelchairs/Mobility Devices:** A wheelchair is 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. THE ARC OF WABASH COUNTY, INC will transport passengers with wheelchairs and other mobility devices, even in circumstances when the wheelchair cannot be secured to the driver’s satisfaction, unless the wheelchair or mobility aid exceeds the size or weight capacity of the wheelchair lift or ramp.

**Securing Wheelchairs/Mobility Devices:** 49 CFR §38.23 states that accessible vehicles must have a compliant lift or ramp with sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. For vehicles in excess of 22 feet in length, at least two securement locations and devices shall be used and for vehicles less than 22 feet in length, at least one securement location and device shall be used.

All wheelchairs must be secured to the floor of the vehicle using the securement equipment. It is recommended that power chairs and motorized mobility devices be turned to the "OFF" position once the device is on the lift platform and while the lift is in operation.

**Adequate Time for Vehicle Boarding and Disembarking:** As required by the ADA, THE ARC OF WABASH COUNTY, INC provides adequate time for boarding and disembarking our vehicles for individuals with disabilities.

**Standeers on the Lift:** THE ARC OF WABASH COUNTY, INC permits individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to board and/or disembark the vehicle.

**Use of Portable Oxygen/Respirator Equipment:** As required by the ADA, individuals using our transportation service may bring respirator, portable oxygen equipment, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into our vehicles safely and without obstructing the aisle and/or blocking emergency exits. Passengers must secure the equipment by means such as carrying the equipment using a shoulder strap or securing the equipment to a wheelchair or a seat.

**Service Animals:** Under 49 CFR §37.3, the ADA defines a service animal as: "any guide dog, signal dog, or other animal 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".

Any passenger with a service animal shall have access to our vehicles. A driver can only ask two questions of a passenger with a service animal: 1) "Is that a service animal?" and, 2) "What type of service does the animal provide?"

All service animals must be kept under the control of their owner at all times and abide by local animal safety regulations. Any service animal should sit or lie on the floor, not occupy a passenger seat, nor should the animal block the aisle way.

**Training in Wheelchair Securement, Sensitivity to Passengers:** As required by the ADA, THE ARC OF WABASH COUNTY, INC trains its personnel to operate vehicles and equipment safely, assist passengers properly, and treat individuals with disabilities who use the service in a respectful and courteous way. A “Certified Trainer” in Passenger Assistance Safety and Security (P.A.S.S.) or Passenger Assistance Techniques (PAT) provides training to personnel prior to being released to drive for THE ARC OF WABASH COUNTY, INC.

**Driver Use of, and Assistance with, Accessibility Equipment:** As required by the ADA, THE ARC OF WABASH COUNTY, INC personnel make use of all available accessibility equipment when needed and provide a reasonable level of assistance to passengers as necessary and upon request with lifts, ramps, and securement devices.

**Personal Care Attendants:** Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

**Accessible Communications:** THE ARC OF WABASH COUNTY, INC will provide information regarding its services and policies and procedures in accessible formats for persons with disabilities, i.e., information in large print, or alternative and electronic format. THE ARC OF WABASH COUNTY, INC shall provide a TTY number, or other operator-assisted RELAY service so that individuals with hearing or speech impairments can communicate with THE ARC OF WABASH COUNTY, INC.

**ADA Complaints:** THE ARC OF WABASH COUNTY, INC discrimination related customer service complaints, including those associated with ADA regulations, are reported to INDOT and complaint documentation is maintained on file for one year. ADA related service complaint logs are kept on file for five years, per USDOT regulations.

Contact ADA Lindsay Swihart, at 260-563-8411 or at [lswihart@arcwabash.org](mailto:lswihart@arcwabash.org)