



Section 504 Rehabilitation Act of 1973 and
Americans with Disabilities Act (ADA)
Accessibility Policy

City of Pasadena
1149 Ellsworth Drive
Pasadena, TX 77506

1.0 Executive Summary

1.1 Introduction

The Americans Disabilities Act was passed in 1990 as a step towards the disestablishment of discrimination against individuals with disabilities. ADA Title II requires communities to establish self-evaluations and/or transition plans, as determined by community employee size, for updating public facilities. Title II covers programs, activities, and services of government entities with a specific focus on protecting citizens from discrimination on the basis of disability. The goal of this act is to afford every individual the opportunity to benefit from businesses and services and to afford businesses and services the opportunity to benefit from the patronage of all Americans.

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Section 504 forbids organizations from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.

This Statement of Policy will outline the strategies in which the City of Pasadena “the City” will conform to compliance to the requirements of the Americans with Disabilities Act and Section 504. The ADA/Sec 504 Policy is significant in that it establishes the City’s ongoing commitment to the development and maintenance of policies, programs and facilities to include all residents.

1.2 Federal Accessibility Requirements

The development of a transition plan is a requirement of the Federal Regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which became known as the “civil rights act” of persons with disabilities, states:

No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act of 1973, Congress passed the Americans with Disabilities Act on July 26, 1990 (the “ADA”). Title II of the ADA prohibits disability discrimination by all public entities. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the

Rehabilitation Act. The legislative mandate, therefore, prohibits the City from, either directly or through contractual arrangements:

- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- Select facility locations that have the effect of excluding or discriminating against persons with disabilities

The City is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the ADA Access Guidelines of 2012 (ADAAG) that apply to facilities and other physical holdings.

Details of the Americans with Disabilities Act of 1990 can be found on the ADA website:

<https://www.ada.gov/>

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;
- Development of an ADA grievance procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. Modification records must be retained for a period of three years.

1.3 State of Texas Accessibility Requirements

In addition to complying with ADA requirements, the City will also comply with the Texas Accessibility Standards, Elimination of Architectural Barriers as contained in Texas Government Code, Chapter 469. Details can be found on their website:

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.469.htm>.

1.4 Declarations

Compliance with the American with Disabilities Act (ADA)

In accordance with the requirements of Title II of the ADA, the City will not discriminate against qualified individuals with disabilities on the basis of disabilities in its services, programs or activities.

Website Accessibility

The City is committed to information and service accessibility. Understanding that government has a responsibility to provide services to all, the City will continue making reasonable accommodations on its website for users with disabilities by applying appropriate standards, techniques and technologies as they become available and affordable.

If you need assistance finding information on this website, contact the City's Webmaster.

Employment

The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations circulated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication

The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures

The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City should contact the office of the City's Compliance Officer as soon as possible but no later than 48 hours before the scheduled event. The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City is not accessible to persons with disabilities should be directed to the City's Compliance Officer. The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids, services or reasonable modifications of policy.

Surcharge and Fees

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services to accommodate access to or participation in programs or services.

Undue Burden

ADA does not require the City to undertake any action that would represent undue financial and administrative burden. The determination is to be made by the ADA Coordinator/City Compliance Officer and must be accompanied by a statement citing the reasons for reaching that conclusion. The determination that undue burden would result must be based on an evaluation of all resources available for use in the programs.

2.0 Compliance with ADA Title II Requirements

This section makes reference to various parts of the Code of Federal Regulations (CFR), section 35 as it pertains to ADA requirements that the City must comply with or address as part of the transition plan. The details can be found on the ADA website:

<https://www.ada.gov/reg2.html>

2.1 Notification

Applicants, participants, beneficiaries, and other interested persons have been notified of their rights and City's obligations under Title II of the ADA as required by 28 CFR 35.106. This notification appears on the City's internet home page under Government/Compliance/Accessibility as well as the Employment Opportunity page at <https://www.pasadenatx.gov>

2.2 Designation of Responsible Employee

The City has designated a responsible employee to coordinate its effort to comply with and carry out the City's ADA responsibilities in accordance with 28 CFR 35.107(a). The ADA coordinator has been designated to oversee compliance with non-discrimination requirements and can be contacted at:

Michelle N. Wilson
ADA Coordinator/Compliance Officer
City of Pasadena
1149 Ellsworth Drive

Pasadena, TX 77506
713-475-7290
mwilson@pasadenatx.gov

2.3 Self-Evaluation and Transition Plan

Title II of the ADA requires that the City conduct a self-evaluation of its services, policies, and practices and makes modifications as necessary to comply with 28 CFR ss 35.105. A self-evaluation is an assessment of the City's current policies and practices and identifies and corrects those policies and practices that are inconsistent with Title II requirements. Title II also requires the City to implement a transition plan. The purpose of the ADA Transition plan is to continue the process of identifying any barriers to accessibility that might be present, provide a schedule that indicates projected time for resolution and the department responsible for implementation.

