

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> AMERICANS WITH DISABILITIES ACT	<u>Regulation No:</u> 1.4	<u>Effective Date:</u> July 23, 2010
Supersedes: September 1, 2003		

I. PURPOSE

The Americans with Disabilities Act (ADA) bars discrimination against qualified individuals with disabilities in employment, public services, public accommodations, telecommunications, and public and private transportation. The ADA was signed into law on July 26, 1990.

This regulation contains the Town's policies regarding the provision of reasonable accommodation to employees who have or develop disabilities and to applicants for employment. In addition, it provides the required accessibility announcements and accommodations for all mailings, programs, publications, meetings and events. Finally, this Administrative Regulation contains the ADA grievance procedure for use by employees and members of the public.

II. AUTHORIZATION

On September 30, 1992, a resolution was adopted by the Vienna Town Council affirming its commitment to the goals and objectives of the Americans with Disabilities Act. As part of the action, it ratified a grievance procedure to guarantee prompt and equitable resolution of any complaints alleging any action prohibited by ADA. Said resolution and the related procedure are attached as an appendix to this regulation. Town employees shall file all grievances under procedures outlined in Administrative Regulation 2.18.

III. APPLICABILITY

All Town departments, functions, activities and offices must comply with the ADA. Elected and appointed officials are also covered by this federal law.

IV. ADA COMPLIANCE OFFICER

The Public Works Director has been designated as the Town's Compliance Officer. The name, address, and telephone number of this employee shall be forwarded to all interested individuals, parties and organizations and included, where appropriate, in Town publications and documents.

V. DEFINITIONS

A. DISABILITY

The term "disability" means a physical or mental impairment, whether permanent or temporary, that substantially limits one or more major life activities.

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"Physical or mental impairment" means (1) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

B. PERSON

The term "disabled person" means any person who (1) has a disability; (2) has a record of a disability; or (3) is regarded as having a disability.

"Has a record of disability" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having a disability" means (1) has a physical or mental impairment that does not substantially limit a major life activity, but is treated by others as constituting such a limitation; (2) has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment; or (3) has no physical or mental impairment, but is treated by others as having such an impairment.

C. QUALIFIED DISABLED PERSON

The term "qualified disabled person" means a disabled person who, with or without reasonable accommodation, can perform the essential functions of the employment position that such person holds or desires. The term does not include any applicant or employee who is currently engaging in the illegal use of drugs, or whose alcoholism or drug abuse results in unsatisfactory job performance or behavior.

D. UNDUE HARDSHIP

The term "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;

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- (2) the nature and extent of the impact which the accommodation would have on the conduct of the Town's programs and operations;
- (3) the nature and size of the facility or work place where the disabled person's employment occurs, and the nature and extent of the impact which the accommodation would have on the facility or work place;
- (4) the probability that the accommodation may, nor or in the future, be used by other employees; and
- (5) the effect of the accommodation on the safety and health of the disabled person, other Town employees and members of the public.

All final decisions regarding reasonable accommodation and undue hardship rest with the Town Manager.

VI. GUIDELINES FOR REASONABLE ACCOMMODATION IN EMPLOYMENT

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

A. PRIMARY CONSIDERATION

Primary consideration means that when an auxiliary aid or service is required, the Town must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. This means the Town must honor the choice unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the job, work environment, program, service or activity or in undue financial and administrative burdens.

B. REASONABLE ACCOMMODATIONS

Reasonable accommodations may include, but are not limited to, the following:

- (1) modifying work sites; e.g., to provide wheelchair access;
- (2) modifying equipment or installing telephone amplifying devices;

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- (3) providing equipment, such as braille writers, talking calculators, telecommunications devices for the deaf and special computer equipment;
- (4) adjusting work schedules to facilitate medical treatment;
- (5) restructuring jobs so that qualified disabled persons can perform their essential functions;
- (6) temporary or permanent reassignment to another position for which a disabled employee is qualified;
- (7) providing flexible leave options or flex-time work schedules;
- (8) providing program assistants, readers and interpreters;
- (9) permitting the presence of supportive job coaches or similar personnel;
- (10) job simplification and truncation of responsibilities;
- (11) job sharing or splitting; and
- (12) granting employee annual, sick, advance sick, or extraordinary leave.

Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process, and to enjoy benefits and privileges of employment equal to those available to other employees.

C. DOCUMENTATION

To determine whether and what kind of accommodation may be reasonable, management may require applicants or employees claiming to be disabled and in need of reasonable accommodation to provide medical or other documentation showing:

- (1) the existence and nature of the disability;
- (2) the appropriateness of any accommodation proposed by the applicant, employee, or management; and
- (3) a medical opinion as to when an applicant or employee suffering from a temporary disability

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VII. GUIDELINES FOR REASONABLE ACCOMMODATION IN PROGRAMS, SERVICES AND ACTIVITIES.

Reasonable accommodation is any change or adjustment to a program, service and/or activity that permits a qualified individual with a disability to participate or to enjoy the benefits and privileges of participation equal to those enjoyed by those persons without disabilities.

