

**The Americans with Disabilities Act
Self-Evaluation Report for the
Santa Clara Valley
Open Space Authority**



Report Prepared by:

Sally Swanson Architects, Inc.
500 Sansome Street, Suite 410
San Francisco, CA 94111
Sally Swanson, Project Manager
Tina Dorius, ADA Policy Consultant



**SALLY SWANSON
ARCHITECTS, INC.**

Table of Contents

Table of Contents	2
Project Overview	6
How This Report is Organized & To Be Utilized	6
Survey Responses and Recommendations	7
A. Printed Communications	7
Recommendations	7
Survey Responses & Findings	7
Chart 1: Alternative Format of Written Material	8
Chart 2: Font Type and Size	9
Chart 3: Review of Publications and Notices	9
Chart 4: Staff Training	10
B. Communication with People Who Are Deaf or Hard of Hearing	10
Recommendations	10
Survey Responses & Findings	11
Chart 1: Accessible Telephone Lines	11
Chart 2: Auxiliary Aids	12
Chart 3: Video Remote Interpreting Services	12
Chart 4: Videos in Public Spaces	13
C. Software and Digital Communication	13
Recommendations	13
Survey Responses & Findings	14
Chart 1: Accessible Web Pages	14
Chart 2: Third Party Software	15
Chart 3: Email Communication Attachments	15
Chart 4: Accessible PDFs	16
Chart 5: Accessible Word Documents	16
Chart 6: Accessible Photos	17
D. Staff & Employees	17
Recommendations	17
	2

Survey Responses & Findings	18
Chart 1: Accessible Job Listings	19
Chart 2: Non-Discrimination Statement	19
Chart 3: Candidate Reasonable Accommodation	20
Chart 4: Interview Panel Training and Awareness	20
Chart 5: Best Practices Training	21
Chart 6: Opportunities for Advancement and Education	21
Chart 7: Reasonable Accommodations Process	22
Chart 8: Search for Vacant, Funded Position	22
Chart 9: Service and Support Animal Policy	23
E. Purchasing, Contracts, & Vendors	23
Recommendations	23
Survey Responses & Findings	24
Chart 1: Purchase of New Equipment	24
Chart 2: Accessible Bidding Process	25
Chart 3: Clear Space and Furniture Placement	26
F. Construction & Remodels	26
Recommendations	26
Survey Responses & Findings	26
Chart 1: Design Contracts Standards	27
Chart 2: Major Public Projects	27
G. Facilities & Real Estate Management	28
Recommendations	28
Survey Responses & Findings	28
Chart 1: Accessible Features	28
H. Planning, Construction & Buildings	29
Recommendations	29
Survey Responses & Findings	29
I. Fleet Services	29
Recommendations	29
Survey Responses & Findings	30

J. Public Meetings	30
Recommendations	30
Survey Responses & Findings	30
Chart 1: Events Accessibility Checklist	31
Chart 2: Public Meeting Notices	31
Chart 3: Setting Up Meeting Rooms	32
Chart 4: Accessible Meeting Locations	32
Chart 5: Public Meeting Notices	33
Chart 6: Service Animal Relief Areas	33
Chart 7: Reserved Seating	34
Chart 8: Presenter Best Practices	34
Chart 9: Sign Language Interpreters	35
K. Emergency Procedures	35
Recommendations	35
Survey Responses & Findings	36
Chart 1: Evacuation Procedures	36
L. Records	37
Recommendations	37
Survey Responses & Findings	37
M. Capital Projects	37
Recommendations	37
Survey Responses & Findings	38
Chart 1: Accessibility Checklist for Capital Projects	38
N. General Purchases	38
Recommendations	38
Survey Responses & Findings	38
Chart 1: Accessibility of Purchased Items	39
Chart 2: Furniture Accessibility	39
O. General	40
Recommendations	40
Survey Responses & Findings	40

Exhibit E

Chart 1: Posting of ADA Notice of Compliance	40
Chart 2: Service and Support Policies for Employees and the Public	41
Chart 3: Policy Prohibiting Discrimination Based on Previous Drug Use	41
P. Requested Trainings	42
Q. Vetting of Self-Evaluation Results	43
R. Staff Who Contributed to this ADA Self-Evaluation	44
S. Action Plan for the Self-Evaluation Implementation	44
APPENDICES	46
Appendix A: 28 CFR 35.105 Self-Evaluation.	46
Appendix B: California Government Code Section 11135	47
Appendix C: California Government Code Section 12926	48
Appendix D: Self-Evaluation Survey Questions	57
Appendix E: Glossary of Terms and Basic information	123

PROJECT OVERVIEW

This document presents the Authority's ADA Self-Evaluation. This evaluation provides a comprehensive report outlining a review of the Authority's programs, services, and activities. Results of the survey and analysis identify programmatic and administrative barriers to programs and are contained herein.¹

HOW THIS REPORT IS ORGANIZED & TO BE UTILIZED

The Authority is committed not only to compliance with federal and state laws regarding disability and access but strives to be a model of accessibility and reasonable accommodation best practices.

This Report is intended to be a summary – not a full recitation – of survey results. Each section begins with an overview of recommendations indicated with box bullet points following with a breakdown of survey summaries providing the basis for those recommendations. Other lists, such as lists of available accessibility resources, are generally indicated in footnotes.

By organizing the information in this way, the Authority can easily access the information it needs and use this Report to sharpen its focus on providing the best possible service to its constituents with disabilities and become a model of best practices.

¹ The Authority's Transition Plan, focused on physical barriers to access, is also a part of this project and provided as a separate document.

SURVEY RESPONSES AND RECOMMENDATIONS

A. Printed Communications

The ADA requires that Authority provide print materials in formats accessible to persons who may be blind or have a vision impairment so as not to discriminate against people with disabilities.

Recommendations

- Ensure that all Authority printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities.
- Ensure that all Authority printed publications use a uniform, accessible font, and are reviewed to ensure they do not portray people with disabilities in a demeaning or offensive way.²
- Develop and implement staff training to ensure that all publications and correspondence use “person-first” language.³
- Train staff to ensure that all publications and correspondence use accepted terms and forms when referring to people with disabilities/disabled people.
- For documents that are regularly distributed, keep a few copies in large print format available.

Survey Responses & Findings

Survey responses indicated a general lack of consistency around the accessibility of print materials. Respondents indicated that printed materials generally do not - or do not consistently - inform readers that publications are available in alternative formats. Respondents indicated that the Authority does have a style guide to ensure consistent

² See, e.g., Articles on Best Practices for Accessible Print Materials
<https://www.aph.org/aph-guidelines-for-print-document-design/>
<https://www.zaginteractive.com/insights/february-2020/making-your-printed-materials-ada-accessible>
<https://perma.cc/JN75-2WDQ>
<https://perma.cc/EHH7-XZFR>
<https://uxdesign.cc/a-guide-to-understanding-what-makes-a-typeface-accessible-and-how-to-make-informed-decisions-9e5c0b9040a0>

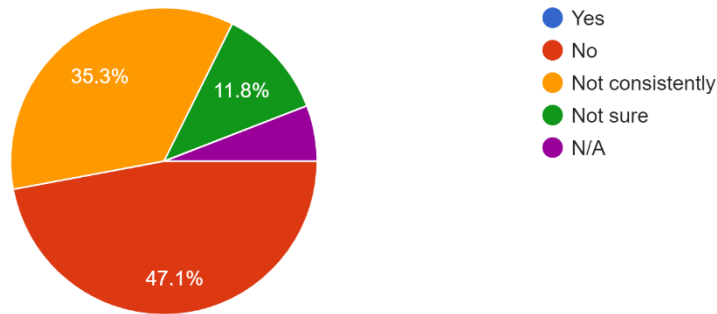
³ See, e.g., Articles on Person-First Language and Training
https://www.counseling.org/resources/library/vistas/2011-v-online/Article_05.pdf
<http://www.disabilityawarenesstraining.com/about-dave/blog/188-first-person-language>

accessibility of print materials. This assessment is based on survey responses received, and the Authority will need to evaluate if this is a training opportunity on existing practices or whether training is needed on proper notification of alternative format availability.

Chart 1: Alternative Format of Written Material

1. Do all of your Department's printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities?

17 responses



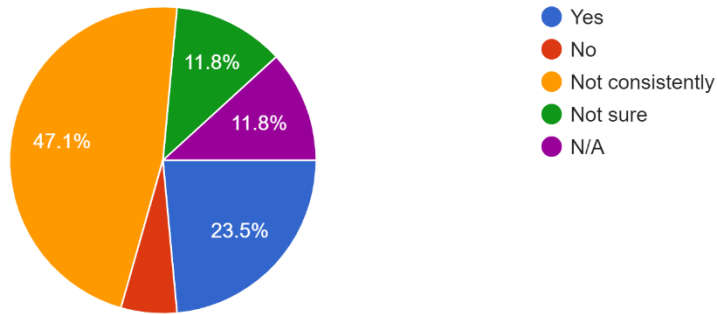
Question: Do all of your Department's printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities?

Responses: No: 8; Not consistently: 6; Not sure: 3; N/A: 1

Chart 2: Font Type and Size

2. Do all of your Department's printed publications and notices use a certain font type and size for Authority published documents?

17 responses



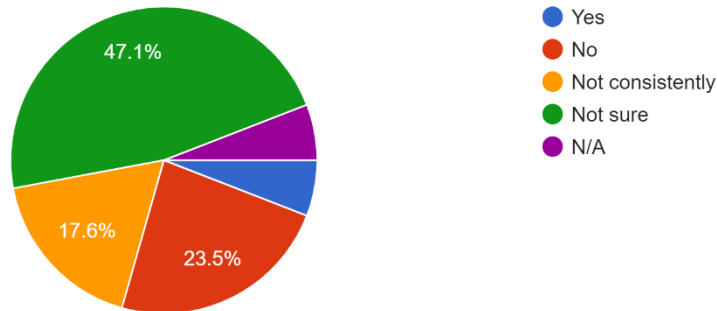
Question: Do all of your Department's printed publications and notices use a certain font type and size for Authority published documents?

Responses: Not sure: 8; Yes: 4; N/A: 2; Not consistently: 2; No: 1

Chart 3: Review of Publications and Notices

3. Has your Department reviewed all publications and notices to determine whether they portray persons with disabilities in a demeaning or offensive manner?

17 responses



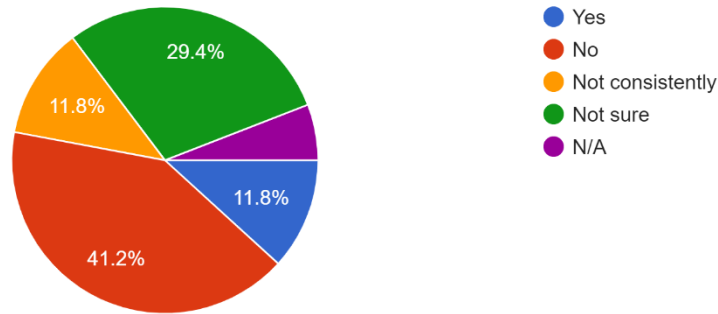
Question: Has your Department reviewed all publications and notices to determine whether they portray persons with disabilities in a demeaning or offensive manner?

Responses: Not sure: 8; No: 4; Not consistently: 3; Yes: 1; N/A: 1

Chart 4: Staff Training

4. Has your Department trained its staff to ensure that all publications and correspondence use “person first language”?

17 responses



Question: Has your Department trained its staff to ensure that all publications and correspondence use “person first language”?

Responses: No: 7; Not sure: 5; Yes: 2; Not consistently: 2; Yes: 1

B. Communication with People Who Are Deaf or Hard of Hearing

The ADA requires that the Authority ensure that all of its programs, services and activities can be fully accessed and enjoyed by people who may be deaf or hard of hearing. This may require, in some instances, provision of American Sign Language interpreters, captioning on videos, and provision of auxiliary aids.⁴

Recommendations

- Update business cards and letterhead to indicate “711 the California Relay”.⁵
- Request that your public phone lines be tested to ensure TTY functionality, and make sure that the public is informed of their option to utilize this accessible means of communication.⁶

⁴ See, e.g. <https://www.ada.gov/taman2.html#II-7.0000>

⁵ See, e.g. Information Regarding 711 the California Relay <https://ddtp.cpuc.ca.gov/default1.aspx?id=1482>

⁶ See, e.g., FCC Consumer Accessibility Resources

- <https://www.fcc.gov/general/disabilities-issues-guides>

- Ensure that there is an identified local resource that can provide auxiliary aids for communication as needed.⁷
- Review to determine if there is a policy in place for securing Video Remote Interpreting (VRI) services. If so, ensure all Authority Departments are aware of the policy and, and, if not, create and distribute such a policy.
- If videos are used (internally or for the public), ensure that all Departments are informed of resources available to make certain that videos are captioned.

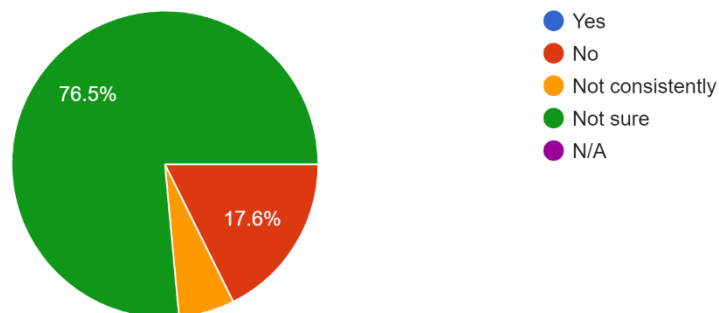
Survey Responses & Findings

Survey responses indicated a general inconsistency as to whether Authority Departments are fully informed and resourced to provide full programmatic access to people who are deaf or hard of hearing.

Chart 1: Accessible Telephone Lines

2. Are your Department's telephone lines accessible to persons who are DHH?

17 responses



Question: Are your Department's telephone lines accessible to persons who are deaf or hard of hearing?

