



SUBJECT: Standard Operating Procedures & Guidelines for
Implementing Fulton County Program Access Policy for
Persons with Disabilities, 600-72

DATE: March 6, 2013

PURPOSE OF STANDARD OPERATING PROCEDURES AND GUIDELINES:

The purpose of these standard operating procedures and guidelines is to clarify definitions, policy commitments, program responsibilities and procedures to assist Fulton County Departments in the implementation of the Program Access Policy 600-72.

DEFINITIONS FOR IMPLEMENTING FULTON COUNTY PROGRAM ACCESS POLICY FOR PERSONS WITH DISABILITIES

Summary

For the purpose of this policy and procedure the terms contained herein have the following meaning ascribed to them:

Section 504 of the Rehabilitation Act of 1973

Broader than any disability law that came before it, Section 504 of the Rehabilitation Act made it illegal for the federal government, federal contractors, and any entity *receiving federal financial assistance* to discriminate on the basis of disability.

Americans with Disabilities Act (ADA) of 1990

The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. It guarantees equal opportunity for individuals with disabilities in,

- Title I Employment
- Title II State and local government services - "public entities" (state and local governments) and the programs, services, and activities they deliver and transportation
- Title III Public Accommodations
- Title IV Telecommunications
- Title V Miscellaneous

While the ADA has five separate titles, Title II is the section specifically applicable to "public entities" (state and local governments) and the programs, services, and activities they deliver. The Department of Justice ("DOJ" or the "Department"), through its Civil Rights Division, is the key agency responsible for enforcing Title II and for coordinating other federal agencies' enforcement activities under Title II.

Title II of the ADA

The cornerstone of Title II of the ADA is this: no qualified person with a disability may be excluded from participating in, or denied the benefits of, the programs, services, and activities *provided by state and local governments* because of a disability.

Title III of the ADA

Under Title III, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of *public accommodation* by any person who owns, leases (or leases to), or operates a place of *public accommodation*.

"Public accommodations" include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things.

ADA Amendments Act (ADAAA)

The ADA Amendments Act of 2008 (the Amendments Act) was signed into law by President George W. Bush on September 25, 2008, with a statutory effective date of January 1, 2009. Pursuant to the Amendments Act, the definition of disability under the ADA, 42 U.S.C. 12101, *et seq.*, shall be construed in favor of *broad coverage* to the maximum extent permitted by the terms of the ADA as amended, and the determination of whether an individual has a disability should not demand extensive analysis.

(The) ADA Standards for Accessible Design (the ADA Standards)

The ADA Standards for Accessible Design, or the “ADA Standards,” refer to the requirements necessary to make a building or other facility architecturally (physically) accessible to people with disabilities.

ADA/SEP Liaisons

Individuals designated by Appointing Authorities who have the primary responsibility for coordinating and ensuring department activities related to the accurate and timely completion of ADA self-evaluation surveys and physical site inspections.

Auxiliary Aids and Services

Devices, services and other methods used to ensure effective communication with people with disabilities. They may include sign language and oral interpreters, note-takers, assistive listening devices, captioning, TTYs, readers, Braille materials and large-print materials.

Persons with disabilities should have the opportunity to request an auxiliary aid, and you should give ‘primary consideration’ to the aid requested. Primary consideration means that the aid requested should be supplied unless: (1) you can show that there is an equally effective way to communicate; or (2) the aid requested would fundamentally alter the nature of the program, service, or activity.¹

CART (Communication Access Real-time Translation or Computer-Assisted Real Time Captioning)

A word-by-word translation of spoken English onto a laptop or notebook computer by use of real-time software and a steno machine. CART is similar to captioning but displayed on a laptop or screen simultaneously with the spoken work and can be used in such settings as meetings or performances.

Corrective Action Plan for Program Access

A written department plan which details specific actions that must be completed in order to meet requirements of this policy as it relates to programs, services and activities provided by Fulton County. This plan also includes timelines for completion.

Denial

A public accommodation is required to provide auxiliary aids and services that are necessary to ensure equal access to the goods, services, facilities, privileges, or accommodations that it offers, unless an undue burden or a fundamental alteration would result.

Department Transition Plan for Physical Facilities

A written plan which outlines/identifies physical barriers and a schedule of activities to remove those barriers and improve program accessibility. A Department Transition Plan (DTP) must contain:

1. a list of physical barriers that limit accessibility to County programs, activities or services;
2. a detailed outline of the methods which will be used to remove the barriers and make the facility more accessible;
3. the schedule for taking the necessary steps to achieve improved compliance (if the time period is longer than one year, interim steps should be identified); and
4. the name of the management staff responsible for the plan’s implementation.

¹ For additional information consult the Access Guidelines for Providing Effective Communication to Persons with Disabilities
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Direct Threat

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures or, by the provision of auxiliary aids or services as provided.

Disability

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities. ADA protection extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.

Disability Compliance Liaisons

Individuals designated by Department Directors who have primary responsibility for assisting the OEEODA in the implementation of this policy within their respective organizations.²

Effective Communication

Under Title II of the ADA, all state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others. This requirement is referred to as “effective communication” and it is required except where a state or local government can show that providing effective communication would fundamentally alter the nature of the service or program in question or would result in an undue financial and administrative burden.

Facility

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Fundamental Alteration

A *fundamental alteration* is a change to such a degree that the original program, service, or activity is no longer the same. For example, a Communications Shift Operations Manager in the Communications Division of Emergency Services 911 works in a 24 hour, 7 day a week operation and performs shift work as required, including holidays and weekends. If the incumbent requests a modification to his/her schedule such that the employee is only able to work from 9:00am to 5:30pm Monday through Friday, the request would require a fundamental alteration to the Emergency Services 911 program, since the Communications Division operates 24 hours a day, 7 days a week. The County would not be required to provide such a fundamental alteration to the Department program.