A. Primary consideration must be given to individuals with disabilities to request the auxiliary aids and services of their choice. The Town must honor the primary choice unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the program, service, or activity or in undue financial and administrative burdens.

B. Reasonable accommodations are adaptations to a program, facility or work place that allow an individual with a disability to participate in the program or service. Accommodations may also consist of changes in policies, practices or services and the use of auxiliary aids. Reasonable accommodation means providing programs, services and activities in integrated settings, accessible locations, and alternative formats, which might include providing sign language interpreters, large print documents, tapes, etc. Auxiliary aids may include, but are not limited to, the following:

- (1) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) acquisition or modification of equipment or devices; and
- (4) other similar services and actions.

Each Department Head is responsible for evaluating what options exist for the provision of a reasonable accommodation for its programs, services and activities. The ADA Compliance Officer may be contacted to provide research assistance on possible options.

C. DOCUMENTATION

To determine whether or what kind of accommodation may be reasonable, the Department Head may require individuals claiming to be disabled and in need of reasonable accommodation to provide medical or other documentation showing:

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- (1) the existence and nature of the disability; and
- (2) the accommodation proposed by the individual.

The Town Manager is responsible for determining with finality whether the Town can provide a reasonable accommodation for a program, service and/or activity without undue hardship.

VIII. CONTRACTS AND AGREEMENTS

All contracts and agreements entered into by the Town of Vienna which will result in the delivery of services, programs and activities for the public must be delivered without discrimination on the basis of disability in a manner consistent with the ADA.

Department Heads shall include such language in all Requests for Proposals and in all final contracts and agreements.

IX. GRIEVANCE PROCEDURE

The Vienna Town Council adopted on September 30, 1992, a grievance procedure for the equitable and prompt resolution of any complaints against the Town under ADA.

A copy of the grievance procedure is attached to this Regulation.

X. ACCOMMODATIONS

A. PUBLICATIONS

All written material (publications, brochures, newsletters and mailings) from any Town department or office to the public must feature a prominently placed announcement indicating the availability of the material in large print format or on audio cassette. A TTY number must be included in addition to the voice telephone number.

All Department Heads should include the applicable TTY number on business cards, stationery, etc.

All regularly published documents (Town's Newsletter, Dateline Vienna, Annual Reports, Schedules, Calendar, program applications, etc.), printed materials with a long shelf life (brochures, booklets, reports, etc.), employment related documents and documents containing policy statements must also include the following:

POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY

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The Town of Vienna does not discriminate on the basis of disability in the administration or access to, or treatment or employment in, its programs or activities. Public Works Director, 127 Center Street, South, Vienna VA 22180 or (703) 255-6386 (voice) or 711 TTY has been designated to coordinate compliance with non-discrimination requirements.

B. MEETINGS, PROGRAMS AND EVENTS

All meeting notices, agendas, and program and event notices should include an announcement that they are accessible and can be signed for the deaf, upon request. The sponsoring department's voice telephone number and TTY number must be included.

Example:

The Town of Vienna is committed to full compliance with the Americans with Disabilities Act standards. Translation services, assistance or accommodation requests from persons with disabilities

are to be requested at least XX working days before the day of the event.

Call 255-6386, TTY 711

The number of advance notice days will vary from notice to notice, but may never exceed ten (10) days.

C. TTY SERVICES FOR THE HEARING IMPAIRED

1. At the Town Hall and Community Center, communication with hearing impaired customers is available through the Virginia Relay System at 711.
2. At the Police Department, communications with hearing impaired customers is available by dialing 703-255-5730.

In addition, departments may use the Virginia Relay System to communicate with persons with impaired speech or hearing in the following manners: 711 – within the State of Virginia 800-828-1140 (voice); 800-828-1120 (TTD).

D. SIGN AND INTERPRETING SERVICES

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For individuals requesting sign and interpreting services, the Town has created a list of vendors who provide accommodation resources. When scheduling an interpreter, the following information must be provided.

- (1) date, time, location and length of event;
- (2) type of event to be interpreted;
- (3) number of participants;
- (4) number of hearing impaired participants and their roles;
- (5) skills the interpreter will need:
Expressive: Ability to interpret into American Sign Language and Signed English;
or
Signed to Voice: Ability to comprehend Sign Language and interpret into spoken English; or
Oral: Ability to paraphrase a speaker's presentation to words and phrases more easily understood on the lips.

All vendors require that two interpreters be scheduled for complex assignments or for those lasting longer than two hours. This is necessary so that the interpreters can sign alternately. For situations requiring specialized expertise, e.g., legal knowledge, request a certified interpreter who is familiar with the terminology. At the conclusion of this regulation, a roster of sources is attached.

In addition to basic charges, there are fees for short notice requests, cancellations, evening meetings and other situations. Before finalizing arrangements, discuss compensation with the vendor. Provide as much advance notice as possible to the provider and cancel service not needed in a timely fashion.

E. ALTERNATIVES FOR WRITTEN MATERIALS

Persons requesting written material in large print can be easily accommodated by enlarging the print size used within a word processed document or using the enlarger feature in the copying machine.