Responses: Not sure: 13; No: 3; Not consistently: 1

⁷ See, e.g. FAQ on CART

- <https://www.nad.org/resources/technology/captioning-for-access/communication-access-realtimetranslation/>

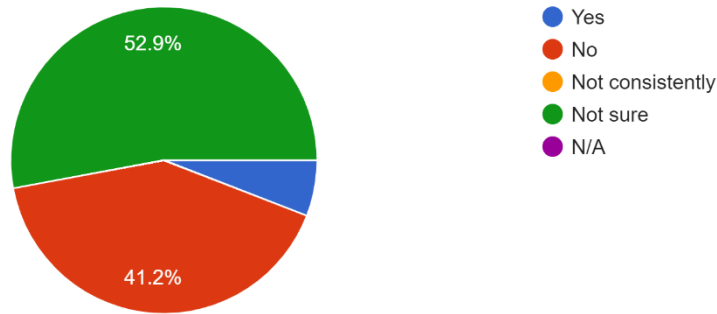
FAQ on Video Relay Services

- <https://www.nad.org/resources/technology/telephone-and-relay-services/video-relay-services/>

Chart 2: Auxiliary Aids

3. Has your Department identified local resources that can provide auxiliary aids for communication as needed?

17 responses



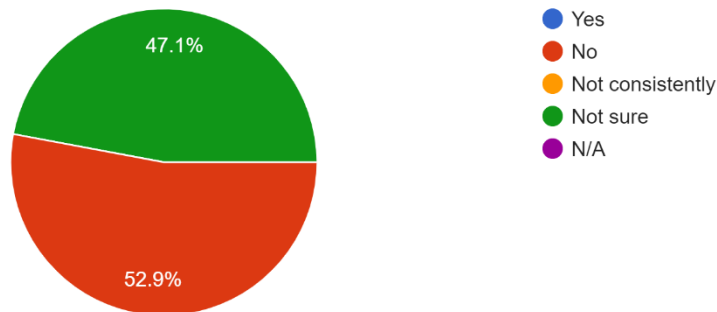
Question: Has your Department identified local resources that can provide auxiliary aids for communication as needed?

Responses: Not sure: 9; No: 7; Yes: 1

Chart 3: Video Remote Interpreting Services

5. Does your Department have a policy in place for securing video remote interpreting services (VRI)?

17 responses



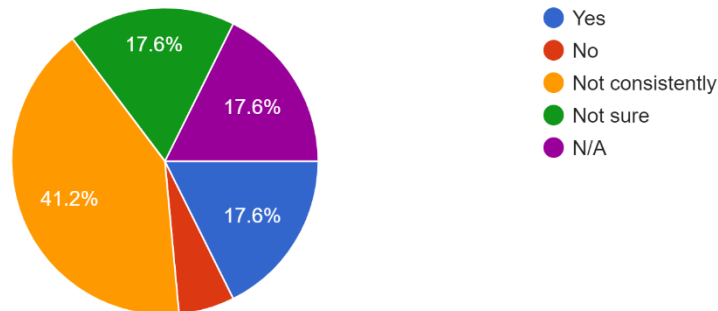
Question: Does your Department have a policy in place for securing video remote interpreting services (VRI)?

Responses: Not sure: 8; No: 9

Chart 4: Videos in Public Spaces

4. If your Department uses video for any reason or in any forum (e.g. internal employee training, public outreach via the web on social media, YouTube, etc.) is that video captioned?

17 responses



Question: Does the Department play videos in public spaces, e.g. waiting rooms or lobbies, for the public?

Responses: Not consistently: 7; Not sure: 3; N/A: 3; Yes: 3; No: 1

C. Software and Digital Communication

Although the ADA precedes the age of most digital communications and platforms, numerous judicial decisions have held that digital communications and platforms must be made accessible to people with disabilities so as not to discriminate against this class of persons.

Recommendations

- Establish and implement policy that all websites, third party software, electronic payment systems, and electronic communications comply with current Web Content Accessibility Guidelines (WCAG 2.1 AA).^{8 9}
- Establish how WCAG compliance will be maintained and communicate this expectation across Departments.

⁸ This applies to Information Services as well, see below.

⁹ Link to WCAG 2.1 <https://www.w3.org/TR/WCAG21/>

- Establish and implement policy that all electronic documents (e.g. PDFs, Word Documents, and photographs) are accessible to people with disabilities and/or are available in alternative, accessible formats.¹⁰

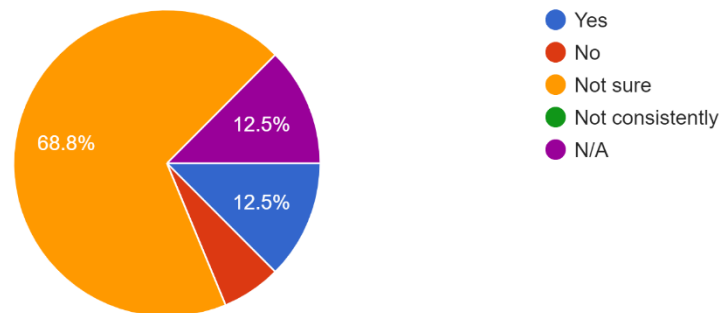
Survey Responses & Findings

Software and digital communications are increasingly scrutinized for accessibility to people with disabilities. Survey responses here are consistent with many other Title II entities in that, generally, respondents uniformly do not know how to manage digital accessibility and what digital access means from a user perspective.

Chart 1: Accessible Web Pages

1. Does the Department ensure that its webpage is accessible to persons with disabilities by applying Web Content Accessibility Guidelines (WCAG)?

16 responses



Question: Does the Department ensure that its webpage is accessible to persons with disabilities by applying Web Content Accessibility Guidelines (WCAG)?

Responses: Not sure: 11; N/A: 2; Yes: 2; No: 1

¹⁰ See, e.g., Instructions on How to Create and Check Accessible PDFs

- <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

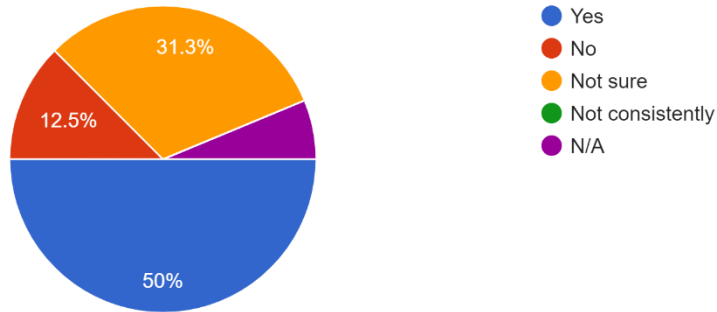
How to Make Accessible Images

- <https://wishdesk.com/blog/make-images-accessible> How to Create Accessible Word Documents
- <https://www.washington.edu/accessibility/documents/word/>

Chart 2: Third Party Software

4. Does the Department use any third party software, including mobile applications and payment systems, either internally or externally?

16 responses



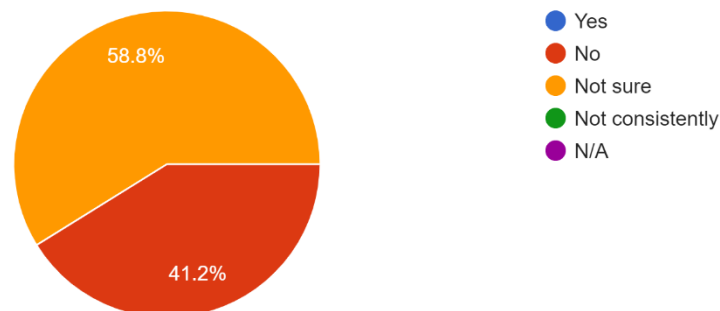
Question: Does the Department use any third-party software, including mobile applications and payment systems, either internally or externally?

Responses: Yes: 8; Not sure: 5; No: 2; N/a: 1

Chart 3: Email Communication Attachments

7. In email communications (both internal and external), does the Department ensure that all communications – including attachments – comply with WCAG?

17 responses



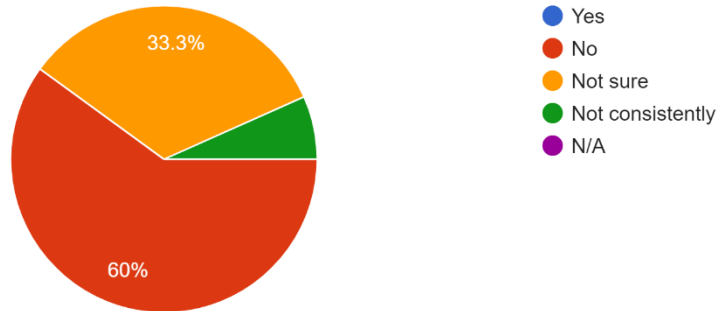
Question: In email communications (both internal and external), does the Department ensure that all communications – including attachments – comply with WCAG?

Responses: Not sure: 10; No: 7

Chart 4: Accessible PDFs

7a. Are PDFs checked for accessibility?

15 responses



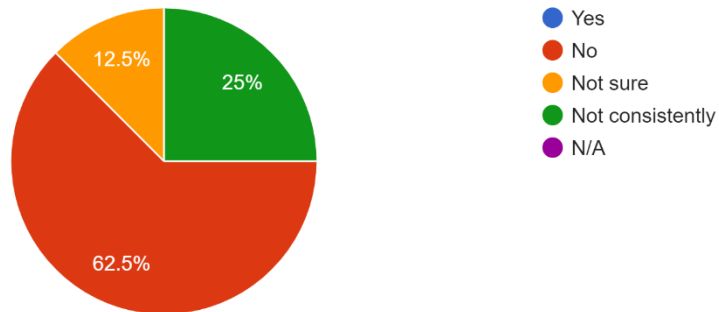
Question: Are PDFs checked for accessibility?

Responses: No: 9; Not sure: 5; Not consistently: 1

Chart 5: Accessible Word Documents

7b. Are PDFs also sent out as Word documents?

16 responses



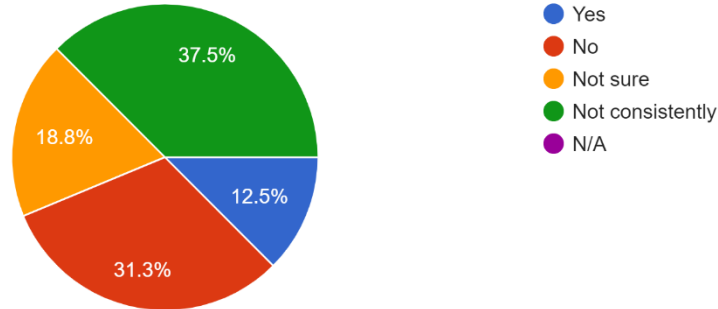
Question: Are PDFs also sent out as Word documents?

Responses: No: 10; Not consistently: 4; Not sure: 2

Chart 6: Accessible Photos

7c. Are all photos captioned with descriptive text?

16 responses



Question: Are all photos captioned with descriptive text?

Responses: Not consistently: 6; No: 5; Not sure: 3; Yes: 2

D. Staff & Employees

The ADA requires that people with disabilities are not discriminated against in hiring and/or the course of employment because of a disability.¹¹

Recommendations

- Consider partnering with local disability rights groups and organizations to affirmatively notify and recruit persons with disabilities to available roles.¹²
- Establish practices to ensure that all job listings are accessible.¹³
- Ensure that all job listings contain a statement regarding non-discrimination against persons with disabilities.
- Look into whether all Authority Departments consistently offer candidates for employment the opportunity to request reasonable accommodation for interviewing (and confirm that they do).

¹¹ See, e.g. <https://www.ada.gov/taman2.html#II-4.1000>.

¹² See, e.g. Abilities Job Fair (<https://www.abilities.com/community/job-fair.html>), Respectability (<https://www.respectability.org/resources/job-seekers-disabilities/>); DAV (<https://www.dav.org/veterans/employment-resources/>).

¹³ See footnote 10 re creating accessible digital documents.

Exhibit E

- Ensure that all Authority interview panel members are trained regarding disability awareness and appropriate interactions with people with disabilities.¹⁴
- Offer training on accessibility best practices and/or Authority disability policies and procedures to staff and employees¹⁵.
- Develop practices to ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability.
- Ensure that all Departments are aware of and receive training on how to make, receive, and conduct an interactive process on a request for reasonable accommodation. Make sure relevant staff are aware that an interactive process may include a search for a vacant, funded position as an accommodation of last resort.¹⁶
- Ensure that all Departments have an easily ascertainable policy against disability harassment, as well as a grievance system that offers assistance to people with disabilities who, due to their disability, are not able to independently complete the grievance.
- Ensure that the Authority has a current and easily ascertainable policy regarding service and/or support animals for its employees (and the public).¹⁷

Survey Responses & Findings

Survey responses were mixed as to whether the Authority affirmatively recruits persons with disabilities, and whether job listings were fully accessible. Respondents also indicated a general lack of training around disability awareness and etiquette training, as well as how to initiate and engage in the interactive reasonable accommodations process. Additionally, survey responses indicate some lack of clarity on how a grievance regarding a reasonable accommodations request would be received and

¹⁴ Best Practices for Interacting with People with Disabilities

- <https://otc-cta.gc.ca/eng/publication/best-practices-interacting-persons-disabilities-a-guide> Disability Etiquette: Tips On Interacting With People With Disabilities

- <https://www.unitedspinal.org/pdf/DisabilityEtiquette.pdf>

¹⁵ See, e.g., footnote 14.

¹⁶ Employers' Practical Guide To Reasonable Accommodation Under The Americans With Disabilities Act (ADA)

- <https://askjan.org/publications/employers/employers-guide.cfm>

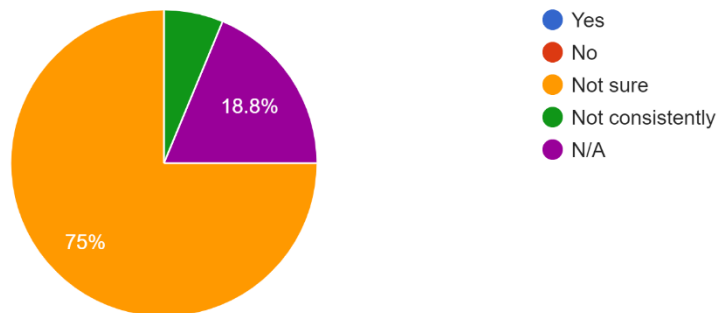
¹⁷ See, e.g. https://www.ada.gov/service_animals_2010.htm, <https://www.dor.ca.gov/Content/DorIncludes/documents/DisabilityAccessServices/DFEH%20ADA%20Comparison%20regarding%20Service%20Animals%20Laws.pdf>

processed, as well as whether the Authority has a policy regarding service and/or support animals.