Impairment

A *physical* impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss impacting one or more body systems. Examples of body systems include neurological, musculoskeletal (the system of muscles and bones), respiratory, cardiovascular, digestive, lymphatic and endocrine.

A *mental* impairment is a mental or psychological disorder. Examples include mental retardation, emotional or mental illness, and organic brain syndrome.

² For additional information consult the Access Guidelines Regarding County Department Implementation Responsibilities
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Integrated Setting

One of the main goals of the ADA is to provide people with disabilities the opportunity to participate in the mainstream of American society. Commonly known as the "integration mandate," public entities must make their programs, services, and activities accessible to qualified people with disabilities in the most integrated way appropriate to their needs.

Separate or special activities are permitted under Title II of the ADA to ensure that people with disabilities receive an equal opportunity to benefit from your government's programs, services, or activities. However, even if a separate program is offered to people with disabilities or people with one kind of disability, a public entity cannot deny a person with a disability access to the regular program. Under the ADA, people with disabilities get to decide which program they want to participate in, even if the public entity does not think the individual will benefit from the regular program.

Major Life Activity

A major life activity is an activity that is central to daily life. According to the Department's regulations, major life activities include walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working, and performing manual tasks that are central to daily life. This is not a complete list.

An impairment "substantially limits" a major life activity if the person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so. An impairment is "substantially limiting" under the ADA if the limitation is "severe," "significant," "considerable," or "to a large degree." The ADA protects people with serious, long-term conditions. It does not protect people with minor, short-term conditions.

Other Power-Driven Mobility Device (OPDMD)

Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including but not limited to, devices such as Segways and golf carts.

Programs, Services, and Activities

Public entities may provide a wide range of programs, services, and activities. Police, fire, corrections, and courts are *services* offered by public entities. Administrative duties such as tax assessment or tax collection are *services*.

A "program" is defined as an activity or series of activities through which a department offers services, advantages, opportunities, or benefits to the public or specific groups who are eligible for the services.

Public Entity

Public entity means –

- 1) any state or local government;
- 2) any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
- 3) the National Railroad Passenger Corporation, and any commuter authority as defined in section 103(8) of the Rail Passenger Service Act.

Qualified Person with a Disability

A "qualified individual with a disability" is someone who meets the essential eligibility requirements for a program, service or activity **with or without** (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.

- 1) *Essential eligibility requirements* can include minimum age limits or height requirements (such as the age at which a person can first legally drive a car or height requirements to ride a particular roller coaster at a county fair). Because there are so many different situations, it is hard to define this term other than by examples. In some cases, the only essential eligibility requirement may be the desire to participate in the program, service, or activity.

Reasonable Modification

Public entities must reasonably modify their rules, policies, and procedures to avoid discriminating against people with disabilities. Requiring a driver's license as proof of identity is a policy that would be discriminatory since there are individuals whose disability makes it impossible for them to obtain a driver's license. In that case it would be a reasonable modification to accept another type of government-issued I.D. card as proof of identification.

Self-Evaluation

A public entity shall, within one year of the effective date of this part, 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.

Service Animal

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. In determining whether reasonable modifications can be made to allow a service animal into a specific County facility, the following factors shall be considered:

1. The type, size, and weight of the service animal and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the service animal;
3. Whether the service animal is housebroken; and
4. Whether the service animal's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
5. Whether the service animal is immunized against rabies and/or other diseases common to that type of animal and its vaccinations are current.
6. Whether the service animal is wearing a rabies vaccination tag (the handler may be asked to show the tag on the animal)
7. Whether the service animal, if it is a dog, is licensed which is complaint with State law requirements

A public entity may make two inquiries to determine whether an animal qualifies as a service animal. 1) a public entity may ask if the animal is required because of a disability and, 2) what work or task has the animal been trained to perform.

Telecommunications Relay Service (TRS) or TTY Calls

A service that enables people who use TTYs or other telecommunication devices (generally, people who are deaf or hard of hearing or have speech disabilities) to use telephone services by having a third party transmit and translate the call. Also called, RELAY OR RELAY SERVICE

TTY

TTY was the original acronym for Tele-Typewriter. Today these devices are sometimes called TDDs (telecommunication devices for the deaf). A TTY-type machine allows people with hearing or speech disabilities, to communicate over the phone using a keyboard and a viewing screen.

Video Remote Interpreting (VRI)

VRI is a means of using an interpreter (e.g. sign language), who is in a location separate from the participants in a communication. The interpreter appears via video on a computer screen or videophone through a computer or videophone connection.

References:

- Excerpts from guide drafted by Irene Bowen, ADA One, LLC, for the Chicago Community Trust
- http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a104
- ADA Amendments Act of 2008, Power point Presentation, Spring 2011 National ADA Conference
- Fulton County Self-Evaluation Plan: ADA Liaison Kick-Off Meeting Power point Presentation, December 5, 2010
- http://en.wikipedia.org/wiki/Americans_with_Disabilities_Act_of_1990

GUIDELINES FOR ENSURING ACCESS TO COUNTY PHYSICAL FACILITIES AND PROGRAMS FOR PERSONS WITH DISABILITIES

Summary

In accordance with Title II of the ADA and its implementing regulations, no qualified individual with a disability shall, on the basis of such disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which Fulton County provides to the public.

