

# Americans with Disabilities Act (ADA) Compliance

## 211.1 PURPOSE AND SCOPE

Federal MODIFIED

The purpose of this policy is to provide guidelines for equal access to Northwest Fire District services, programs, and activities for members of the public with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

### 211.1.1 DEFINITIONS

Federal MODIFIED

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** – The employee designated by the Fire Chief to coordinate the District's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service, or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a District service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device

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was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### **211.2 POLICY**

**Federal**

It is the policy of the District that persons with disabilities have equal access to District services, programs, and activities.

The District will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### **211.3 ADA COORDINATOR**

**Federal**

**MODIFIED**

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts within the District and with the District ADA coordinator to provide equal access to services, programs, and activities including:
  - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current District buildings and facilities to identify access issues.
  - 2. Review of current District services, activities, and programs for access issues.
  - 3. Assessment and update of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.

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5. Review of the District's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to District services, programs, and activities.
- (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to District services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing District services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing District services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Coordinating with appropriate state and local agencies to address the needs of persons with disabilities in the District's emergency disaster preparedness planning, including consideration of communication methods (e.g., warning and emergency notification systems), evacuation and transportation, shelters and care facilities, emergency medical care, and post-disaster canvassing, transportation, and remediation.)
  1. The ADA coordinator or the authorized designee should serve as a liaison to District employees during an emergency or disaster to provide guidance on issues involving persons with disabilities that may arise.

#### **211.4 REQUESTS FOR MODIFICATIONS**

**Federal** **MODIFIED**

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The goal of any modification should be to allow the person to participate in the service, program, or activity in the same way as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees should not ask about the nature and extent of a person's disability and should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the employee should make the modification. A employee who is unable to accommodate a request or unsure about whether a request should be accommodated should contact their supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 211.4.1 DENIAL OF REQUEST

**Federal** **MODIFIED**

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  - 1. A substantial alteration of the service, program, or activity.
  - 2. An undue financial or administrative burden on the District.
  - 3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  - 4. A threat to or the destruction of the historic significance of an historic property.
  - 5. A direct threat to the health or safety of others (28 CFR 35.139).

If any of the above circumstances are present, the ADA coordinator should work with District staff and the person requesting the modification to determine if an alternative modification is available.

- (b) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with District staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
  - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
  - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.

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4. Any other means or methods that would make services, programs, or activities readily accessible.
- (c) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

### 211.4.2 PERSONAL DEVICES AND ASSISTANCE

**Federal** **MODIFIED**

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### 211.4.3 SURCHARGES

**Federal**

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

## 211.5 MOBILITY DEVICES

**Federal** **MODIFIED**

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact their supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

### 211.5.1 INQUIRIES REGARDING MOBILITY DEVICES

**Federal** **MODIFIED**

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card

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- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

### 211.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

**Federal** **MODIFIED**

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid, or service which reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

#### 211.6.1 TYPES OF ASSISTANCE AVAILABLE

**Federal** **MODIFIED**

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The District will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The District will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept District-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

District-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

#### 211.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

**Federal** **MODIFIED**

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The District may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 211.6.3 QUALIFIED INTERPRETERS

**Federal** **MODIFIED**

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, news conferences) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

employees should use District-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 211.6.4 TTY AND RELAY SERVICES

**Federal**

The District will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### 211.6.5 COMMUNITY VOLUNTEERS

**Federal** **MODIFIED**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the District to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, District employees must carefully consider the nature of the interaction and the relationship between the person with

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the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 211.6.6 FAMILY AND FRIENDS

**Federal** **MODIFIED**

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family employee or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### 211.6.7 FIELD ENFORCEMENT CONSIDERATIONS

**Federal** **MODIFIED**

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service, fire investigations) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

## 211.7 SERVICE ANIMALS

**Federal** **MODIFIED**

Service animals that are assisting persons with disabilities are permitted in all District buildings and facilities and other areas where the general public is allowed. District employees are expected to treat people with service animals with the same courtesy and respect that the District affords to all employees of the public (28 CFR 35.136).

### 211.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

**Federal** **MODIFIED**



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Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 211.7.2 INQUIRIES REGARDING SERVICE ANIMALS

**Federal** **MODIFIED**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities, nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

### 211.7.3 CONTACT WITH SERVICE ANIMALS

**Federal** **MODIFIED**

Service animals are not pets. District employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

### 211.7.4 REMOVAL OF SERVICE ANIMALS

**Federal** **MODIFIED**

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If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat, nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

### **211.8 WEBSITE ACCESS**

**Federal** **MODIFIED**

The ADA coordinator should work with appropriate District employees to develop online content that is readily accessible to persons with disabilities. District web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

### **211.9 DOCUMENTATION**

**Federal** **MODIFIED**

Whenever any modification, assistive device, auxiliary aid, or service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the District or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, or service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### **211.10 COMPLAINTS**

**Federal** **MODIFIED**

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a District program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### **211.11 TRAINING**

**Federal** **MODIFIED**

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Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.