Chart 1: Accessible Job Listings

2. Does the Department ensure that all of its job listings are accessible to persons with disabilities?

16 responses



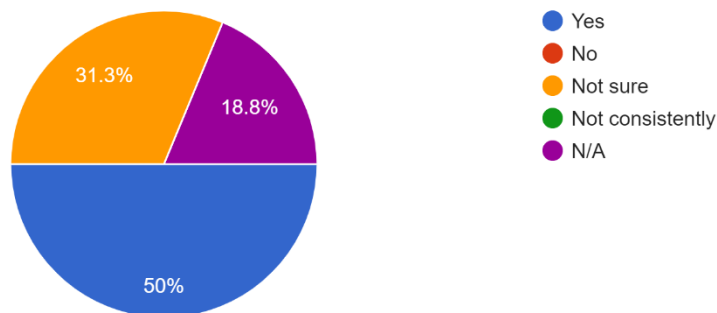
Question: Does the Department ensure that all its job listings are accessible to persons with disabilities?

Responses: Not sure: 12; N/A: 3; Not consistently: 1

Chart 2: Non-Discrimination Statement

3. Do Department job listings contain a statement of non-discrimination against persons with disabilities?

16 responses



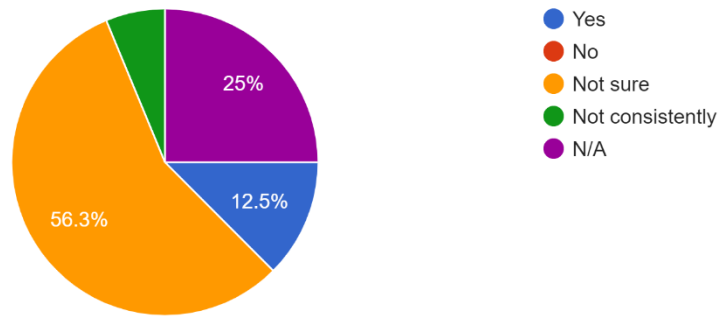
Question: Do Department job listings contain a statement of non-discrimination against persons with disabilities?

Responses: Yes: 8; Not sure: 5; N/A: 3

Chart 3: Candidate Reasonable Accommodation

4. Does the Department offer candidates for employment the opportunity to request reasonable accommodation?

16 responses



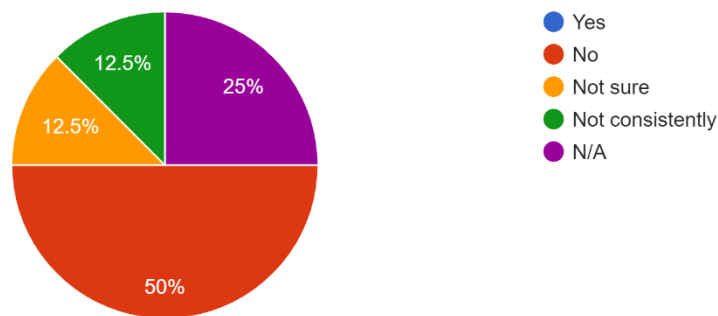
Question: Does the Department offer candidates for employment the opportunity to request reasonable accommodation?

Responses: Not sure: 9; N/A: 4; Yes: 2; Not consistently: 1

Chart 4: Interview Panel Training and Awareness

5. Are interview panel members trained regarding disability awareness and appropriate interactions with people with disabilities?

16 responses



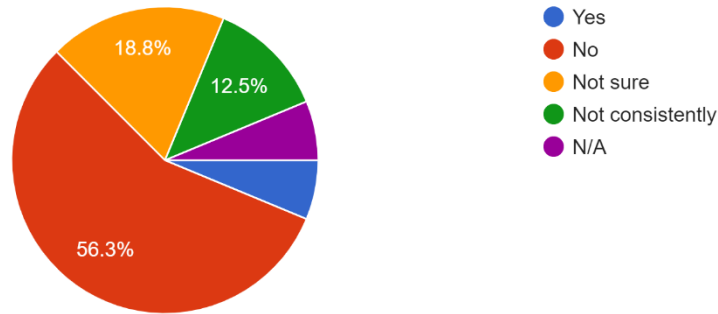
Question: 5. Are interview panel members trained regarding disability awareness and appropriate interactions with people with disabilities?

Responses: No: 8; N/A: 4; Not sure: 2; Not consistently: 2

Chart 5: Best Practices Training

10. Does the Department offer training on accessibility best practices and/or the ADA to staff, employees and/or volunteers?

16 responses



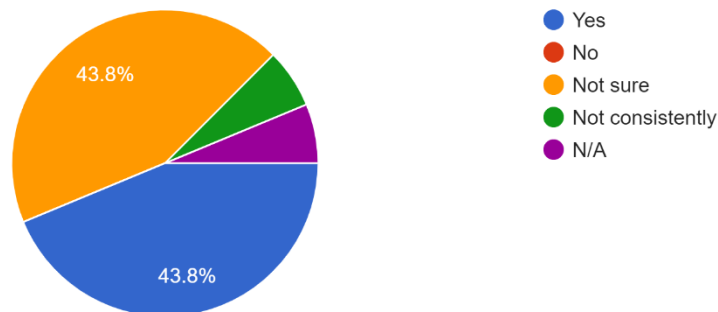
Question: Does the Department offer training on accessibility best practices and/or the ADA to staff, employees and/or volunteers?

Responses: No: 9; Not sure: 3; Not consistently: 2; Yes: 1; N/A: 1

Chart 6: Opportunities for Advancement and Education

11. Does the Department ensure that all opportunities for advancement and education are available and accessible to Staff and Employees w...workshops, trainings, conferences, meetings, etc.

16 responses



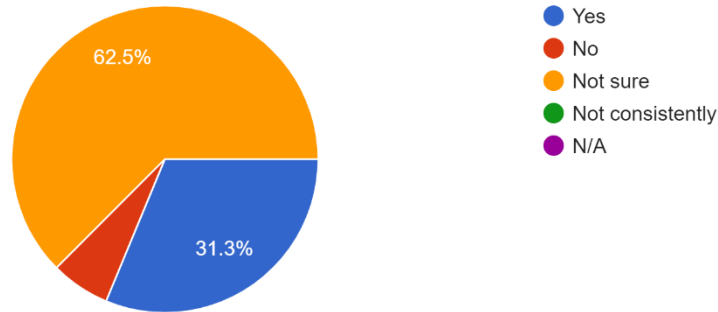
Question: Does the Department ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability? This includes, but is not limited to certifications, workshops, trainings, conferences, meetings, etc.

Responses: Yes: 7; Not sure: 7; N/A: 1; Not consistently: 1

Chart 7: Reasonable Accommodations Process

12. Does the Department have a process for its staff and/or employees to request a reasonable accommodation?

16 responses



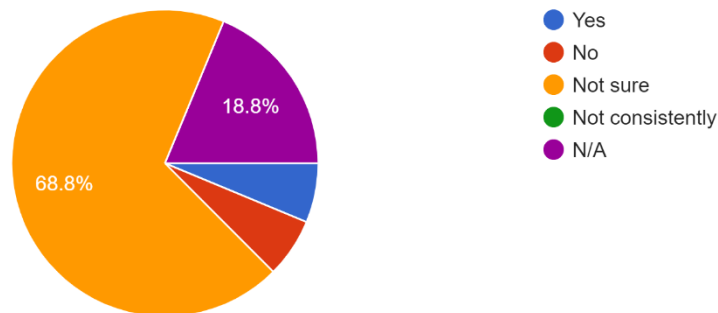
Question: Does the Department have a process for its staff and/or employees to request a reasonable accommodation?

Responses: Not sure: 10; Yes: 5; No: 1

Chart 8: Search for Vacant, Funded Position

13. Does the Department's reasonable accommodation process include a search for transfer into a vacant, funded role as an accommodation of last resort?

16 responses



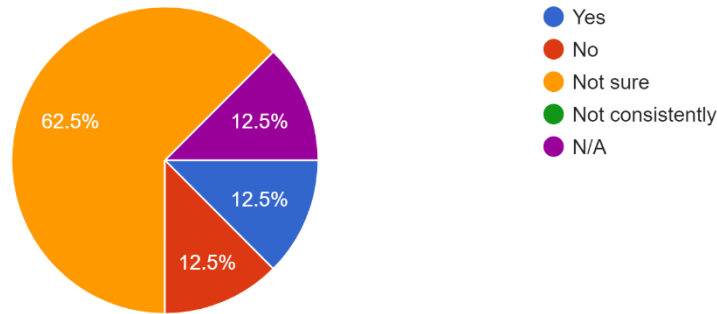
Question: Does the Department's reasonable accommodation process include a search for transfer into a vacant, funded role as an accommodation of last resort?

Responses: Not sure: 11; N/A: 3; Yes: 1; No: 1

Chart 9: Service and Support Animal Policy

21. Does the Department have a policy regarding service and/or support animals for its employees?

16 responses



Question: Does the Department have a policy regarding service and/or support animals for its employees?

Responses: Not sure: 10; N/A: 2; Yes: 2; No: 2

E. Purchasing, Contracts, & Vendors

The Authority should ensure that people with disabilities are not precluded from participating in the contractual bidding process, that contractors are required to comply with disability-related rules and regulations, and that services and products procured are equally available and accessible to persons with disabilities.¹⁸ Additionally, items purchased for use in the delivery of a Title II entity’s programs, services or activities should be accessible and available for use by persons with disabilities, or be capable of modification to ensure access.

Recommendations

- Create and implement Authority policy to ensure that accessibility is considered when purchasing new equipment.¹⁹

¹⁸ See, e.g. <https://www.ada.gov/taman2.html#II-3.7100>.

¹⁹ See, e.g. *Section 508.gov “Buy Accessible Products and Services”* <https://www.section508.gov/buy> *Temple University’s Guide to Accessible Purchasing*

Exhibit E

- Ensure that documents related to bidding and contracting are uniformly (i.e. across Departments) accessible and available in alternative formats.
- Ensure that meetings related to bidding and contracting are uniformly (i.e. across Departments) held in accessible locations.
- Ensure that contractual language is uniformly (i.e. across Departments) in place holding contractors and vendors to applicable State and Federal disability civil rights mandates.
- Create and implement Authority policy to ensure that all products and services offered by third parties and vendors are fully accessible.
- Create and implement Authority policy to ensure that accessibility plan checks are performed when vendors conduct tenant improvements in public service areas.
- Develop and offer guidance for staff and vendors regarding clear space and furniture placement.²⁰
- Inform all Departments as to what steps an employee or member of the public with a disability has available if they believe they have been discriminated against by an Authority vendor or contractor.

Survey Responses & Findings

Generally, survey respondents were unsure as to whether accessibility was considered in the purchase of new products, and/or the accessibility of the bidding process. Additionally, survey responses indicated some lack of clarity around accessibility expectations for third party vendors, including a grievance process.

Chart 1: Purchase of New Equipment

<https://accessibility.temple.edu/guide-accessible-purchasing> UNLV Procurement and Purchasing for Accessibility Conformance

<https://www.unlv.edu/accessibility/procurement-purchasing>

Indiana University's Accessibility questions to ask current or potential vendors

<https://kb.iu.edu/d/awxb>

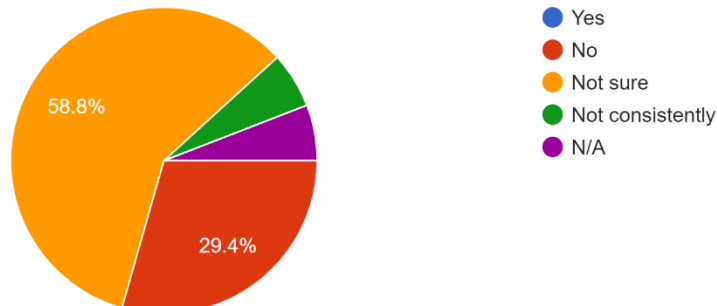
²⁰ See, e.g. U.S. Access Board: Clear Floor or Ground Space & Turning Space

<https://www.access-board.gov/ada/guides/chapter-3-clear-floor-or-ground-space-and-turning-space-ce/>

Exhibit E

1. When the purchase of new equipment is made, (purchases including, but not limited to, communication and transportation equipment) is it ...quipment is accessible to users with disabilities?

17 responses



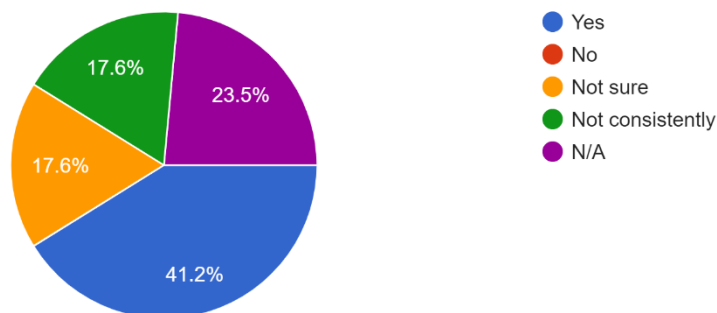
Question: When the purchase of new equipment is made, (purchases including, but not limited to, communication and transportation equipment) is it reviewed to ensure the equipment is accessible to users with disabilities?