Other options include:

Written documents translated into Braille:

Volunteers for the Visually Handicapped
8720 Georgia Avenue
Silver Spring, MD
(301)589-0894
(Can also record a document on audio tape.)

Columbia Lighthouse for the Blind
1421 P Street, NW
Washington, DC 20005
(202)462-2900

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Written documents translated to tape:

Potomac Talking Book Services
4940 Hampden Lane, Suite 300
Bethesda, MD 20814
(301)907-3822

Costs for all accommodations are considered part of the normal cost of conducting Town business. As such, all departments are responsible for all charges associated with ADA compliance. Extraordinary costs may be funded from other sources should conditions warrant.

XI. EMPLOYMENT-RELATED RESPONSIBILITIES

A. Employment applicants are responsible for:

- (1) reporting in writing to the Town's Public Works Director's office any request for reasonable accommodation, including requests for reasonable accommodation in pre-employment testing. The attached "Reasonable Accommodation Request Form" (RARF) must be returned if Applicant is selected for testing.
- (2) providing the Town with the information it needs to decide whether any accommodation is required and, if so, the nature of the accommodation; and
- (3) offering the hiring supervisor suggestions regarding potential accommodations.

B. Employees (or advocates for employees whose disabilities prevent compliance with this section) are responsible for:

- (1) reporting in writing to the Town's ADA Compliance Officer's office and to their immediate supervisors any request for reasonable accommodation;
- (2) providing the Town with the information it needs to decide whether any accommodation is required and, if so, the nature of the accommodation; and
- (3) offering their immediate supervisors suggestions regarding potential accommodations.

C. Supervisors are responsible for:

- (1) evaluating the work situation to identify reasonable accommodations for qualified

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disabled persons who are job applicants and employees;

- (2) obtaining information that is needed to evaluate potential accommodations for a qualified disabled employee;
- (3) informing qualified disabled employees of the Town's efforts to provide reasonable accommodations; and
- (4) informing their Department Heads if they believe they are unable to provide reasonable accommodations because of undue hardship.

In addition, supervisors with hiring responsibilities are responsible for:

- (5) ensuring that pre-employment inquiries of a job applicant relate solely to the ability of the applicant to perform job-related functions and not to whether the applicant is an individual with a disability or to the nature and severity of such disability;
- (6) obtaining information that is needed to evaluate potential accommodations for a qualified disabled applicant who has been selected for a position, and for no other purpose; and
- (7) informing qualified disabled applicants of the Town's efforts to provide reasonable accommodations.

D. Department Heads are responsible for:

- (1) consulting with subordinate supervisors who believe they are unable to provide reasonable accommodations because of undue hardship;
- (2) determining whether a qualified disabled employee who cannot be accommodated in one position without undue hardship can be reasonably accommodated in another position within the same department;
- (3) requesting additional funds, if needed, to provide reasonable accommodations to qualified disabled applicants and employees;
- (4) informing the Project Engineer in writing if they believe they are unable to provide reasonable accommodations because of undue hardship, with all necessary explanations.

E. The ADA Compliance Officer is responsible for:

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- (1) determining whether efforts to accommodate a qualified disabled applicant who is selected for a particular position have exhausted all reasonable possibilities for that position;
- (2) determining whether efforts to accommodate a qualified disabled employee at the department level have exhausted all reasonable possibilities within that department and, if so, consulting with other Department heads to determine whether the employee can be reasonably accommodated in a vacant position for which the employee is qualified in another department; and

F. The Town Manager is responsible for:

- (1) determining with finality whether the Town can provide reasonable accommodations without undue hardship.

XII. APPLICABLE DOCUMENTS

ADA Action Request Form (AS 1.4-1)
Request for Reasonable Accommodation Form (AS 1.4-2)

<i>Signature of Town Manager:</i>	<i>Date:</i>
	July 23, 2010

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ACTION REQUEST FORM**

PREVIOUS CONTACT

Please describe any attempts you have made to resolve this problem. List the name(s) of any Employee(s) or Department(s) and any known date(s) of your previous communication(s) with the Town in regard to this matter.

DESCRIBE YOUR ACCOMODATION REQUEST

Please be as specific as possible.

Signature:

Date:

Received Public Works Director's Office by:

Date:

**TOWN OF VIENNA, VIRGINIA
 APPLICANT REQUEST FOR REASONABLE ACCOMMODATION**

If you are selected for employment testing or an interview, complete this form & return it to the Public Works Director's Office a least five days prior to the interview or test.	
Name:	Social Security Number:
Position:	Daytime Phone Number:()
<p>I am an applicant for the above position and may require reasonable accommodation in the <input type="checkbox"/> Interview <input type="checkbox"/> Testing Process <input type="checkbox"/> Both I hereby request that the Director of Public Works contact me concerning the reasonable accommodation and authorize the Town of Vienna to verify this request.</p>	
Signature:	Date:

In detail, please describe the accommodation you may need:

Please provide the name of a doctor, agency official or other individual who may be contacted to provide additional information.	
Name:	Title:
Agency:	Telephone Number:()
Address:	City, State, Zip:

For Use by the Town of Vienna Only	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Withdrawn <input type="checkbox"/> Not Needed	
Comments:	
By:	Date: