AMERICANS WITH DISABILITY ACT (ADA)

TRANSITION PLAN

2015

THE ADA TRANSITION PLAN OVERVIEW

The American with Disabilities Act Transition Plan is the City of Columbia commitment to providing equal access to all of its public programs, services, facilities, and activities for citizens with disabilities. To develop this plan, the City of Columbia has undertaken a comprehensive evaluation of its facilities and programs to determine what types of access barriers exist for individuals with disabilities. This plan replaces previous self-evaluation and transition plans developed by the City and its departments, and will be used to guide future planning and implementation of necessary accessibility improvements.

The American with Disabilities Act (ADA) of 1990 is a Federal Civil Rights Legislation, which mandates non-discrimination to persons with disabilities. The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, and governmental services and programs, public transportation, and telecommunications.

Title I of the ADA prohibits local governments from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The City of Columbia is currently reviewing and revising the City Policy to include a section specifically to an EEO program. Currently, there is language regarding the City's prohibiting discrimination under Anti-harassment, but we want to better address our EEO program by updating our policy

Title II of the ADA prohibits general discrimination by local governments on the basis of disability contained in Section 504 of the Rehabilitation Act of 1973. It prohibits the City from denying persons with disabilities the equal opportunity to participate in its services, programs, or activities, either directly or indirectly through contractual agreements.

It is important that the City of Columbus as a recipient of federal funding complies with all applicable federal and state laws, including those protecting persons with disabilities under Section 504 of the Rehabilitation Act of 1973.

"No otherwise qualified [disabled] individual in the United States shall, solely by reason of [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."

REQUIRED INFORMATION (IN THE ADA TRANSITION PLAN)

Title II requires that all public entities with 50 or more employees perform a self-evaluation of all programs, services, facilities, and prepare a transition plan, make the transition plan available for three years, publish a notice of non-discrimination, designate an ADA Coordinator, and develop a formal complaint form and grievance procedure.

In order to accomplish this, the City of Columbia is developing a Transition Plan by conducting a self-evaluation of:

- Its facilities to ensure accessibility by person with disabilities;
- Identifying issues of accessibility that need to be addressed;
- Develop a schedule for the improvement of those facilities; and
- Comply with ADA mandated standards for all new construction projects.

Based on the results of the Self-evaluation, an action was created to progressively remove physical barriers to accessibility. The Action Plan is incorporated within this document. The Action Plan will outline the future steps the City of Columbia will take to get the City up to standard. The information developed through the inventory process has to be quantified and presented as a baseline so that progress can be monitored and measured.

The City of Columbia will progressively remove physical barriers to accessibility when facilities and roadways cannot ensure access to persons with special needs. Realizing that infrastructure and structural changes will take time and money to upgrade existing facilities, the City of Columbia's Transition Plan includes provisions to include specifications on upcoming design projects, to comply with ADA requirements; giving priority to population concentrations. Additionally, the City will strive to include annual budgetary allotments to make required improvements that will eventually make the various facilities fully accessible, with emphasis given to the improvements that most impact the ability of persons with disabilities to access facilities or programs. Where access cannot be provided, alternate means to provide the same opportunities to persons with disabilities will be provided.

The ADA regulations further require the Transition Plan to contain the following elements:

1. The name of the official responsible for the plan's implementation;

2. A list of physical barriers in the public entity's facilities that limit accessibility of its programs, services, or activities to individuals with disabilities (the Self-Evaluation);

3. A detail description of the methods to be utilized to remove these barriers and make the facilities accessible;

4. A Schedule for taking the necessary steps to achieve compliance with Title II;

5. A schedule for providing Curb Ramps or other Sloped Areas where pedestrian walkways cross the curb and gutter;

Responsible Official

An ADA Coordinator has been designated by the City of Columbia as the person responsible for the development and implementation of the ADA Transition Plan. The Director of General Services is responsible of the overall implementation of identified facility changes in compliance of the ADA.

The City of Columbia, South Carolina Grievance/Appeal Procedure under the Americans with Disabilities Act

Please complete the ADA Title II Appeal Form if you are a program participant or member of the public dissatisfied with or wish to appeal the ADA Coordinator's response to your initial complaint alleging the City is in violation of Title II of the ADA in regard to a program, service, activity or facility. The decision may be appealed to the City Manager or his designee within 20 calendar days after receipt of the ADA Coordinator's response. An appeal should detail the reasons the grievant believes the findings to be in error.

The City Manager or designated representative may meet with you and/or the City's ADA Coordinator to discuss the matter appealed and attempt to reach an informal resolution of the appeal. Any informal resolution will be documented in the City ADA Coordinator's file. The City

Manager or designated representative will make a final determination within 20 business days from the date of the filing of the appeal for reconsideration.

The resolution of any specific complaint will require consideration and balancing of varying circumstances to include but not limited to: nature of disability, nature of access to services, programs or facilities at issue, health and safety of others, degree to which an accommodation would constitute a fundamental alteration to the program, service or facility, whether the accommodation will present an undue hardship to the City. The resolution by the City of any one complaint does not constitute a precedent by which the City is bound or upon which other complaining parties may rely.

Alternative formats are available. Please contact the ADA Coordinator via mail, email, phone or fax. You may submit your complaint or appeal by phone to the ADA Coordinator.