Responses: Not sure: 10; No: 5; N/A: 1; Not consistently: 1

Chart 2: Accessible Bidding Process

3. Are meetings related to bidding and contracting held in accessible locations?

17 responses



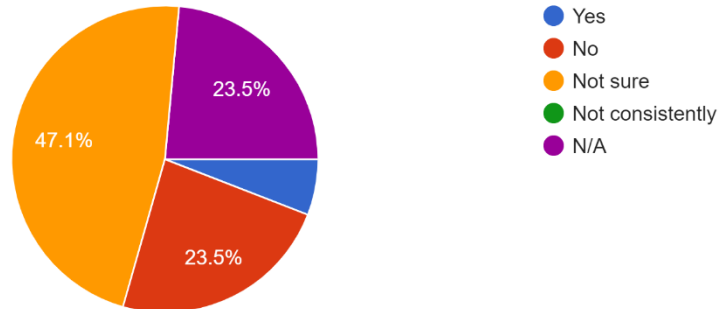
Question: Are meetings related to bidding and contracting held in accessible locations?

Responses: Yes: 7; N/A: 4; Not sure: 3; Not consistently

Chart 3: Clear Space and Furniture Placement

7. Is guidance in place for staff and vendors regarding clear space and furniture placement?

17 responses



Question: Is guidance in place for staff and vendors regarding clear space and furniture placement?

Responses: Not sure: 8; N/A: 4; No: 4; Yes: 1

F. Construction & Remodels

The 2010 ADA Standards for Accessible Design set minimum requirements – both scoping and technical -- for newly designed and constructed or altered public accommodations to be readily accessible to and usable by individuals with disabilities.²¹

Recommendations

- Consider creating and implementing a policy mandating CASp inspections at key points of construction and at completion before final payment.
- Consider creating and implementing policy requiring major public projects to be reviewed by stakeholders with disabilities during the planning stage.

Survey Responses & Findings

Survey respondents were not clear whether all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project. Survey responses were not sure as to whether there is

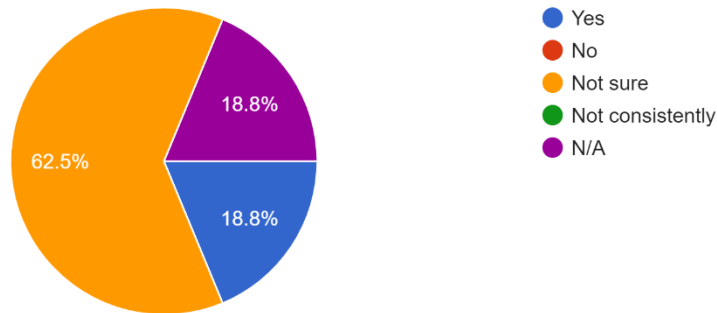
²¹ See, e.g. <https://www.ada.gov/taman2.html#II-6.0000>

a policy in place that mandates CASp inspections at key points of construction. Respondents were also unclear whether stakeholders with disabilities are engaged on major projects during the planning stages.

Chart 1: Design Contracts Standards

1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?

16 responses



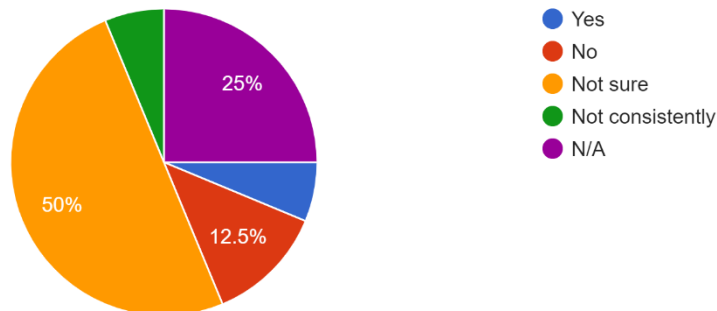
Question: 1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?

Responses: Not sure: 9; No: 7; Yes: 1

Chart 2: Major Public Projects

4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?

16 responses



Question: Are major public projects reviewed by stakeholders with disabilities during the planning stage?

Responses: Not sure: 8; N/A: 4; No: 2; Not consistently: 1; Yes: 1

G. Facilities & Real Estate Management

Facilities and real estate under the control of the Authority should be maintained in a way to ensure access to all locations and features by people with disabilities.²²

Recommendations

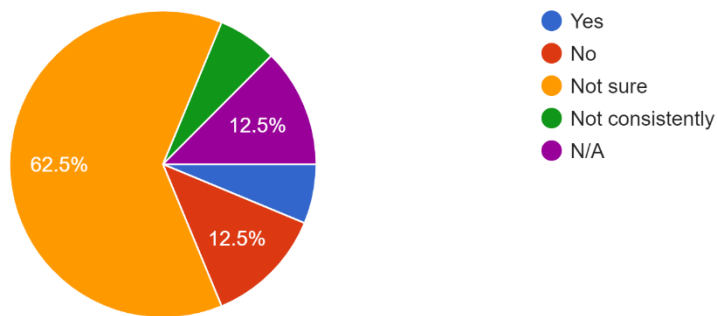
Review to determine whether there is a policy ensuring proper maintenance of accessible features²³, including during construction and, if not, establish and implement such a policy.

Survey Responses & Findings

Survey responses indicated a uniform, regular approach to ensure accessibility of public rights of way, but were less consistent regarding maintenance of accessible features (e.g. by Maintenance) and/or ensuring access during construction.

Chart 1: Accessible Features

2. Is there a policy and/or procedure in place ensuring proper maintenance of accessible features?
16 responses



Question: Is there a policy and/or procedure in place ensuring proper maintenance of accessible features?

²² See <https://www.ada.gov/taman2.html#II-3.10000> and <https://www.ada.gov/taman2.html#II-5.0000>

²³ See, e.g. U.S. Access Board: Clear Floor or Ground Space & Turning Space
<https://www.access-board.gov/ada/guides/chapter-3-clear-floor-or-ground-space-and-turning-space/>

Response: Not sure: 10; No: 2; Yes: 1; Not consistently: 1

H. Planning, Construction & Buildings

Generally, all facilities designed, constructed, or altered by, on behalf of, or for the use of a public entity must be readily accessible and usable by individuals with disabilities, if the construction or alteration is begun after January 26, 1992. Additionally, there must be a grievance process available to the public for any alleged failures to comply with this requirement.²⁴

Recommendations

- Where applicable, develop an accessibility checklist or accessibility protocols (e.g., current accessibility practices) for use on all projects and assign a staff person to ensure compliance with this checklist.

Survey Responses & Findings

Survey responses were mixed on whether, when examining plans, the pertinent Authority Departments evaluate accessibility requirements. A few responses indicated that the Authority does not, however, have a staff member who regularly evaluates plans or built environments for persons with disabilities.

I. Fleet Services

If the Authority provides Fleet Services as any part of its programs, services, and activities, it should ensure that these are equally available and accessible to persons with disabilities to avoid discriminating against those persons.

Recommendations

- Authority may want to ensure that when Authority services include Fleet services, Federal standards are integrated in the procurement process and employee training.
- Authority may want to clarify that service animals are permitted on Authority fleet vehicles.

²⁴ See, e.g. <https://www.ada.gov/taman2.html#II-8.5000>

Survey Responses & Findings

The majority of survey responses indicated that some Authority services include Fleet services but that, in the implementation of these services, they are not sure whether Federal standards are integrated into the procurement process, and whether operators are trained in working with people with disabilities.

J. Public Meetings

The ADA requires that the Authority ensure equal access to participation in public meetings and events.²⁵

Recommendations

- Create and implement an events accessibility checklist for all Departments that hold public meetings which addresses, at a minimum, the items included within this portion of the Self-Evaluation survey.²⁶

Survey Responses & Findings

Survey responses indicated a general lack of uniformity regarding the advertisement and implementation of accessible Authority events and functions. Most respondents were not aware of an events accessibility checklist, or whether event announcements contained an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request. Survey responses generally noted that persons who administer public meetings are not trained in how to respond to requests for reasonable accommodations by members of the public.

Survey respondents again indicated a general lack of uniformity on whether Authority events and functions are held in buildings and rooms that are fully accessible, and generally agreed that staff are not trained in how to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals. Many of these

²⁵ See, e.g. <https://www.ada.gov/taman2.html#II-3.3000>

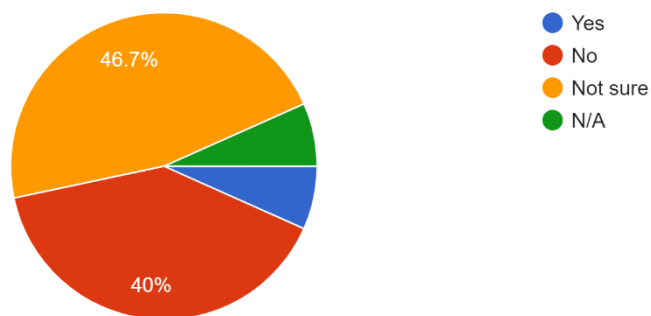
²⁶ See, e.g. American Bar Association- Planning An Accessible Meeting <https://www.americanbar.org/content/dam/aba/administrative/diversity-inclusion-center/accessible-meetings-toolkit.pdf>

items can be adequately addressed by implementing a uniform events accessibility checklist, such as the one noted in footnote 26, *supra*.

Chart 1: Events Accessibility Checklist

2. Does the Department have an event planning accessibility checklist to ensure that all public meetings and events are fully accessible?

15 responses



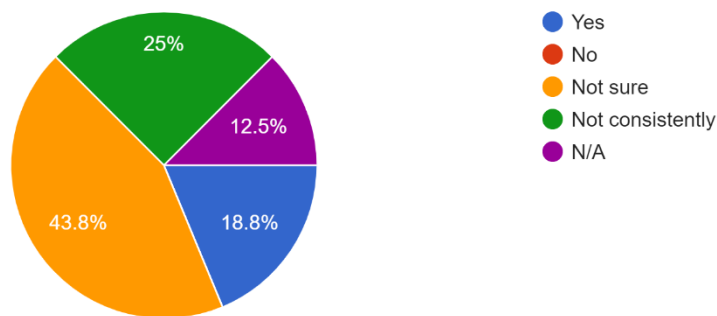
Question: Does the Department have an event planning accessibility checklist to ensure that all public meetings and events are fully accessible?

Responses: Not sure: 6; No: 6; N/A:1; Yes: 1

Chart 2: Public Meeting Notices

4. Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?

16 responses



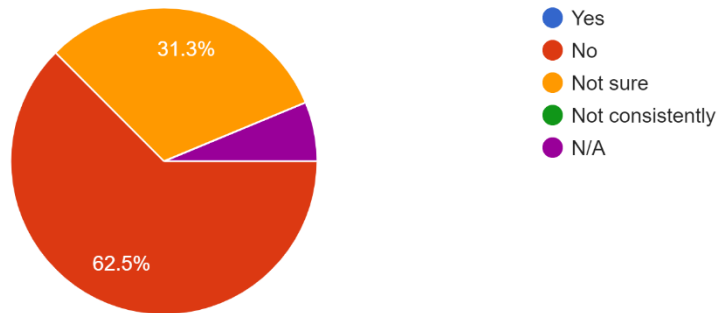
Question: Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?

Responses: Not sure: 7; Not consistently: 4; Yes: 3; N/A: 2

Chart 3: Setting Up Meeting Rooms

7. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?

16 responses



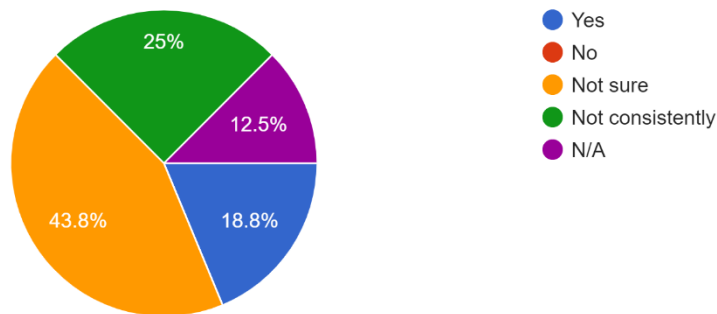
Question: Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?

Responses: No: 10; Not sure: 5; N/A: 1

Chart 4: Accessible Meeting Locations

4. Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?

16 responses

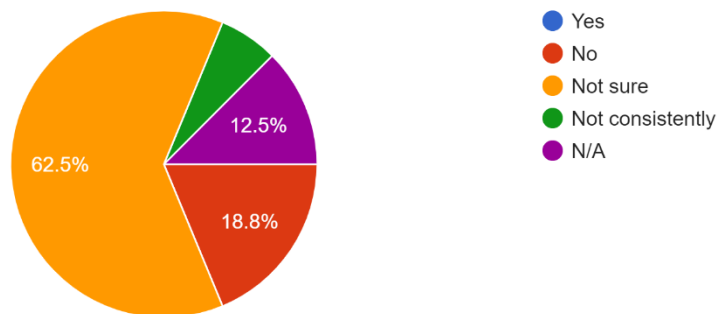


Question: Are public meetings held on sites that are accessible by public transportation?

Responses: Not sure: 7; Not consistently: 4; Yes: 3; N/A: 2

Chart 5: Public Meeting Notices

10. Do public meeting notices contain language indicating that service animals are welcome?
16 responses

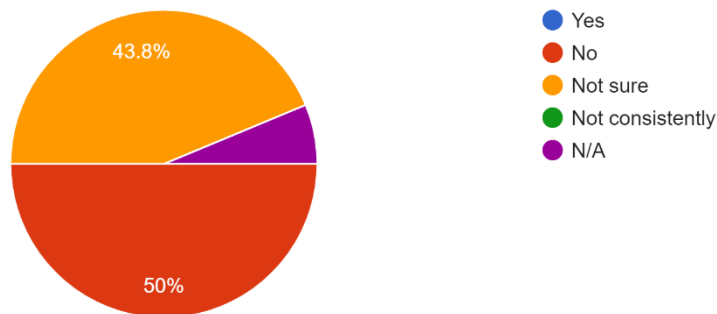


Question: Do public meeting notices contain language indicating that service animals are welcome?