A. Physical Facilities

- To the extent possible, Fulton County will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured.
- Physical facilities owned by Fulton County shall comply with the applicable regulations on barrier-free design and physical accessibility.
- The County will seek to lease space that complies with the applicable regulations on barrier-free design and physical accessibility.
- The construction and renovation of County facilities shall comply with applicable regulations on barrier-free design and physical accessibility.
- Public hearings, meetings, trainings, classes, tours and events shall be held in accessible locations in an integrated manner so to ensure that qualified people with disabilities are able to participate fully.

B. Program Access

- County departments will provide assistance and make available accessible locations for the completion of forms for program eligibility, participation and application.
- Exams and courses will be relocated to accessible locations or provided in an accessible manner
- Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committee
- All Fulton County contractors (including grantees and sub-recipients), except contractors providing tangible goods, shall comply with this policy.
- All Fulton County contracts in which a contractor, other than a government, provides programs, services, or activities to the public shall require the contractor (including grantees and sub-recipients) to comply with this policy and ADA requirements applicable to governments. The contracting Department shall monitor their contracts for compliance with the ADA and Section 504 as appropriate.
- Fulton County emergency evacuation policies and procedures must include individuals with disabilities.
- Additional guidance for ensuring compliance with ADA requirements as it relates to providing effective communications to persons with disability, use of mobility devices, and service animals in Fulton County spaces is provided in the guidelines that follow.

ACCESS GUIDELINES FOR PROVIDING EFFECTIVE COMMUNICATION TO PERSONS WITH DISABILITIES

Summary

The Fulton County Program Access Policy for Persons with Disabilities and the Americans with Disabilities Act (ADA) obligates County government entities to provide effective communications for individuals with disabilities. It is each County department's responsibility to comply with County policy and ADA requirements regarding effective communications. Examples of effective communication might include providing a sign language interpreter for someone who is deaf, an assistive listening device for someone who is hard of hearing, materials in alternate format for someone who is blind, has low vision, or has a learning disability. County departments must ensure that people with effective communication needs know how to make a request for auxiliary aids and/or services.

Procedure

Communicate with the person who is making the request to better understand what service is required for effective communication. If there is more than one way to provide communication, the County may choose the most convenient method. If it is not the method requested, the County must be able to show that the method chosen is effective. Sometimes effective communication might involve reading a form to a person with a visual impairment or for simple communication might involve writing notes to a person who is deaf.

A. Obtaining a Sign Language Interpreter

1. The County has awarded a sign language interpreting services (SLIS) contract to a vendor, which the Office of Equal Employment Opportunity and Disability Affairs (OEEODA) administers for County departments. County departments requiring SLIS assistance should contact the OEEODA at least 2 business days prior to the service date. To request SLIS services on an "emergency basis," County departments must contact the OEEODA at least 24 hours prior to the service date. When requesting interpreting services all County departments must complete a "Request for Interpreting Service Form" and return it to the OEEODA via fax at (404) 730-7963. Assignments duration of greater than two hours will be covered by two interpreters and billed accordingly.
2. Requestors must request confirmation from the OEEODA that the request was received and that an interpreter(s) has been scheduled. The OEEODA will work with the vendor to ensure a qualified RID-certified (National Registry of Interpreters for the Deaf) sign language interpreter is identified for the particular assignment. If an appropriate interpreter is not able to be provided, the OEEODA will advise the requesting department upon notification. The department should contact the person who needs the interpreter to give him/her the opportunity to either reschedule the appointment or event necessitating an interpreter.
3. Emergency Services - Emergency requests are those for which services are requested with less than 24 hours' notice.
4. Minimum Billable Time - Sign language interpreter vendors will bill for a minimum assignment duration time of two hours, whether the service request lasts the full two hours or not. Time billed will include travel times and expenses incurred as a result of the service request. All requests for services shall be submitted using the Sign Language Interpreter Request Form, distributed by the Office of Equal Employment Opportunity and Disability Affairs.

5. Cancellations – Occasionally, County departments may need to cancel a pre-scheduled interpreter. The fee guidelines are as follows:
 - a. Cancellations received greater than 24 hours of the appointment: no fee for scheduled hours will be incurred
 - b. Cancellations received with less than 24 hours of the appointment: the County will pay 100 percent of the fee for the scheduled hours.

B. Obtaining Materials in Alternate Format

1. County departments should always discuss the request for materials in alternate format with the requester to ensure the materials to be provided meet the requester's needs and not assume to know what the person wants. Not all people who are blind read Braille. Many people who are blind or visually impaired prefer to receive materials on audio tape or via email or large font print instead of in Braille. However, if departments need written materials converted into Braille format, staff should contact the Office Equal Employment Opportunity and Disability Affairs to identify a registered vendor at least 5 business days prior to the date upon which the Braille documents are required. Departments must pay for Braille transcriptions on behalf of their clients.
2. Some people with visual impairments can be accommodated by documents printed in large print. Often large print materials can be created on a photocopier using the enlargement function and larger paper to maintaining formatting and page numbers. Standard font size for large print documents is 18 point and a simple sans serif font style like Arial or Verdana. Black ink on white paper or other strongly contrasting color combination should be used. The large print document should retain the original page numbering so that both visually impaired and sighted users can easily review and discuss a document together. Documents printed with legal or contractual content should be reviewed by a manager to ensure the intent of the content was not altered as a result of large font print format.

C. Communicating with People Who Are Deaf, Hard of Hearing or Speech-Impaired

1. People who are deaf, hard of hearing or speech-impaired have traditionally used TTY machines (telecommunications devices for the deaf) to communicate via telephone. A TTY is a special device that allows users to type and read text messages. A TTY is required at both ends of the conversation in order to communicate. A TTY user can have a conversation with someone who does not have a TTY by using the Georgia Relay Service as an intermediary. Relay services such as the Georgia Relay Service provides *an equally effective means of communication*, as a TTY-type device.
2. Personal data devices, email and text messaging have largely replaced the use of TTYs. So that the County may appropriately accommodate people with communications impairments, each department must have at least one email address that is widely available via website and publications so that people with disabilities may contact departments to request accommodations or information. The email address can be a generic address for general communications to the department or can be an email address belonging to a particular individual. Staff should be trained to use the Georgia Relay Service and be available but this should not be considered a substitute the only substitute for communicating with persons with hearing/speech impairments.

D. Access Statement for Notices of Public Meetings and Departmental Publications

1. People with disabilities need a mechanism by which they can request accessible communications or other types of accommodations as well as materials in alternate format in advance of a public meeting or event. In order to provide this mechanism, all notices of public meetings and events shall contain the following statement:

“If you need reasonable modifications due to a disability, including communications in an alternate format, in order to participate in any County-sponsored program or meeting, please contact (DEPARTMENT DISABILITY COMPLAINT LIAISON NAME) at (404) xxx-xxxx, seven (7) days in advance to facilitate your request. For TDD/TTY or Georgia Relay Service Access, dial 711”

[THE ABOVE BLANK IS TO BE FILLED IN WITH THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS, OF THE DEPARTMENT DISABILITY COMPLIANCE LIAISON OR OTHER RESPONSIBLE PERSON. IF THE DEPARTMENT HAS A TTY AND WISHES TO CONTINUE USING IT, IT MAY INCLUDE THE TTY NUMBER AS WELL, BUT THE TTY NUMBER MUST BE IN ADDITION TO THE EMAIL ADDRESS, AND NOT A SUBSTITUTE FOR IT.]

2. When meeting or event notices do not contain the above statement or are not sent out sufficiently in advance of the meeting or event for addressing accommodations requests, sign language interpreters and materials in accessible format must be provided by the department unless the department knows that no persons needing such accommodations will be attending.
3. When the County departments disseminate materials to the general public (such as brochures, pamphlets, etc.), people with disabilities need a mechanism by which they can request such materials in alternate format. In order to provide this mechanism, all publications to be disseminated to the general public shall contain the following statement:
To obtain this information in an accessible format, please call _____

[THE ABOVE BLANK IS TO BE FILLED IN WITH A DEPARTMENTAL PHONE NUMBER THAT IS MANNED BY A STAFF MEMBER WHO CAN APPROPRIATELY RESPOND TO SUCH REQUESTS. AN EMAIL ADDRESS MAY ALSO BE INCLUDED ALONG WITH THE PHONE NUMBER OF THE DEPARTMENT’S DISABILITY COMPLIANCE LIAISON]

For TDD/TTY or Relay Access, Dial 711

4. When meeting or event notices do not contain the above statement or are not sent out in sufficiently in advance of the meeting or the event for addressing accommodations requests, hosting departments must be prepared to address any reasonable modification requests to effectively communicate with persons with communication-related disabilities at the time of the event.
5. Core County policies, documents and letterhead made available to the public must contain a TDD/TTY or Georgia Relay number (*For TDD/TTY or Relay Access, Dial 711*)

E. Ensuring All Departmental Broadcasts & Video Productions Are Accessible to People With Disabilities.

1. Each department shall be responsible for responding to individual requests for captioning of programs that it disseminates to the public. In conjunction with FGTV and the Office of Communications any department that produces videos shall ensure that the videos contain real-time or post-production captioning, as appropriate. Any vendor/contractor that produces videos on behalf of Fulton County or its programs has a shared responsibility to provide captioning-type services.
2. In the case of emergency-related broadcasts and videos, the Office of Emergency Management, or other responsible department shall caption emergency announcements and programs including, but not limited to, those regarding hurricane preparedness, special needs registry, sheltering, evacuation, and the use of transportation during emergencies. With all emergency-related public service announcements, requests shall be made of the television stations to broadcast the announcements with captioning. If it is not possible to provide real-time captioning, scrolled messages with essential emergency information and sign language interpreters shall be provided.

CONTACT(S):

Department/Division

Office of Equal Employment Opportunity

ACCESS GUIDELINES FOR MOBILITY DEVICES

Summary

The Fulton County Program Access Policy and the Americans with Disabilities Act (ADA) requires County entities to allow people with mobility disabilities to use wheelchairs and manually-powered mobility aids in any areas open to pedestrian use ("pedestrian use" includes both indoor and outdoor areas). The policy also requires County departments to make reasonable modifications in their policies, practices, or procedures to permit the use of other power-driven mobility devices (OPDMDs) by individuals with mobility disabilities with certain exceptions.

Procedure

County departments must allow people with mobility disabilities to use wheelchairs and manually-powered mobility aids in any areas open to pedestrian use.

County departments must also make reasonable modifications in policies, practices, or procedures to permit the use of OPDMDs by individuals with mobility disabilities unless the department can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements necessary for the safe operation of its applicable services, programs, or activities. The department, however, must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

To determine whether an OPDMD will be allowed in a specific facility as a reasonable modification, a department shall consider the following:

1. The type, size, weight, dimensions, and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
4. Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with all applicable land management laws and regulations.

Departments must not ask an individual using a wheelchair or OPDMD any questions about the nature and/or extent of the individual's disability.

Departments may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's disability. A department that permits the use of an OPDMD by an individual with a mobility disability shall accept the presentation of a valid, state-issued, disability parking placard, or other state-issued proof of disability as a credible assurance that the use of the OPDMD is for the individual's mobility disability. In lieu of a valid, state-issued disability parking placard, or state-issued proof of disability, a department shall accept a verbal representation, not contradicted by observable fact, as a credible assurance that the OPDMD is being used for a mobility disability. A "valid" disability placard is one that is presented by the individual to whom it was issued and is otherwise in compliance with the state of issuance's requirements for disability placards.

Note:

The term "other power-driven mobility device", as referred to in this procedure, means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

CONTACT(S):

Department/Division

Office of Equal Employment Opportunity and Disability Affairs

ACCESS GUIDELINES REGARDING SERVICE ANIMALS IN COUNTY SPACES

Summary

The Fulton County Program Access Policy for Persons with Disabilities and the Americans with Disabilities Act (ADA) law obligates County entities to allow people with disabilities to bring their service animals onto public premises in whatever areas the general public is allowed.

Procedure

Service animals are dogs that are individually trained to perform tasks for people with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disabilities. Service animals may perform tasks such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability.

Other species of animals besides dogs, whether wild or domestic, trained or untrained, are not considered to be service animals under this policy and the ADA. However, a County department or office must make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of such individual. In determining whether reasonable modifications can be made to allow a miniature horse into a specific County facility, the following factors shall be considered:

1. The type, size, and weight of the service animal and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the service animal;
3. Whether the service animal is housebroken; and
4. Whether the service animal's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
5. Whether the service animal is immunized against rabies and/or other diseases common to that type of animal and its vaccinations are current.
6. Whether the service animal is wearing a rabies vaccination tag (the handler may be asked to show the tag on the animal)
7. Whether the service animal, if it is a dog, is licensed which is complaint with State law requirements

Service animals are working animals, not pets. County facilities may have "no pets" policies, but service animals are not subject to policies regarding pets.

The County must allow people with disabilities to be accompanied by their service animals in all areas of its facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. County policy and the ADA apply to all facilities open to the public. Service animals may be refused admittance on the basis of local health department regulations or other state or local laws. Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

The County may ask the owner if an animal is required because of a disability and what tasks the animal has been trained to perform, but cannot ask questions about the nature or extent of the owner's disability. Generally, the County may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). Also, the County cannot require the owner to present any special identification cards or proof that the animal has been certified, trained, or licensed as a service animal.

People with disabilities accompanied by service animals cannot be required to pay a surcharge or extra fee, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. People with disabilities cannot be isolated from other customers or treated less favorably than other customers. The same requirements relating to service animals apply to vehicles such as busses and trains. No extra fee can be charged for the space needed by the service animal. However, if a government entity normally charges customers for damage that they cause, a customer with a disability may be charged for damage caused by his or her service animal.

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means.) A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly during a public meeting) or (2) the animal is not housebroken. In these cases, the person with the disability should be given the option to obtain services or participate in programs without having the animal on the premises.

If County employees find it is necessary to guide an animal through or around a metal detector, gate, or other obstacle, they should not approach or touch the animal without consulting with the owner. Also, they should not approach or touch the owner of the animal, or any person with a disability, without first consulting him or her.

Except where the County has responsibility for the owner of a service animal, the care or supervision of a service animal is solely the responsibility of his or her owner and the County is not required to provide care, food, or a special location for the animal. However, building managers and security personnel shall be able to direct the owner of a service animal to a nearby place where the animal can relieve itself.

CONTACT(S):

Department/Division

Office of Equal Employment Opportunity and Disability Affairs

ACCESS GUIDELINES FOR SPECIAL EVENTS

Summary

It is each County department's responsibility to comply with Fulton County Program Access Policy for Persons with Disabilities and the Americans with Disabilities Act (ADA) requirements for special events. *(For purposes of this procedure the term "special events" includes but is not limited to public hearings, special meetings and performances)* This means that people with disabilities must be able to get to and participate in all aspects of the event. ADA compliance is required even if the event is not expected to draw people with disabilities. Below is a list of items with which your event must comply. Please keep in mind that, depending on the nature and scope of your event, the list may not be exhaustive of all things that may require accessible accommodations.

Procedure

Each department must ensure that each special event that it sponsors is accessible to persons with disabilities by doing the following:

1. All temporary accessible routes must have no abrupt change in level in excess of $\frac{1}{4}$ inch. Where such changes in level are present, properly bevel the change in level at a 1:2 ratio (if the change is $\frac{1}{2}$ inch or less) or provide a ramp with a slope not to exceed a 1:12 ratio. If the event site terrain will not allow the installation of a compliant plywood or similar material walkway with no abrupt changes in level, then existing permanent paved walkways shall be used as the event access route. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface. Accessible route surfaces must be firm, stable, and slip-resistant. Grass and sand are not compliant surfaces for accessible routes.
2. Ensure curb cuts and cross walks in and around the event site are kept free and clear for passage by people with disabilities, with a continuous accessible route of 44 inches in width. Work with the facility manager to make sure that all accessible pedestrian routes from the parking lot to the event are equipped with curb cuts or temporary ramps to accommodate wheelchair users.
3. Accessible temporary pathways can be used to provide access to exhibits, displays, vendor spaces, etc. when there is no existing concrete or paved sidewalk or pathway that can be used. Temporary pathways must be firm, stable, and slip-resistant without abrupt changes in level. Appropriate materials for temporary pathways can be certain types of matting or plywood planking.
4. Signs, banners, displays and other objects suspended overhead or mounted on poles can pose hazards for people who are blind or visually impaired. There must be no objects that protrude more than 4 inches into the path of travel and have leading edges solely between 27 and 80 inches above the ground because they cannot be detected in time to avoid injury by a person who is blind and using a white cane. People with disabilities using service animals are allowed to go anywhere other members of the public can go. Careful consideration should be made where guide wires for tents are placed so they will not serve as a protruding object hazard for people who are blind or have vision impairments.
5. All exhibits, displays, vendor spaces, dining areas, restrooms, performance spaces and parking must be located on and connected by an accessible route that is a minimum of 44 inches wide. One way of achieving the accessible route requirement is to locate exhibits,

displays, vendor spaces, etc. at the edge of the park facility's existing paved or concrete walkway.

6. Merchandise for display should be within a line of sight no higher than 48 inches from the floor or ground for persons of short stature or wheelchair users. If merchandise is displayed higher than 48 inches, the merchant must provide assistance to customers with disabilities in order to reach items. All cashier counters (counters where money transactions occur) must be no higher than 36 inches maximum above the floor or ground, for a minimum length of 36 inches. If a counter is higher than 36 inches, the merchant must provide assistance to customers with disabilities in order to carry out transactions. Aisles for passage within vendor and exhibit spaces must be 36 - 42 inches apart to allow clearance for wheelchair users.
7. Where food or drink is served at counters exceeding 34 inches in height from floor or ground for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with above requirements, or service shall be available at accessible tables within the same area.
8. If tables and seating are provided for the consumption of food, all aisles adjacent to accessible seating shall provide 30 inch by 48 inch clear floor space for wheelchairs. Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide. For wheelchair seating spaces provided at tables or counters, knee spaces at least 27 inches high, 30 inches wide, and 19 inches deep shall be provided. Tables with single pedestals typically do not provide the required clearances. The tops of accessible tables and counters shall be 28 - 34 inches above the floor or ground. Where a grouping of tables is provided for dining, at least 5 percent, but not less than one, of the tables shall be accessible. Where a site has multiple groupings of dining tables, accessible table(s) shall be included in each grouping to allow for integration of people with disabilities throughout the event site.
9. If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair and companion seating must be provided. Wheelchair seating must allow wheelchair users to sit next to non-disabled companions in a location that allows wheelchair users and their companions an unobstructed line of sight to the stage. Whether the accessible seating should be located in the front row will depend upon the layout of the venue and whether attendees are likely to stand or sit during the performance. For performers who have disabilities, all stages, showmobiles, and dressing areas must be accessible. A mobile lift can be arranged when the stage/showmobile is reserved. Some showmobiles contain wheelchair lifts.
10. Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent of the total number of toilets must be accessible and no less than one. If clusters of portable toilets are distributed throughout the site, then each cluster must have at least one accessible unit. The accessible portable toilets that are provided must be a contract model that the County has certified as ADA compliant.
11. Designated accessible ("handicapped") parking must be provided, marked with signage, and staffed. Temporary accessible parking spaces must not be designated in unpaved areas and must be accessed via an accessible route. Accessible parking spaces are for the sole use of persons with disabilities who have accessible parking placards or plates. Access aisles (striped with diagonal lines) cannot be parked in by anyone and must be kept unobstructed. Work with the facility manager to designate an area for accessible parking that is near the main entrance and accessible to pedestrian routes and/r located in an area closest to the designated accessible parking spaces. The Event Sponsor is responsible for staffing this area. Below is a table stating the required number of accessible

spaces required based on the total number of parking spaces for the event (including unmarked parking spaces in fields or other open areas.) The minimum required accessible space quota should be considered in light of the nature of the event. If the event is a daylong festival during which the crowd will turn over several times, then the attendance at any one time should determine the minimum number of accessible parking spaces. If the event centers around a concert or performance that has a given start time, then the total event attendance should determine the minimum number of accessible spaces.

Parking Chart - Minimum Required

Total Parking	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 above 1000

12. If transportation is being offered to the event from parking areas, it must be wheelchair accessible. Lift-equipped vehicles can be rented from an outside vendor. Notify the Department of Procurement Management for a list of vendors OR work with the facility manager to create a separate staffed accessible parking area near the entrance of the event that will accommodate all required accessible parking spaces.

13. Departments are required to provide auxiliary aids/services including sign language interpreters, assistive listening devices and other applicable communication formats upon advance request and to pay for them. To request assistance in obtaining sign language interpreters, contact the department Disability Compliance Liaison as soon as a request is received. When flyers and promotional materials without the above statement are circulated or are not sent out sufficiently in advance of the event for addressing accommodations requests, sign language interpreters and materials in accessible format must be made available upon request, regardless of whether there was a lack of requests for these items in the past.

14. All flyers, advertisements and written promotional materials for the event must be accessible to people with disabilities, including those with hearing and visual impairments. Following is an access statement that must be included on department special event materials:
"To request material in accessible format, information on access for persons with disabilities, or a sign language interpreter (7 days in advance), call (the Department Disability Compliance Liaison or responsible event coordinator phone number) or email (include appropriate event email address). For TDD/TTY or Georgia Relay Service, dial 711."