The City has begun the self-evaluation process and will continue the process through periodic reviews of policies, procedures and facilities to determine compliance with federal requirements as necessary. The Transition Plan will be updated with results of the self-evaluation and is considered a living document that will be updated periodically to reflect the ongoing assessment and resolution/response to reviews conducted by the City. Updates will be provided as amendments to the Plan, inclusion of additional annexes, and/or updates to the City's website <https://www.pasadenatx.gov>

Staff will utilize a variety of criteria for prioritizing the removal of physical barriers. These criteria may include but not be limited to the following:

- Quantity and frequency of public use
- Critical nature of the programs offered at the facility (government offices, medical facilities, school zones, downtown core areas, residential areas, and etc.)
- Public feedback obtained through public input and the grievance process
- Availability of funding
- Planning of future construction activity – Capital Improvement Plan

2.4 Action Taken to Improve Access

The City of Pasadena is a City in Motion and moving forward in developing and updating our communities. The City has taken an approach to update its facilities and improve upon parks and other locations to improve the functionality of the City and quality of life for its constituents. As new City facilities have been constructed and existing buildings renovated, the City has complied with State of Texas design requirements through review by the Texas Department of Licensing and Regulation (TDLR) / Chapter 469 of the Texas Government Code. The City has also enhanced

pedestrian access via street and sidewalk related capital improvement projects including construction and/or reconstruction of sidewalks, curb ramps, drive approaches, curbs and necessary retaining walls at various locations throughout the City to comply with the ADA; developer construction of subdivision infrastructure in the right-of-way including sidewalks and curb ramps; and adjacent to developer infill projects right-of-way infrastructure such as sidewalks and curb ramps. The City with developers will continue these improvements to meet its overall accessibility goals.

2.5 Establishment of a Grievance Procedure

The City has established a grievance procedure for resolving complaints of violations in accordance with 28 CFR 35.107(b). See section 3.0 below.

2.6 Emergency Management

The City of Pasadena maintains and facilitates an all-hazard Emergency Management Plan as required by Local, State and Federal statutes and laws. During all emergency planning (Mitigation, Preparedness, Response and Recovery), the City is committed to be in compliance with the ADA requirements as outlined in Chapter 7 under Title II (<https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>) of the ADA. The Office of Emergency Management ensures that all parties with responsibilities under the Emergency Management Plan and related annexes are aware of ADA requirements and that all programs and third-party agreements are also in compliance with ADA.

3.0 Grievance Procedure

3.1 Purpose

This grievance procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination by the City on the basis of disability in the provision of services, activities, programs, or benefits. The purposes for which the ADA Grievance form can be used include, but are not limited to, complaints about the accessibility of City facilities, sidewalks, curb ramps, parking lots or programs.

Employees of the City who are seeking accommodations related to their employment or who wish to report workplace discrimination on the basis of disability should contact the City's Compliance Officer at (713) 475-7290 or the Human Resources Department at (713) 475-5523.

3.2 Procedure

Complaints regarding public accessibility under the ADA can be submitted on the ADA Grievance form. If you choose not to use the form, your complaint should contain information about the alleged discrimination including your name, address, phone number, location, date, and description of the problem. While complaints should generally be submitted in writing, alternative means of filing complaints, such as personal interviews or acceptance of tape-recorded complaints will be accommodated. The City will, upon request, provide interpreters for those who do not speak English or who communicate via American Sign Language.

The ADA Grievance form or alternate compliant documentation should be submitted as soon as possible after the alleged violation was discovered. Send complaints to one of the following:

Report Online:

mwilson@pasadenatx.gov

Report by mail:

Michelle N. Wilson
Compliance Officer
1149 Ellsworth Drive
Pasadena, Texas 77506

The City's Compliance Officer or designee will contact the complainant to set a time to meet and discuss the complaint. Upon review of information provided, the Compliance Officer or designee will respond in writing or where appropriate, in a format more accessible to the complainant. The response will update the complainant on the status of the complaint, offer options for substantive resolution of the complaint if possible, or provide an estimate on when that information will be provided.

If the response by the Compliance Officer does not resolve the issue to the satisfaction of the complainant, they may request that the Compliance Officer escalate the matter to the appropriate department director(s). The department director(s) or designee(s) will respond in writing or where appropriate, in a format more accessible to the complainant.

If the response by the department director(s) or designee(s) does not satisfactorily resolve the issue, then the complainant may request that the Compliance Officer escalate the matter to the Mayor. After review of all information, the Mayor or designee will respond to the complainant in writing or where appropriate, in a format more accessible to the complainant with a final determination on the issue.

All written complaints received by the Compliance Officer, appeals to department directors and the Mayor, and responses from these persons or their designees will be retained by the City of Pasadena for at least three (3) years.

4.0 Conclusion

Services and programs offered by the City to the public must be accessible for all citizens and reasonable accommodations must be made for those with disabilities. The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues through self-evaluation, resolution of complaints, and by making reasonable modifications to programs.

The City has made progress towards improving accessibility as seen by the following actions:

- Designation of an ADA coordinator;
- Implementation of a grievance procedure;
- Conducting an ongoing self-assessment to identify issues needing to be resolved;
- Complying with Federal and State requirements as facilities are modified and constructed;
- Planning future improvements through the capital improvement program.

It is imperative that the City partner with the community to work together to identify and resolve accessibility issues. In addition to the grievance process, feedback will be obtained from the community by publishing this document on the City's website. Upon receiving public input, if necessary, City staff will update the plan and present an updated Plan the City Council for its review and approval. Upon approval, staff will make the updated Plan available to the public. Periodic updates will be made to the Plan going forward.



ADA Grievance Form

Title II of the Americans with Disabilities Act Section 504 of the Rehabilitation Act of 1973

Instructions: Please complete this form in its entirety. Failure to provide all requested information may cause delay in response. Please mail this form to:

Michelle Wilson, Compliance Officer - City of Pasadena,
1149 Ellsworth Drive
Pasadena, Texas, 77506,

or email it to mwilson@pasadenatx.gov

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Location of issue giving rise to grievance (please provide an address if possible):

Time/date of issue giving rise to grievance (if applicable): _____

Please provide information that will help us better understand your concern:

Please attach additional pages as needed.

Signature: _____ Date: _____

Office Use Only

Date Received: _____ Received By: _____

Reviewer Name: _____ Title: _____