Responses: Not sure: 10; No: 3; N/A: 2; Not consistently: 1\

Chart 6: Service Animal Relief Areas

11. Are service animal relief areas identified before every public meeting?
16 responses



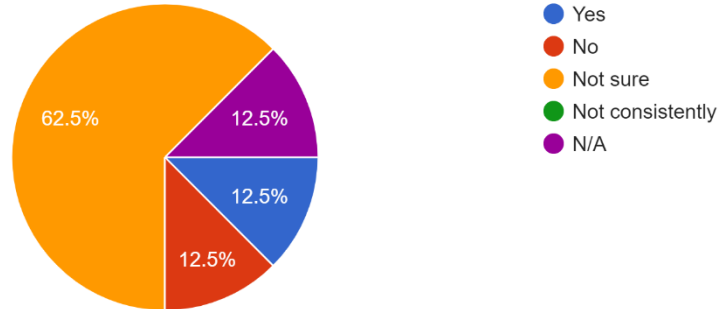
Question: Are service animal relief areas identified before every public meeting?

Responses: No: 8; Not sure: 7; N/A: 1

Chart 7: Reserved Seating

14. Do all public meetings have reserved seating for people who use wheelchairs?

16 responses



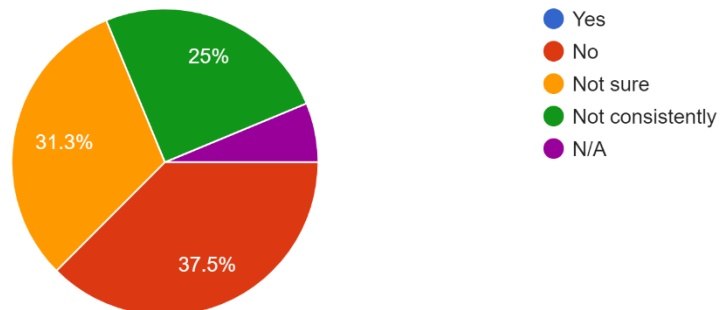
Question: Do all public meetings have reserved seating for people who use wheelchairs?

Responses: Not sure: 10; Yes: 2; No: 2; N/A: 2

Chart 8: Presenter Best Practices

15. Are all presenters at public meetings trained on best practices for presenting content to persons with disabilities, eg. reading powerpoints aloud?

16 responses

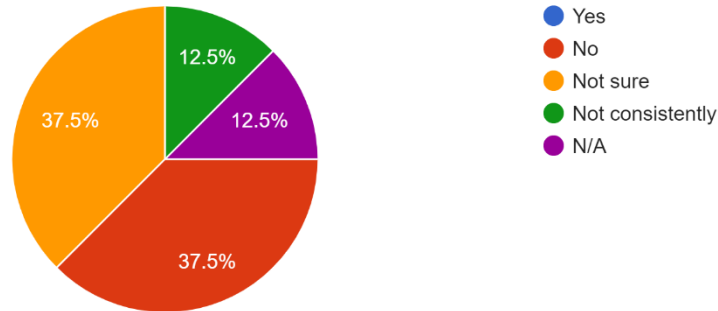


Question: Are all presenters at public meetings trained in best practices for presenting content to persons with disabilities, e.g. reading PowerPoints aloud?

Responses: No: 6; Not sure: 5; Not consistently: 4; N/A: 1

Chart 9: Sign Language Interpreters

17. Are sign language interpreters and/or real-time captioners available for all public meetings?
16 responses



Question: Are sign language interpreters and/or real-time captioners available for all public meetings?

Responses: No: 6; Not sure: 6; N/A: 2; Not consistently: 2

K. Emergency Procedures

Generally, emergency plans and procedures should account for people with disabilities to ensure their safety and care during emergency situations.

Recommendations

- Ensure that all Departments have procedures in place regarding the evacuation of persons with disabilities.²⁷
- Communicate with emergency partners to ensure that any evacuation facilities are accessible to persons with disabilities.
- Determine whether there is a Building Safety Plan for the buildings where your department operates.
- Ensure that all Staff and employees are aware of i) Building Safety Plan, ii) evacuation procedures for persons with disabilities, and iii) designated waiting

²⁷ See, e.g. ADA.gov, ADA Best Practices Tool Kit for State and Local Governments. Title II Checklist (Emergency Management)

- <https://www.ada.gov/pcatoolkit/chap7emergencygmtadd1.htm>

areas within your building for disabled people to wait for rescue by first responders.

- Offer your Staff and employees training on best practices to evacuate people with disabilities.²⁸

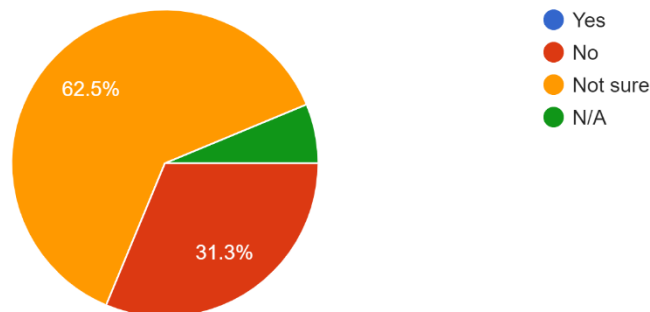
Survey Responses & Findings

As our world experiences increasingly dramatic and catastrophic weather events, active shooter events, and the secondary impacts of these, it is exceedingly important for public entities to have thorough, updated emergency and evacuation procedures, as well as a well-trained staff prepared to execute those procedures. Here, survey responses were inconsistent regarding the existence, implementation, and regular updating of training for emergency evacuation procedures, including the safe evacuation of people with disabilities.

Chart 1: Evacuation Procedures

1. Does your Department have procedures in place regarding the evacuation of persons with disabilities?

16 responses



Question: Does your Department have procedures in place regarding the evacuation of persons with disabilities?

Responses: Not sure: 10; No: 5; N/A: 1

²⁸ See, e.g. FEMA/American Red Cross: Preparing for Disaster for People with Disabilities and other Special Needs

- <https://oes.ucsc.edu/emergency-preparedness/procedures/arcdisasterprep.pdf>

L. Records

Processes should be in place to ensure that all Authority records can be accessed by persons with disabilities, including but not limited to people who are blind or vision-impaired, deaf, or hard of hearing, and/or mobility-impaired.

Recommendations

- Based on survey responses there are no recommendations for this section at this time.

Survey Responses & Findings

Survey responses indicated that records are generally kept in both digital and hard copy format, and that they are either in accessible physical locations for viewing these records (e.g. accessible desks or counters), and/or that assistance is provided upon request.

M. Capital Projects

Recommendations

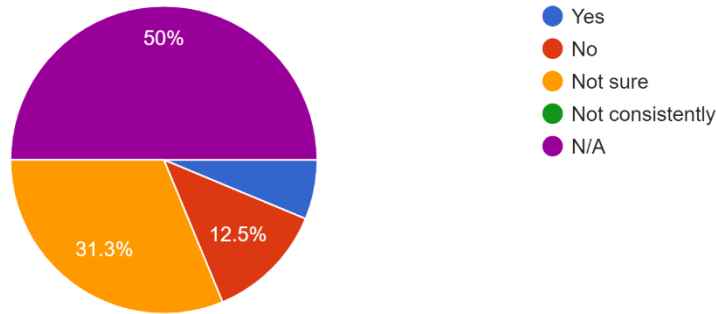
- Similar to the recommendation in the “Planning, Construction & Building” section of this report, develop an accessibility checklist or accessibility protocols (e.g. current accessibility practices) for use on all Capital projects and assign a staff person to ensure compliance with this checklist.

Survey Responses & Findings

Chart 1: Accessibility Checklist for Capital Projects

1. Does your Department have an accessibility checklist that it uses for all Capital projects?

16 responses



Question: Does your department have an accessibility checklist that it uses for all Capital projects?

Responses: N/A: 8; Not sure: 5; No: 2; Yes: 1

N. General Purchases

Recommendations

- Establish a uniform process for ensuring accessibility of items - including furniture and items with operational parts - purchased for installation.

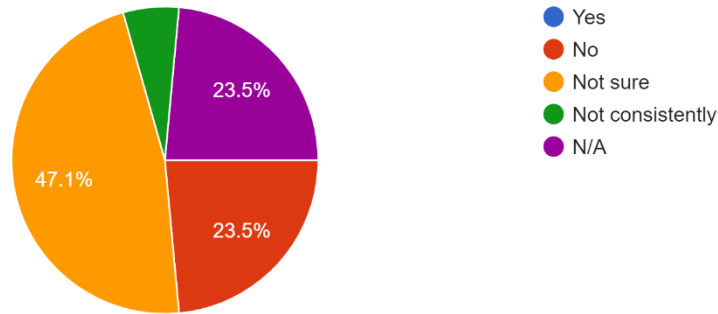
Survey Responses & Findings

Survey responses generally indicated a lack of policy or practice - or knowledge thereof - to ensure the consideration of accessibility in general purchasing.

Chart 1: Accessibility of Purchased Items

2. When purchasing an item that contains an operational part, do you consider accessibility requirements, (e.g. ability to operate with one hand...ssure; no grasping, pinching, and twisting; etc.)?

17 responses



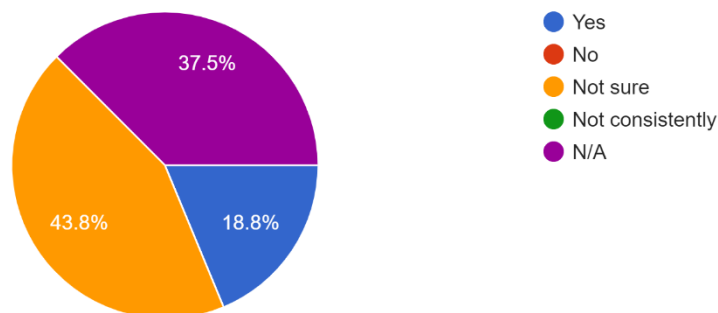
Question: When purchasing an item that contains an operational part, do you consider accessibility requirements (e.g. ability to operate with one hand; maximum 5lbs operational pressure; no grasping, pinching, and twisting; etc.)?

Responses: Not sure: 8; No: 4; N/A: 4; Not consistently: 1

Chart 2: Furniture Accessibility

3. When furniture is purchased, does the Department consider accessibility factors such as knee clearance for tables and clear space within a room?

16 responses



Question: When furniture is purchased, does the Department consider accessibility factors such as knee clearance for tables and clear space within a room?

Responses: Not sure: 7; N/A: 6; Yes: 3

O. General

Recommendations

- Ensure that all Departments have ADA Notices of Compliance posted.
- Ensure that all Departments are aware of the Authority’s policy regarding service and/or emotional support animals for its employees and/or the public.
- Ensure that all Departments that offer printed informational brochures to the public, and all Departments that issue any sort of fine or citation, have those available in large print format, and can provide alternative formats upon request.
- Ensure that all Departments have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program.

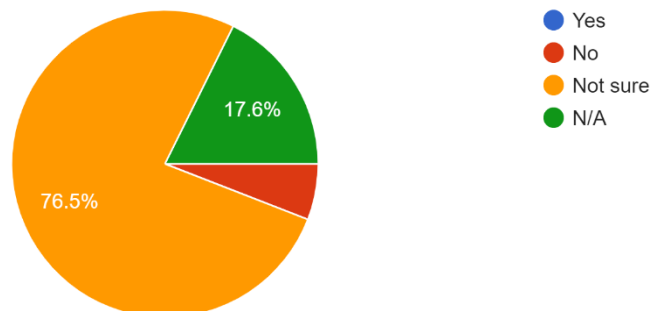
Survey Responses & Findings

Survey respondents generally indicated they were unsure or did not believe their Department had an ADA Notice of Compliance posted and were equally unsure whether the Authority has a policy of service and/or support animals. Some Departments indicated that they provide printed brochures, but do not keep large print copies on hand. Additionally, most survey respondents were not aware of Authority policy that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program.

Chart 1: Posting of ADA Notice of Compliance

1. Does your Department have an ADA Notice of Compliance posted?

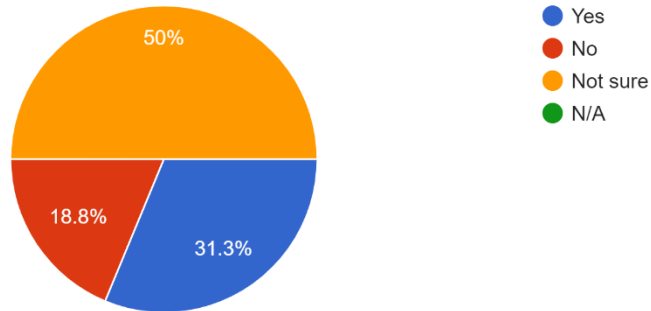
17 responses



Question: Does your Department have an ADA Notice of Compliance posted?
Responses: Not sure: 13; N/A: 3; No: 1

Chart 2: Service and Support Policies for Employees and the Public

2. Does your Department have any policies regarding service and/or emotional support animals for its employees and/or the public?
16 responses

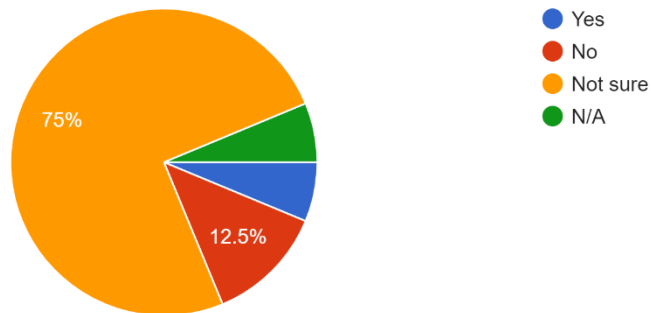


Question: Does your Department have any policies regarding service and/or emotional support animals for its employees and/or the public?

Responses: Not sure: 8; No: 3; Yes: 5

Chart 3: Policy Prohibiting Discrimination Based on Previous Drug Use

11. Does your Department have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program?
16 responses



Question: Does your Department have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program?