CONTACT(S):

Department/Division

Department Disability Compliance Liaisons
 Office Equal Employment Opportunity and Disability Affairs
 Department of Purchasing and Contract Compliance

ACCESS GUIDELINES REGARDING COUNTY DEPARTMENT IMPLEMENTATION RESPONSIBILITIES

Summary

The effectiveness of program access efforts requires that all Fulton County departments and staff understand and implement their responsibilities under the Program Access Policy for Persons with Disabilities as discussed below:

A. County Manager

- Possess ultimate responsibility for compliance with the provisions of the disability non discrimination laws regarding access applicable to the department programs, activities, services and physical facilities
- Ensure to the extent possible, that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured
- Ensure that departments implement the provisions of the Program Access Policy and related procedures to ensure that County programs, services, activities and benefits are provided in such a manner as to not discrimination or exclude persons with disabilities
- Designate ADA Administrator

B. Office of Equal Employment Opportunity and Disability Affairs (OEEODA)

- Oversee the compliance of County Departments with federal non discrimination and accessibility laws, regulations, agreements and related County policies
- Work with department Disability Compliance Liaisons and ADA/SEP Liaisons, as appropriate, to coordinate training sessions; complete self evaluation of all County facilities, programs, services, and activities; oversee the development and implementation of County Transition Plan for any accessibility non compliance issues in physical facilities;
- Review and provide comments on Department Corrective Action Plans for Program Access and Department Transition Implementation Plans annually
- Coordinate the updating of the County's disability self evaluation every five years
- Provide technical assistance to Fulton County departments on disability access issues and disability non-discrimination laws regarding access
- Receive, coordinate activities, investigate and assist in the resolution of complaints/grievances alleging discrimination based on disability by Fulton County in the provision of programs, services and activities and access to facilities (See: Access Guidelines for Grievances/Complaints)
- Assist complainants, as needed, in filing of discrimination complaints
- Work with Departments to respond to and resolve grievances, providing technical assistance as necessary
- Monitor any agreements resulting from complaint/grievance resolution
- Provide administrative support to the Commission on Disability Affairs
- Develop such other policies and procedures necessary to improve accessibility of programs, services, activities, and physical facilities of Fulton County government

C. Department Directors and Appointing Authorities

- Ensure compliance with requirements of disability non discrimination and accessibility laws/agreements as well as related County policies/procedures including reasonable modification requests from the public
- Designate a Disability Compliance Liaison for each department, entity and/or division.
- Ensure that actions called for by the Department Corrective Action Plan for Program Access and Transition Plan are completed
- Coordinate budget approval for implementation of such plans
- Monitor contractors/grantees/sub-recipients to ensure contract provisions requiring compliance with disability non discrimination and accessibility laws and related County policies regarding access are satisfied.
- Work with the OEEODA to resolve grievances/complaints at the lowest possible level
- Ensure all Department policies, documents and letterhead, made available to the public, contain a TDD/TTY or Georgia Relay telephone number (e.g. 711).
- Ensure all County documents, made available to public, contain the following statement *“If you need reasonable accommodations due to a disability, including communications in an alternative format, please contact **Name of Department Contact** at (404) xxx-xxxx. For TDD/TTY or Relay Access: Dial 711*

D. Disability Compliance Liaisons

- Update self evaluation of Department programs, services and activities at least every five years and develop a Corrective Action Plan for Program Access, as appropriate. OEEODA encourages Department and Divisions to conduct annual reviews to better ensure on-going compliance. Any new facilities, programs, services or activities should be evaluated to ensure that disability access issues for the public are addressed
- Monitor progress on completion of items and timetables established in Department Corrective Action Plans for Program Access and Transition Plans related to program and facility access respectively.
- Coordinate and serve as the central point of contact for receiving and timely responding to reasonable modification requests from the public.
- Participate in training activities related to compliance with disability non- discrimination and accessibility laws as well as related County policies as appropriate.

E. Department of Facilities and Transportation Services

- Coordinate/ensure remediation of identified barriers to ensure Fulton County owned and leased facilities are evaluated to determine compliance with the applicable regulations on barrier-free design and physical accessibility and ensure that they are usable by qualified individuals with disabilities whenever possible. Overall program accessibility must exist if a facility cannot be made usable.
- Assist in the development of a County Disability Transition Plan for evaluated facilities and ensure that activities noted in the Plan are completed.
- Ensure that any space being considered for lease by a Fulton County agency be evaluated by staff knowledgeable about disability non discrimination laws regarding access, regulations, and codes. OEEODA staff are available to consult or to conduct on-site evaluations

F. Department of Purchasing and Contract Compliance

- Include language in County contracts and related documents specifying non-discrimination for persons with disabilities under the ADA, Section 504 of the Rehabilitation Act and all other applicable accessibility regulations.
- Ensure that all Fulton County contractors (including grantees and sub-recipients), except contractors providing tangible goods/services, shall comply with this policy.

G. County Attorney

- Provide consultation to the OEEODA in the implementation of policy.

H. Commission on Disability Affairs

- Provide information to the BOC, OEEODA-Disability Affairs and the Community in meeting the mandates of state and federal laws relating to persons with disabilities
- Function as a focal point for communication between persons who have disabilities, their families and other concerned citizens and the County;
- Improve the community's awareness of the capabilities of persons with disabilities
- Serve as a forum for the expression of views, concerns and possible solutions for problems affecting persons with disabilities.

ACCESS GUIDELINES FOR GRIEVANCES/COMPLAINTS

Summary

This grievance procedure shall serve as the County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs, services, and activities under the Fulton County Program Access Policy for Persons with Disabilities and Title II of the Americans with Disabilities Act of 1990 (ADA). This procedure shall not apply to complaints of discrimination in employment. Employment discrimination grievances are handled separately by the Office of Equal Employment and Disability Affairs (OEEODA).

Procedure

- Any individual who feels that they have been discriminated against in the provision of a program, service, or activity operated by Fulton County shall have the ability to file a formal grievance/complaint and have the grievance/complaint resolved. The procedures to be followed in filing a formal grievance/complaint shall be available and accessible to the general public. The County ADA Grievance/Complaint Procedure and Grievance/Complaint Form can be found on the Fulton County OEEODA website (<http://www.fultoncountyga.gov/oeoda/>) or by calling the OEEODA at 404-612-3735.
- The OEEODA, located in Suite 5042, 141 Pryor Street SW, Atlanta, GA 30303, is responsible for coordinating the County's disability grievance/complaint procedure and will serve as the conduit between the grievant/complainant and the department against whom the grievance/complaint is made. The Office will provide the department with the necessary technical assistance needed in reaching resolution of the grievance/complaint. The Office will make all attempts to assist the department in reaching an amicable resolution to the grievance/complaint; however, the OEEODA shall have no authority to direct the department in the manner in which the department ultimately decides to respond to the grievance.
- Any individual who feels they have been discriminated against in any program, service or activity provided by Fulton County, under provisions of the Fulton County Program Access Policy or the ADA, **must** submit a written grievance/complaint, to the OEEODA within 180 days of the last date of discrimination. Alternative means of filing a grievance/complaint, such as personal interviews or tape recordings, are available upon request as an accommodation of the grievant/complainant's disability. In addition, in those instances where a Complainant is not comfortable with their ability to write a complaint, the OEEODA will lend whatever assistance is needed to formalize the complaint.
- Complaints should include a description of the alleged behavior complained of, the date(s) of the alleged behavior, the identity of the person committing the alleged discrimination and the name of any person(s) who may have knowledge of facts or circumstances surrounding the complaint.
- Within five business days of receipt of the grievance, the OEEODA shall:
 - Inform the department of the grievance; transmit a copy of the grievance to the department with general instructions as to the format which the department should follow in their response, and a date by which the department shall return a response to the Office. The OEEODA will review the decisions with the department before final preparation of the response.
 - The department shall have 30 business days from receipt of grievance from the OEEODA to respond to the complainant. Attempts will be made by the department to clarify the facts of the grievance. The actions taken by the department shall be

conveyed to the grievant in writing. This letter, addressed to the grievant and signed by the Department, shall be transmitted to the OEEODA within the specified time period. The response shall be mailed to the grievant by the OEEODA with a cover letter informing the grievant of their ability to appeal the decision enclosed and the procedure which the grievant must follow in requesting an appeal. In no instance shall the Department mail their response directly to the grievant.

-In the event that a complainant submits a written grievance to the operating department, the department shall send a copy of the grievance to the OEEODA within five business days. That action will constitute a filing by the complainant with the OEEODA as required in Section IV of this document. The Department will have 30 business days from receipt of written grievance to respond to complainant.

-Where a department can solve a written grievance informally, the department will provide the OEEODA a written statement explaining the mutually agreeable solution. It should be signed by the complainant and the department representative.

-Where a department cannot solve the grievance, the OEEODA will conduct an investigation of the complaint in accordance with internal discrimination complaint procedures.

-All reasonable attempts should be made by the department with the assistance of the OEEODA to mediate and resolve the grievance.

- Complaints of discrimination can be filed directly with the Office of Equal Employment Opportunity and Disability Affairs, the United States Justice Department or with the relevant federal funding agency's Office of Civil Rights.
- Complainants **do not** have to report discrimination to the involved County Department or agent in question, before notifying the OEEODA. In fact, *Complainants are specifically authorized to go straight to the OEEODA to file a complaint of discrimination.*
- The OEEODA shall have the discretion to open a compliance review when it is placed on notice of alleged discrimination and no one is willing to come forward as a complainant.
- After a complaint is accepted for investigation, the OEEODA shall review the complaint and discuss the allegations with the Complainant. Thereafter, the OEEODA shall confer with the person(s) alleged to have committed the discrimination (the Alleged Harasser) and request the alleged harasser, through his/her Appointing Authority ("Respondent"), to answer the complaint in writing. The OEEODA will investigate the facts contained in the complaint, including reviewing all documentary evidence and interviewing persons it determines may have knowledge of the alleged discrimination. The OEEODA may recommend corrective action to stop inappropriate conduct before it rises to the level of a violation of this policy.
- During the course of the investigation, the OEEODA may attempt to use alternate dispute resolution alternatives to resolve the complaint, where appropriate. When a complaint is investigated, the OEEODA will generally develop a written Case Summary Report after the conclusion of the investigation. The OEEODA will provide the report, which includes a determination as to whether a violation of federal law has occurred and recommendations for corrective action, where appropriate, to the County Manager for review and approval. The OEEODA will also notify the involved parties regarding the results of the investigation and its final determination as to whether a violation has occurred.
- In the event that remedial actions are required to be implemented by the Respondent Department, the OEEODA will follow up with the Appointing Authority to ensure that the corrective actions were implemented.

- The investigation and all documentary evidence shall be confidential and privileged to the degree possible until such time that the complaint is resolved. Thereafter, in accordance with the Georgia Open Records Act, the complaint and investigatory file may be subject to public disclosure within 10 days after the complaint is closed by the OEEODA.
- The OEEODA shall maintain files on grievances/complaints received along with all communications, recommendations, and other records pertinent to the grievances for a period of at least three years.

The establishment of this grievance procedure shall not preclude nor waive the right of the grievant to seek redress under any alternative available remedy.

CONTACT(S):

Department/Division

Office of Equal Employment Opportunity and Disability Affairs