Responses: Not sure: 12; No: 2; N/A: 1; yes: 1

P. Requested Trainings

The following trainings were requested by survey respondents:

- Decision making and policies
- Best practices for web/mobile newsletter communications
- Best practices and tools for website optimization for ADA
- Checklists for public meetings and events
- I would love any resources that would help make sure we are not only complying but making sure that everyone feels welcome at Open Space Authority preserves, programs, and functions. (Or when trying to access resources.)
- Overall accessibility training for the field team members I think would be beneficial and give us all an overall understanding of what is truly required.
- Maintaining public right of ways, working with volunteers/public, and accommodations in request for proposals/bids.
- A comprehensive training for staff, board and CAC would probably be beneficial.
- Making sure all staff are aware of all resources and accommodations available for persons with disabilities.
- Trainings for staff and volunteers on how to host both virtual and in-person meetings for people with disabilities; trainings for how to set up a space or event so that it is accessible for all participants; trainings for hosting educational or docent programming with accessibility in mind should also be regularly offered.
- Public meetings, accessible collateral (print and digital), events, service animals.
- Grievance procedure requirements and meeting accessibility requirements in transportation, printed materials, public meetings.
- Responding to accommodation requests and complaints. Planning for events/meetings to be accessible. Anti-discrimination that is disability specific.
- For my department in particular: CASp information, additional training on requirements pertaining to built environment and best practices for informational and wayfinding signage, training on how to engage disability community.
- Training for most areas listed above
- I think we would benefit from being educated on how our preserves could better serve those with disabilities we do not consider - such as hearing, visually impaired, etc.
- Basic special needs - an understanding. How to recognize a disability. How to adapt on the fly to accommodate one. And there needs to be a new procedure

for all programs, and elements mentioned, with guidelines on how to do these things in a more accessible way.

Q. Vetting of Self-Evaluation Results

The Authority is committed to the vetting of these results with stakeholders as required by law and developing an implementation plan designed to implement necessary changes and track good-faith compliance efforts.

Vetting Activity

Report Concerning the Self-Evaluation Vetting

- Date(s) and location(s) of vetting
- List of attendees

Input Received During Vetting

Response to Input during Vetting:

Persons Involved in Vetting:

Use of This Self-Evaluation as a Living Document

The ADA requires that a Self-Evaluation be conducted once. Many entities, including the Authority, recognize the value of using this document on an ongoing basis. As such, it is available to incorporate new policies as needed in response to emerging issues in case law, new regulations, or the development of, and/or modification of the Authority’s programs. Thus, an addendum to this report can be added as needed to document the Authority’s good-faith effort to make the changes necessary to ensure appropriate access for the public, employees, and visitors to the Authority.

R. Staff Who Contributed to this ADA Self-Evaluation

The following Authority Staff completed an ADA Self-Evaluation Questionnaire:

Staff Member	Title
Charlotte Graham	Public Information Officer
Elizabeth Loretto	Human Resources Officer
Andy Burnside	Lead Open Space Technician
Andres Campusano	Supervising Open Space Technician
Lucas Shellhammer	Planning Manager
Teri Rogoway	Educational Program Administrator
Michelle Garcia	Educational Program Coordinator
Justina Tien	Fiscal Services Officer
Ivy Rylander	Office Assistant
Katie Simon	Communications Coordinator
Annamarie Pilon	Community Engagement Coordinator
Caroline Hernandez	Deputy Clerk of the Board
Megan Robinson	Supervising Open Space Technician
Patrick Stevenson	Lead Open Space Technician
Jennifer Hooper	Associate Open Space Planner
Kat Hill	Volunteer Program Coordinator
Aaron Hébert	Natural Resources Manager

S. Action Plan for the Self-Evaluation Implementation

Provided separately is the Authority’s ADA Self-Evaluation action plan. It is contained in a spreadsheet designed to be modified as progress is made. It may also be modified when work is necessary that is not identified within the body of this Report. Such instances may occur pursuant to new regulations or case law developments.

Exhibit E

Many of the recommendations are clustered by subject and can be addressed with one staff assignment. Occasionally, there will be one recommended action that addresses several issues noted within the report. For example, disability awareness training benefits the Authority's operation in several areas which are noted by findings. The provision of the training, therefore, addresses a wide variety of issues.

APPENDICES

Appendix A: 28 CFR 35.105 Self-Evaluation.

(a) 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.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified;
and

(3) A description of any modifications made.

(d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous Self-Evaluation.

Appendix B: California Government Code Section 11135

11135.

(a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

Appendix C: California Government Code Section 12926

Cal Gov Code § 12926 (2010)

§ 12926. Definitions regarding unlawful practices

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

Exhibit E

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(h) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development

of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(i) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(j) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

(k) "Physical disability" includes, but is not limited to, all of the following:

Exhibit E

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(I) Notwithstanding subdivisions (i) and (k), if the definition of "disability" used in the Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as

Exhibit E

defined in subdivision (i) or (k), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (i) and (k).

(m) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(n) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(o) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice.

(p) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in *Section 422.56 of the Penal Code*.

(q) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(r) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(s) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and

the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

HISTORY:

Added Stats 1980 ch 992 § 4. Amended Stats 1985 ch 1151 § 1; Stats 1990 ch 15 § 1 (SB 1027); Stats 1992 ch 911 § 3 (AB 311), ch 912 § 3 (AB 1286), ch 913 § 21.3 (AB 1077); Stats 1993 ch 1214 § 5 (AB 551); Stats 1998 ch 99 § 1 (SB 654); Stats 1999 ch 311 § 2 (SB 1185), ch 591 § 5.1 (AB 1670), ch 592 § 3.7 (AB 1001); Stats 2000 ch 1049 § 5 (AB 2222); Stats 2003 ch 164 § 1 (AB 196); Stats 2004 ch 700 § 4 (SB 1234).

Amendments:

1985 Amendment:

Added **(1)** "or her" after "employed by his" in subd (b); and **(2)** subd (i).

1990 Amendment:

Added subd (j).

1992 Amendment:

(1) Added subd (a); **(2)** redesignated former subs (a)-(d) to be subs (b)-(e); **(3)** amended the introductory clause of subd (d) by **(a)** deleting ", except as hereinafter provided," before "includes"; and **(b)** substituting ", except as follows:" for a period; **(4)** added subdivision designation (d)(1); **(5)** added subd (d)(2); **(6)** added subd (f); **(7)** redesignated former subdivisions (e) and (f) to be subs (g) and (h); **(8)** substituted "includes, but is not limited to," for "means" in subd (h); **(9)** added subd (i); **(10)** redesignated former subd (g) to be subd (j); **(11)** substituted "disability, mental disability" for "handicap" in subd (j); **(12)** substituted subd (k) for former subd (h) which read: "(h) 'Physical handicap' includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services."; **(13)** added subs (l) and (m); **(14)** redesignated former subs (i) and (j) to be subs (n) and (o); and

(15) added subd (p) and the last paragraph. (As amended 1992 ch 913, compared to the section as it read prior to 1992. This section was also amended by two earlier chapters, ch 911, ch 912. See Gov C § 9605.)

1993 Amendment:

(1) Substituted "functions" for "duties" after "Essential" both times it appears in subd (f); (2) deleted ", but is not limited to," after "includes" in subd (h); (3) deleted former subd (l) which read: "(l) 'Reasonable accommodation' may include either of the following:

"(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

"(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.*, 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., § 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."; (4) designated the former last paragraph in the section to be subd (l); and (5) substituted "of" for "or" after "size of the business" in subd (p)(3).

1998 Amendment:

(1) Amended subd (d) by (a) substituting the comma after "indirectly" for the semicolon; and (b) adding the comma after "thereof"; (2) substituted "that" for "which" after "organization" in subd (g); (3) amended subd (h) by adding (a) "(1) genetic characteristics, or (2)" after "include" in the first sentence; and (b) the second sentence; and (4) added "and" before "(5) the geographic" in subd (p).

1999 Amendment:

(1) Amended subd (d) by (a) substituting "of the state" for "thereof" in the introductory clause; (b) deleting subdivision designation (d)(1) at the beginning of the second paragraph; and (c) deleting former subd (d)(2) which read: "(2) 'Employer,' for purposes of provisions defining unlawful employment practices related to mental disability, means any person regularly employing 15 or more persons, or any person directly or indirectly

acting as an agent of such an employer, and also includes the state and municipalities and political subdivisions of the state."; **(2)** substituted subd (h) for former subd (h) which read: "(h) 'Medical condition' includes (1) genetic characteristics, or (2) any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence. For purposes of this section, 'genetic characteristics' means any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or is determined to be associated with a statistically increased risk of development of a disease or disorder, or inherited characteristics that may derive from the individual or family member, that is presently not associated with any symptoms of any disease or order."; **(3)** substituted "or age" at the end of subd (j); **(4)** added subd (m); **(5)** redesignated former subds (m)-(o) to be subds (n)-(p); **(6)** added subds (q) and (r); and **(7)** redesignated former subd (p) to be subd (s). (As amended Stats 1999 ch 592, compared to the section as it read prior to 1999. This section was also amended by two earlier chapters, ch 311 and ch 591. See Gov C § 9605.)

2000 Amendment:

(1) Amended subd (h) by **(a)** adding "means" in the introductory clause; and **(b)** substituting "cancer or a record or history of cancer" for ", for which a person has been rehabilitated or cured, based on competent medical evidence" in subd (h)(1); **(2)** substituted subd (i) for former subd (i) which read: "(i) 'Mental disability' includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. However, 'mental disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a mental disability."; and **(3)** substituted subd (k) for former subd (k) which read: "(k) 'Physical disability' includes, but is not limited to, all of the following:

"(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

"(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

"(B) Limits an individual's ability to participate in major life activities.

"(2) Any other healthy impairment not described in paragraph (1) that requires special education or related services.

"(3) Being regarded as having or having had a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) and (2).

"(4) Being regarded as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

"It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.* (1982) 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., Sec 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."

2003 Amendment:

(1) Added the second sentence of subd (p); and (2) amended subd (s) by substituting (a) "The" for "the" at the beginning of subds (s)(1)-(s)(5); and (b) the period for the comma at the end of subds (s)(1)-(s)(3) and the period for ", and" at the end of subd (s)(4).

2004 Amendment:

Substituted "*Section 422.56 of the Penal Code*" for "*Section 422.76 of the Penal Code*, except that, for purposes of this part, the reference in that definition to the "victim" shall mean the employee or applicant and the reference in that definition to the "defendant" shall mean the employer or other covered entity or person subject to applicable prohibitions under this part" in subd (p).

Appendix D: Self-Evaluation Survey Questions

Introduction: Self-Evaluation Survey

Thank you for participating in the Santa Clara Valley Open Space Authority's (hereafter referred to as "Authority") Americans with Disabilities Act (ADA) Self Evaluation (SE) process. The implementation of the ADA is far reaching and impacts all programs, services and activities provided by the Authority. You have been selected to participate because of your knowledge of Authority operations.

The following questions ask for policies and procedures related to accessibility and reasonable accommodations for people with disabilities. This questionnaire will cover the following areas:

- Print Communications
- Communication with People Who are DHH
- Software and Digital Communication
- Staff and Employees
- Purchasing, Contracts, Vendors
- Construction and Remodels
- General Purchases
- Facilities and Real Estate Management
- Planning, Construction, Buildings
- Capital Projects
- Fleet Services
- Public Meetings
- Emergency Procedures
- Records
- Other

Please answer all questions pertinent to your Department's programs, services and activities. If a question doesn't apply, you may indicate this, or skip the question. Please note that this survey cannot be saved! It is recommended that you review all questions and then, once you are comfortable with the responses, complete the full survey and submit.

Your responses will ultimately be part of a public document and report with recommendations. Be candid, at times you may find that no policy or procedure is in place to address the item in question - this is important as well because it

helps to provide guidance on recommended next steps for the Authority in the spirit of continuous improvement. If you need or would like clarification of any question, or to turn in additional documents requested in this questionnaire, please contact Jennifer Hooper, jhooper@openspaceauthority.org, 408224-7476, and she will relay this to the consultant on this project, Tina Dorius of Sally Swanson Architects, tdorius@swanarch.com.

Thank you for your work on this survey!

*** Required**

Contact Info

1. Name *

2. Title *

3. Email Address *

4. Department/Division *

5. Program Name and Brief Description of Work *

6. Date: *

Example: January 7, 2019

Print Communications

7. **1. Do all of your Department's printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities?**

Mark only one oval.

- Yes**
- No**
- Not consistently**
- Not sure**
- N/A**

8. **1a. If yes, is this mandated by the Authority or specific to your Department?**

Mark only one oval.

- Mandated by the Authority**
- Specific to our Department**
- Not sure**
- N/A**

9. **1b. If yes, is the notification language standard to the Authority or created by your Department?**

Mark only one oval.

- Standard to the Authority**
- Created by our Department**
- Not sure**
- N/A**

10. **1c. If yes, please provide a copy of the text offering alternative formats.**

11. **2. Do all of your Department's printed publications and notices use a certain font type and size for Authority published documents?**

Mark only one oval.

- Yes
- No
- Not consistently
- Not sure
- N/A

12. **2a. If yes, what font type and size is used?**

13. **2b. If yes, is this mandated by the Authority or specific to your Department?**

Mark only one oval.

- Mandated by the Authority
- Specific to our Department
- Not sure
- N/A

14. **3. Has your Department reviewed all publications and notices to determine whether they portray persons with disabilities in a demeaning or offensive manner?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

15. **3a. If yes, when was this review last performed?**

16. **3b. If yes, how regularly is this review performed?**

17. **4. Has your Department trained its staff to ensure that all publications and correspondence use “person first language”?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

18. **4a. If yes, is this training provided by the Authority or the Department?**

Mark only one oval.

Authority

Department

Other

N/A

19. **4b. If yes, how often are staff provided this training, and how is this training tracked and recorded?**

Communication With People Who are Deaf or Hard of Hearing (DHH)

20. **1. Does your Department list “711 the California Relay” on business cards and letterheads?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

21. **2. Are your Department’s telephone lines accessible to persons who are DHH?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

22. **2a. If yes, please describe how the Department ensures this accessibility.**

23. **2b. If yes, how often are your Department’s telephone lines tested to ensure accessibility?**

24. **3. Has your Department identified local resources that can provide auxiliary aids for communication as needed?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

25. **3a. If yes, please describe.**

26. **3b. If yes, please describe how the public is informed of these resources, and how they are informed on how to request them.**

27. **4. If your Department uses video for any reason or in any forum (e.g. internal employee training, public outreach via the web on social media, YouTube, etc.) is that video captioned?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

28. **4a. If yes, please describe how the Department ensures that video is captioned, including any processes or vendors utilized to caption videos.**

29. **4b. If yes, are videos captioned before use, or at some later date after they have been released?**

30. **5. Does your Department have a policy in place for securing video remote interpreting services (VRI)?**

Mark only one oval.

Yes

No

Not consistently

Not sure

N/A

31. **5a. If yes, please provide a copy of the policy and/or describe in detail.**

32. **6. If your Department has a Public Information Officer that communicates with the press and releases critical information, is an American Sign Language interpreter visible and within the screenshot if television cameras are in use or is a captioning service used?**

Mark only one oval.

- Yes
- No
- Not consistently
- Not sure
- N/A

33. **7. Does the Department play videos in public spaces, e.g. waiting rooms or lobbies, for the public?**

Mark only one oval.

- Yes
- No
- Not consistently
- Not sure
- N/A

34. **7a. If so, are these videos captioned?**

Mark only one oval.

- Yes
- No
- Not consistently
- Not sure
- N/A

35. **8. Does the Department use any public address systems?**

Mark only one oval.

- Yes
- No
- Not consistently
- Not sure
- N/A

36. **8a. If so, how does the Department ensure that information broadcast by these systems is available to people who may be DHH?**

Software & Digital Communication

37. **1. Does the Department ensure that its webpage is accessible to persons with disabilities by applying Web Content Accessibility Guidelines (WCAG)?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

38. 1a. If yes, is this mandated by the Authority?

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

39. 1b. If yes, how does the Department make sure its webpage meets the WCAG?

(Write N/A if not applicable).

40. 1c. If yes, how does the Department ensure that any updates meet the WCAG?

(Write N/A if not applicable).

41. 1d. If yes, what version of the WCAG does the Department apply to its webpage access requirements? (Write N/A if not applicable).

42. **2. Does the Department use any web-based forms for use internally or by the public?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

43. **2a. If yes, how does the Department ensure that these meet WCAG? (Write N/A if not applicable).**

44. **3. Does the Department use any internally-developed software, including mobile applications and payment systems, either internally or externally?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

45. **3a. If yes, how does the Department ensure that these meet WCAG? (Write N/A if not applicable).**

46. **4. Does the Department use any third party software, including mobile applications and payment systems, either internally or externally?**

Mark only one oval.

Yes

No

Not **sure**

Not **consistently**

N/A

47. **4a. If yes, how does the Department ensure that these meet WCAG? (Write N/A if not applicable).**

48. **5. Does the Department use any touch screen information systems for public interaction?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

49. **5a. If yes, is there an independent operating system for persons with visual impairments?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

50. **6. Does the Department offer any type of computer or digital device for use by the public?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

51. **6a. If yes, are they equipped with software that makes them accessible to persons with visual impairments?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

52. **6b. If yes, how does the Department ensure that these devices and the software on them is accessible?**

53. **7. In email communications (both internal and external), does the Department ensure that all communications – including attachments – comply with WCAG?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

54. **7a. Are PDFs checked for accessibility?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

55. **7b. Are PDFs also sent out as Word documents?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

56. **7c. Are all photos captioned with descriptive text?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

Staff & Employees

57. **1. Does the Department affirmatively recruit persons with disabilities for available positions?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

58. **1a. If yes, please describe these efforts and outreach.**

59. **2. Does the Department ensure that all of its job listings are accessible to persons with disabilities?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

60. **2a. If yes, please describe, and provide any pertinent documents.**

61. **3. Do Department job listings contain a statement of non-discrimination against persons with disabilities?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

62. **3a. If yes, please provide the text of this statement.**

63. **4. Does the Department offer candidates for employment the opportunity to request reasonable accommodation?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

64. **4a. If yes, please describe, and/or provide, any pertinent documents.**

65. **5. Are interview panel members trained regarding disability awareness and appropriate interactions with people with disabilities?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

66. **5a. If yes, please describe the training, including how often it is offered, and how attendance is tracked and recorded.**

67. **6. When your Department conducts employment interviews, is the decision to hire based upon which candidate is best qualified to perform the essential functions of the job with or without reasonable accommodations?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

68. **7. How are the essential functions of a position determined?**

69. **8. Does the Department offer Staff and Employees an opportunity to self-identify as a person with a disability?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

70. **9. How does the Department ensure that all employee events (e.g. holiday parties) are fully accessible?**

71. **10. Does the Department offer training on accessibility best practices and/or the ADA to staff, employees and/or volunteers?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

72. 10a. If so, how often is this training offered?

73. 10b. If so, is this training optional or mandatory?

74. 10c. If so, how is attendance tracked and recorded?

75. 11. Does the Department ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability? This includes, but is not limited to, certifications, workshops, trainings, conferences, meetings, etc.

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

76. 12. Does the Department have a process for its staff and/or employees to request a reasonable accommodation?

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

77. **12a. If yes, please describe and/or provide copies of any pertinent policies or procedures.**

78. **12b. If yes, please also fully describe the interactive process, as well as how documentation regarding these processes are maintained.**

79. **13. Does the Department's reasonable accommodation process include a search for transfer into a vacant, funded role as an accommodation of last resort?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

80. **13a. If yes, please describe all Departmental documentation and guidance regarding this process.**

81. **13b. If yes, please describe in detail how this process is implemented, including how long a search is conducted, and what criteria are utilized to determine whether a transfer is appropriate and can be achieved.**

82. **13c. If yes, does the Department require persons seeking this reasonable accommodation to compete for the vacant role?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

83. **14. If reasonable modifications are used to create access, are they approved before they are put in place?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

84. **14a. If yes, by whom? Please include name, position and contact information**

85. **15. When reasonable modifications are put in place, are they documented to ensure staff implements them appropriately?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

86. 15a. If yes, how is the reasonable modification(s) documented? What information is included in the documentation?

87. 16. Does the Department ensure that its facilities and offices are fully accessible?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

88. 16a. If yes, please describe or explain.

89. 17. Is there an anti-disability harassment policy?

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

90. 17a. If yes, is it based upon zero tolerance or the legal definition of disability harassment?

91. 17b. If yes, how often is it disseminated to all staff?

92. 18. Does your Department's grievance system (check all that apply):

Check all that apply.

Offer assistance to people with disabilities who, due to their disability, are not able to independently complete the grievance system

Provide timelines regarding when a complainant can expect a result

Have a second level of review

Contain a notice regarding availability of the grievance system in alternative formats:

braille, large print, audio, etc.

Contain the name and contact information of the ADA Coordinator

Not sure - our Department is not involved in receiving, reviewing or deciding grievances

93. 19. Has your Department received any complaints or grievances regarding failure to reasonably accommodate and/or lack of accessibility by candidates, employees, or visitors to any of your offices?

Mark only one oval.

- Yes
- No
- Not sure
- N/A

94. **19a. If yes, please describe these complaints, including how they were resolved.**

95. **20. Does your Department supervise any maintenance staff?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

96. **20a. If yes, do maintenance staff receive training regarding maintaining an accessible built environment?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

97. **21. Does the Department have a policy regarding service and/or support animals for its employees?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

98. **21a. If yes, please describe the relevant policies.**

Purchasing, Contracts, Vendors

99. **1. When the purchase of new equipment is made, (purchases including, but not limited to, communication and transportation equipment) is it reviewed to ensure the equipment is accessible to users with disabilities?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

100. 1a. If yes, please describe how accessibility reviews of new equipment are performed.

101. 2. Are all public documents related to bidding and contracting available to persons with disabilities in alternative format if needed?

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

102. 3. Are meetings related to bidding and contracting held in accessible locations?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

103. **4. Do all Authority contracts have language in place holding contractors and vendors to applicable State and Federal disability civil rights mandates?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

104. **4a. If yes, how is this enforced?**

105. **5. How does the Department ensure that all products and services offered by third parties and vendors are fully accessible?**

106. **6. Is an accessibility plan check done when vendors are conducting tenant improvements in public service areas?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

107. **7. Is guidance in place for staff and vendors regarding clear space and furniture placement?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

108. **7a. If yes, when was it last updated?**

109. **8. If an employee or member of the public with a disability believes they have been discriminated against by an Authority vendor or contractor, what steps are available to them to remedy their concerns?**

Construction and Remodels

110. **1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

111. **2. Do design contracts encourage design professionals to exceed the maximum access standards when possible to ensure that construction tolerances are built into the project?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

112. **3. Is a policy in place that mandates CASp inspections at key points of construction and at completion, before final payment is made?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

113. **4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

General Purchases

114. 1. When purchasing items for installation, are checks are in place to ensure installation will be compliant with current building standards?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

115. 1a. Please describe how you ensure that purchased and installed items are compliant with current building standards.

116. 1b. Please describe how you ensure that purchased and installed items are maintained so as to ensure current building standards (e.g. waste baskets are not kept in required maneuvering clearances; subsequently installed items do not obstruct clear spaces and reach ranges, etc.)

117. **2. When purchasing an item that contains an operational part, do you consider accessibility requirements, (e.g. ability to operate with one hand; maximum 5lbs operational pressure; no grasping, pinching, and twisting; etc.)?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

118. **2a. If yes, please describe how these considerations are made and implemented.**

119. **2b. If yes, how does the Department ensure that any operable part is maintained to remain accessible (e.g. parts do not get rusty, stuck, or otherwise outside operable part accessibility requirements)?**

120. **3. When furniture is purchased, does the Department consider accessibility factors such as knee clearance for tables and clear space within a room?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

121. **3a. If yes, please describe how these considerations are made and implemented.**

122. **3b. If yes, please describe how these features are maintained (e.g. items are not placed beneath tables which may obstruct knee clearances, or when additional furniture is added to a room it is not placed where it obstructs a required clear space).**

Facilities and Real Estate Management

123. **1. Does your Department ensure accessibility of any public rights of way (PRoW)?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

124. **1a. If yes, please describe how your Department achieves this, including accessibility requirements of sidewalks, parking lots, and paths of travel to and from Department facilities.**

125. **1b. If yes, please describe any policies and/or Department procedures, and include information on when these were last updated.**

126. **1c. If yes, please describe how the Department monitors PRoW for accessibility issues, including but not limited to, broken sidewalks, PRoW obstructions (including temporary obstructions), and overhangs into the PRoW that interfere with clear head space.**

127. 1d. If yes, does your Department receive complaints from the public regarding inaccessible PRow? How does the Department ensure that methods for receiving these complaints (e.g. via telephone, web-based forms, email) are accessible to people with disabilities?

128. 2. Is there a policy and/or procedure in place ensuring proper maintenance of accessible features?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

129. 2a. If yes, when was this last updated?

130. 2b. If yes, how are the relevant staff made aware of these policies and/or procedures?

131. **2c. If yes, how are these policies and/or procedures enforced?**

Planning, Construction, Buildings

132. **1. When examining plans, does the Department evaluate accessibility requirements?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

133. **2. During construction, does the Department evaluate construction sites for accessible paths of travel along public rights of way for persons with disabilities?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently

N/A

134. **2a. If so, please describe how the Department does this, including any relevant**

Departmental documentation (e.g. guidelines, checklists, procedures)

135. **3. Does the Department receive public complaints regarding building accessibility for persons with disabilities?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently

N/A

136. **3a. If so, please describe how these are submitted to the Department by the public.**

137. **3b. If so, please provide examples of complaints, including how those were resolved.**

138. **3c. If so, please describe any relevant Departmental documentation, including intake forms, internal processes, etc.)**

139. **4. Does the Department have any staff or employees who evaluate accessibility of built environments for persons with disabilities?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

140. **4a. If so, please provide supplemental information, e.g. # of FTEs, certifications required, job description(s).**

Capital Projects

141. **1. Does your Department have an accessibility checklist that it uses for all Capital projects?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

142. **1a. If yes, please describe any pertinent documentation.**

143. **1b. If yes, when was this last updated?**

144. **1c. If yes, how does your Department ensure that accessibility is implemented in all Capital projects?**

Fleet Services

145. **1. Does your Department utilize vehicles for transportation? (if yes, complete this section; if no, skip and go to the next section) *Mark only one oval.***

Yes

No

N/A

146. **2. When procuring and maintaining vehicles for transportation uses, what procedures and/or guidelines does your Department follow or implement to ensure that these vehicles are accessible to persons with disabilities?**

147. **3. Does your Department offer training to transportation providers regarding disability awareness and how to ensure access and safety to riders with disabilities (including the use of tie-downs)?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

148. **3a. If yes, please describe the training.**

149. **3b. If yes, please describe how often this training is offered, tracked and recorded.**

150. **3c. If no, is there another Department within the Authority that offers this training?**

151. **4. Are service animals allowed on transportation systems?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

152. **5. Have there been any complaints regarding inaccessible transportation services?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

153. **5a. If yes, how were those resolved?**

Public Meetings

154. **1. Does the Department hold or sponsor events that are available to the public? (If yes, please continue with this section; if no, please skip this section.) *Mark only one oval.***

- Yes
- No
- Not sure
- N/A

155. **2. Does the Department have an event planning accessibility checklist to ensure that all public meetings and events are fully accessible?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

156. **2a. If yes, please describe this checklist.**

157. **2b. If yes, is this checklist maintained by the Department or the Authority?**

158. **3. If security checks are required to attend any public function, are security personnel trained in best practices for conducting security checks for persons with disabilities?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

159. **3a. If yes, please describe this training, including how often it is updated and offered, and how attendance is tracked and recorded.**

160. **4. Do all meeting notices contain an announcement that reasonable accommodations are available for persons with disabilities as needed and/or upon request?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

161. **4a. If so, please provide a copy of the text that is included in all notices of public meetings.**

162. **5. Are all persons who administer public meetings trained in how to respond to requests for reasonable accommodations by members of the public?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

163. **5a. If so, please describe what training is provided, including how often it is provided and how attendance is tracked and recorded.**

164. **6. Does the Department take steps to ensure that all meetings are held in buildings and rooms that are fully accessible?**

Mark only one oval.

Yes

No

Not **sure**

Not **consistently**

N/A

165. **6a. If so, please describe how the physical accessibility of public meeting spaces (including: paths of travel; entrances; circulation routes; registration counters or tables; building amenities such as water fountains, restrooms and public telephones; and seating) is evaluated and implemented.**

166. **7. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?**

Mark only one oval.

Yes

No

Not **sure**

Not **consistently**

N/A

167. **8. Are the indoor or outdoor surfaces where persons with disabilities will travel smooth, stable and slip resistant?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

168. **9. Are public meetings held on sites that are accessible by public transportation?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

169. **9a. If no, please explain why not.**

170. **10. Do public meeting notices contain language indicating that service animals are welcome?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

171. 10a. If so, please provide the text of this notification.

172. 11. Are service animal relief areas identified before every public meeting?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

173. 12. Are emergency exits identified before every public meeting?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently

N/A

174. **13. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

175. **14. Do all public meetings have reserved seating for people who use wheelchairs?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

176. **14a. Does this reserved seating also include integrated companion seating?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

177. **15. Are all presenters at public meetings trained on best practices for presenting content to persons with disabilities, eg. reading powerpoints aloud?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

178. **15a. If yes, how are these trainings offered?**

179. **15b. If yes, how often are these trainings offered and how is attendance tracked and recorded?**

180. **16. Are FM Loop systems (Assistive Listening Devices) available for persons who are hard of hearing?**

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

181. 16a. If FM Loop systems are being used, do meeting hosts ensure that all comments made during the meeting go through the PA system?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

182. 16b. If FM Loop systems are used, are all meeting hosts trained on how to operate these?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

183. 17. Are sign language interpreters and/or real-time captioners available for all public meetings?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

184. 17a. If yes, please indicate how these resources are made known and available to the public.

185. 17b. If yes, is there reserved seating at the front of the room for persons needing these accommodations?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

186. 17c. If yes, are sign language interpreters positioned beneath adequate lighting, and close to the speaker?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

187. 17d. If yes, are two sign language interpreters retained for meetings or events lasting more than two hours?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

188. 17e. If yes, are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?

Mark only one oval.

- Yes
- No
- Not sure
- Not consistently
- N/A

189. 18. What processes are in place to ensure that people with disabilities are able to participate in public speaking at all events, e.g. public comment? (please check all that apply):

Check all that apply.

If speaker cards are used, staff is available to assist persons with disabilities, as needed, in completing the cards

Podiums or dais' used for public speaking or public comment are accessible (e.g. lowered podiums, adjustable microphones, etc.)

If public comment time is limited, the time is increased for persons who have speech impairments

190. **19. Do any public events utilize security measures (e.g. magnometers, wands, bag checks)?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

191. **19a. If yes, are Security personnel trained in best practices for conducting security checks of persons with disabilities?**

Mark only one oval.

Yes

No

Not sure

Not consistently

N/A

192. **19b. If training is provided, please describe or provide a copy of that training, including how and how often it is offered, and how attendance is tracked and recorded.**

193. **20. What processes are in place to ensure that exhibits, displays, and other materials offered to the public are fully accessible? (Please check all that apply):**

Check all that apply.

If events include displays, the displays are accessible and on an accessible route

If parts of an exhibit are inaccessible due to technical infeasibility, video with captioning is used to display the exhibit

All brochure racks, holders and literature displays are accessible to people with disabilities, including, e.g. all materials on an accessible route, with appropriate reach ranges and clear oor space

Emergency Procedures

194. **1. Does your Department have procedures in place regarding the evacuation of persons with disabilities?**

Mark only one oval.

Yes

No

Not sure

N/A

195. **1a. If yes, please describe those procedures.**

196. **1b. If yes, how often are relevant Department staff trained on those procedures, and how is this training tracked and recorded?**

197. **1c. If staff are trained on these procedures, how often is this training updated and/or reviewed?**

198. **2. Does your Department utilize Department vehicles for transporting civilians in any instance, including emergency evacuation incidents?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

199. **2a. If yes, are transport vehicles equipped to transport persons with disabilities?**

(Please describe in detail, if applicable).

200. **2b. If yes, are relevant Department staff trained in how to transport persons with disabilities? (Please describe in detail, if applicable).**

Records

201. **1. In what format does your Department maintain records that are available to the public (e.g. hard copy, digital)?**

202. **2. How does your Department ensure that digital records are fully accessible to persons with disabilities?**

203. **3. Does your Department permit members of the public to visit your facility or facilities to physically examine hard copy (printed) records?**

Mark only one oval.

- Yes
- No
- Occasionally
- N/A

204. **3a. If so, how does your Department ensure that public records' examination areas are accessible to persons with disabilities?**

205. **4. Does your Department offer assistance to persons with disabilities with regard to public records services, e.g. filing, requesting documents, reviewing documents?**

Mark only one oval.

- Yes
- No
- Not sure
- Upon request
- N/A

206. **4a. If so, please describe the assistance you offer, including how this assistance is publicized and how the public may make a request for assistance.**

Other

207. **1. Does your Department have an ADA Notice of Compliance posted?**

Mark only one oval.

Yes

No

Not **sure**

N/A

208. **1a. If yes, please describe where this notice is posted.**

209. **2. Does your Department have any policies regarding service and/or emotional support animals for its employees and/or the public?**

Mark only one oval.

Yes

No

Not **sure**

N/A

210. **2a. If yes, please describe.**

211. **3. If your Department offers public services on site, e.g. environmental educational programming, interpretive programming, docent-guided hikes, volunteer events, etc., please describe how your Department ensures that these services are fully accessible.**

212. **4. Does your Department offer transportation services to Board or Committee members, volunteers or docents, program participants, visitors, and/or others who participate in your programs?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

213. **4a. If yes, please describe how the Department ensures that these services are fully accessible to persons with disabilities, including visual, hearing, mobility, cognitive, or other disabilities.**

214. **5. Does your Department have electronic informational kiosks?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

215. **5a. If yes, are they accessible to persons with disabilities?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

216. **6. Does your Department offer printed informational brochures to the public?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

217. **6a. If yes, are these offered in large print formats?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

218. **6b. If yes, are these brochures offered in accessible locations (e.g. with adequate clear floor space and within reach ranges for persons who use mobility devices)?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

219. **7. Does your Department issue any warnings, penalties and/or citations?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

220. **7a. If yes, how do you ensure that people with disabilities are able to access the information included on these documents (e.g. persons who may be blind or visually impaired)?**

221. **8. Is your Department involved in automation initiatives (e.g. web and mobile applications) that interface with the public?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

222. **8a. If yes, how do you ensure that these are fully accessible to persons with disabilities?**

223. **9. How does your Department receive complaints of lack of accessibility or requests for reasonable accommodation from the public?**

224. **10. Has your Department received any complaints regarding a failure to reasonably accommodate or lack of accessibility?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

225. **10a. If yes, please describe how these were resolved.**

226. **11. Does your Department have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

227. **11a. If yes, when was it last updated?**

228. **12. Based on all of the above, are there areas where you feel training of Department staff would be beneficial?**

Mark only one oval.

- Yes
- No
- Not sure
- N/A

229. **12a. If yes, please list the areas of training you think may be useful.**

Appendix E: Glossary of Terms and Basic information

The following glossary of terms is designed to give a basic overview of common elements of access within the Americans with Disabilities Act, Title II, and California State law. For more specific information concerning the terms described below please review 28 CFR 35 and the California Government Code 12926.

Definition of Disability:

Under California State law, Government Code Section 12926, a person with a disability is: 1) A person having a physical or mental impairment that limits a major life activity. This limitation must be considered in the unmitigated status. This means that the determination of whether the limitation exists would be considered in terms of how the individual would function without the use of medication, personal devices or habits that have been formed to mitigate the disability. 2). or, A person who has a record of a disability, such as described in number one. 3). or, A person who is regarded as having a disability, such as described in number one.

Note: This is an abridged definition of disability under California State law. For further information, please see California Government Code 12926. The California definition of disability is being used, as it is more stringent than the definition found under the Americans with Disabilities Act of 1990 or the Americans with Disabilities Amendments Act of 2008.

Qualified Person with a Disability

A qualified person with a disability has a disability as described above and is qualified to receive the programs, services or activities of the entity in question.

Self-Evaluation

A comprehensive evaluation of all programs, services and activities to ensure that access for qualified persons with disabilities is in place. The Self-Evaluation must be vetted with interested stakeholders. The Self-Evaluation was due in 1993.

Transition Plan

A physical access evaluation of all sites from which programs, services and activities are provided. The Transition Plan contains four parts: 1. A list of physical barriers; 2. A statement of method to be utilized for mitigation of barriers; 3. A statement regarding the schedule of barrier mitigation; and 4. The designation of an official who is responsible for the administration of the Transition Plan. The Transition Plan was due in 1992. The Transition Plan must be vetted with interested stakeholders.

Note: The intent was to create access within facilities that were online in 1992 and that new construction or remodels would be accessible.

Program Access

A designated alternative manner in providing programs, services and activities in order to ensure that appropriate access is in place. For example, accessible meeting space may be secured on the ground floor of the building to hold meetings with people who have mobility impairments, who are not able to go to the second floor because of the absence of an elevator.

ADA Grievance Procedure

A grievance process that is published and capable of addressing issues that may arise from access policies that impact the delivery of programs, services and activities. The grievance procedure must be widely disseminated, offer a second level review, notify the grievant of the outcome, state the ADA Coordinator's name and contact information and offer assistance to a person with a disability who may not be able to complete the grievance document independently due to their disability.

Notice of ADA Compliance

Notice of ADA Compliance is a widely disseminated notice that provides information concerning the elements of ADA compliance that the entity has in place. It is recommended that the Notice of ADA compliance be accompanied by a dissemination plan.

ADA Coordinator

This position is required for state and local government entities that have 50 or more employees. Initially, the position was envisioned to coordinate the grievance process. The national trend is that this position is now used to coordinate a variety of matters relative to ADA implementation and administration. Caution must be exercised concerning an appropriate separation of duties. It is inappropriate to have the ADA Coordinator engaged in both providing reasonable accommodations through the interactive process and investigating issues concerning the accommodations that have been provided or denied.

Direct Threat

Direct threat is a significant risk of substantial harm that cannot be mitigated through policy modification or reasonable accommodation. The danger must be real and not speculative or remote.

Policy Modification Request and Fundamental Alteration

A qualified person with a disability may request that an entity modify its policies to create an appropriate level of access. A system must be in place for entertaining these requests and determining whether said request would result in a fundamental alteration of the programs, services and activities impacted. Should there be an inability to grant the initial request, other measures must be considered if available, to address the access issue in question. Should it be determined that the request results in the fundamental alteration, a senior official should expeditiously sign off on the determination.

Auxiliary Aids and Services

These are measures provided to ensure that appropriate access to programs and services and activities is in place upon request. Auxiliary aids and services include, but are not limited to providing documents in an alternative format such as Braille, providing sign language interpreting services, note takers, real-time captioning services or assistive listening devices.

Video Remote Interpreting (VRI)

VRI is permitted in the 2010 Title II ADA regulations. It provides a system in which sign language interpreting can be conducted via video with the interpreter offsite. Caution needs to be exercised to ensure that the technical quality of the system is sufficient to appropriately transmit the information being communicated.

California Relay Service

The California Relay Service was created by ADA, Title IV. It is a free service to facilitate effective telephone communication between persons who are Deaf and Hard of Hearing and persons who are hearing. This is done via a relay operator who uses both a teletype device and a telephone. The California Relay service may be reached at 711. **Note:** Some entities have chosen to include "California Relay Service 711" on business cards and letterheads to facilitate communication.

Reasonable Accommodation

Reasonable accommodation technically refers to the employment relationship. It is an adjustment that provides the employee or applicant an opportunity to participate in: the performance of essential functions of the job, the selection process or to receive benefits and privileges offered to other employees in the work situation. Reasonable accommodation solutions often vary widely. Accommodation requests must be handled through an "interactive process".

Interactive Process:

The interactive process is required in the state law and federal case law, yet neither defines it clearly. Problems have occurred when disputes have arisen and the employer has not clearly documented the interactive process. For that reason, the following steps are recommended:

1. The employer becomes aware that there is a disability that impacts elements of the employment relationship.
2. The employer and employee/applicant meet to discuss the barrier in question and potential resolutions. In this stage needed data is gathered from medical providers, consultants or the Jobs Accommodation Network.
3. After giving primary consideration to what the employee/applicant is requesting, the employer makes a prompt decision regarding what effective accommodation will be provided. Or, if the accommodation in question would result in an undue hardship the employer is not obligated to provide said accommodation.
4. The employer promptly implements the reasonable accommodation.

5. The employer initiates follow-up discussions with the recipient of reasonable accommodation to ensure that the accommodation was, in fact, effective.

Note: The reasonable accommodation process is ongoing and may need to be revisited at any point in the employment relationship, as disabilities and technology may change.

Medical Inquiry

Medical inquiry is the acquisition of pertinent medical information to determine whether a bona fide legal disability exists and what limitations it may present that necessitates a reasonable accommodation. Medical inquiry should be limited in scope. Data related to genetic characteristics should not be solicited, obtained or retained. Medical information may not be lawfully stored in an employee's personnel file.

Undue Hardship

An undue hardship would be the provision of a reasonable accommodation that is extensive, disruptive, fundamentally alters the nature of the program or is unduly expensive. It is important to note that the expense issue is extremely difficult for a state or local government entity to use as a defense. In doing so, one would need to consider the total budget of the entity in question.

Service Animal

A service animal is a dog or miniature horse that has specifically been trained to perform tasks for a person with a disability that they are not able to perform for themselves due to their disability.

Note: This is a subject that generates the highest number of complaints received by the US Department of Justice.

Maintenance of Accessible Features Policy

This relates to the requirement set by 28 CFR 35.133 in which an entity must maintain accessible features. Policy and procedure in this area is designed to give staff guidance unifying, repairing or reporting issues within access elements on sites where programs, services and activities are conducted.