Use of the City's appeal procedure is not a prerequisite to the pursuit of other remedies. If the appellant is dissatisfied or does not wish to file an appeal through the City's ADA Appeal Procedure, the appellant may file a complaint directly with the US Department of Justice or other appropriate state or federal agency.

If you have questions about the ADA appeal process, please contact: Ward Harriford
Employee Relations Officer/ADA Coordinator, 1401 Main Street, 4th Floor, Columbia SC 29217, Phone: (803) 545-4014, Ward.Harriford@columbiasc.gov.

Title II of the Americans with Disabilities Act

City of Columbia Notification Procedure

Please fill out this form completely. Please note that this ADA notification procedure is for facilities, services and programs owned and/or operated by the City of Columbia.

CITY OF COLUMBIA

AMERICANS WITH DISABILITIES ACT GRIEVANCE FORM

Date: _____

Name of Grievant: _____

Address of Grievant: _____

Telephone Number(s): _____

Name, Address, and Contact Number of Alternate Contact Person: _____

_____

Department/Division alleged to have denied access:

Department: _____

Division: _____

Location: _____

I was denied access on: _____ (date)

Disability Statement:

My Disability is: _____

_____

The problem is: temporary_____ permanent_____

I am seeking access to the following City of Columbia program or activity in which I haven't been able to participate because I need an accommodation: _____

_____

Proposed Access or Accommodation:

The accommodation I seek: _____

_____

Incident or Barrier:

Please describe the particular way in which you believe you have been denied the benefits of any services, program, or activity or have otherwise been subjected to discrimination. Please specify dates, times, and places of incidents, and names and/or positions of City employees involved, if any, as well as names, addresses and telephone numbers of any eyewitnesses to any such incident. Attach additional pages, if necessary. Include a description of the way in which you feel access may be had to the benefits described above, or the way in which accommodation could be provided to allow access.

_____

_____

_____

_____

Fax this form to 803-255-8116 or email mail to: Ward.Harriford@columbiasc.gov. **or mail to:**

Ward Harriford-Employee Relations Officer/ADA Coordinator City Of Columbia

Human Resources Department

1401 Main Street, 4th Floor

Columbia SC 29217

Phone: (803) 545-3009

Physical Barriers - The Complete List / Inventory

The purpose of the self-evaluation for the City of Columbia was to identify all the physical barriers that exist currently in the city in order to create a schedule and priority list for removing the barriers. The second purpose was creating a record of our areas that were compliant. Therefore, if the ADA rules were to change we can be abreast of what areas would become barriers and non-compliant based on new laws.

Prioritization of Physical Barriers

The City of Columbia has the responsibility of identifying barriers and implementing a corrective program. Due to limited funding, the City of Columbia has prioritized upgrading of those existing facilities and street improvements based on the City of Columbia' most utilized and in greatest need of repair and improvements.

Targeted Barrier Removal Projects

The City of Columbia through its Personnel is responsible for the City of Columbia' Transition Plan. With regard to public right-of-ways, the City Of Columbia had no major issues with this assessment. There only a few minor issues reported that required some slight curb and gutter modifications, wheelchair ramp construction and some sidewalk modifications.

Undue Burden and Funding Availability

According to the ADA, the City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator, department head, or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program and activity.

Upon funding availability, the City of Columbia will continue to implement a barrier removal program within the right-of-way and facilities. Accessibility improvements that can be made through general maintenance of City facilities (e.g. signage, clear pathways, relocation of restroom fixtures, etc.), or as part of the regular administrative duties of department staff (e.g. providing documents in alternate forms, training, website improvements, etc.) will typically be

completed first; with larger capital improvements projects being completed when necessary funding is available,

Standards currently implemented by the City of Columbia, when undergoing new or improvement road projects, adhere to those ADA laws and published under the South Carolina Department of Transportation (SCDOT) Standard Drawings for Pedestrian Access Details for Curb Ramps, Median Curb Details, Pedestrian Islands, Driveways and Driveway Aprons, Stairway and Handrail requirements, Accessible Parking, all aided by a Detectable Warning Surface where applicable. The program is based on the inventory conducted by the City of Columbia and it constitutes the Transition Plan of accessibility and upgrades.

Public Notice

This current update will be posted on the City's Website and will also be made available in the Human Resources Department. Key stakeholder groups and general public will be personally invited to review and provide input at two public meetings/ comment sessions. The Public will continue to be able to make comments about the ADA Transition Plan for the next three years.

The City will update the plan and its associated improvement project lists once per year to reflect completed improvement projects, or additions or changes suggested by the public, as appropriate.

The City of Columbia provided for the public, the proposed ADA Transition plan on the City's Website, in the city offices: Clerk and Human Resources. They will also available at the Public Hearings. The hearings will be fully accessible.

PROGRAMS, SERVICES, AND ACTIVITIES SELF-EVALUATION: FINDINGS

In 2013, the City surveyed all its departments to learn how they communicate with the public and what tools and techniques they use to ensure that people with disabilities have equal access to programs, services and activities. Many City departments felt that they currently provided full and equal access to all its services, programs, and activities for people with disabilities. However, the responses to specific questions indicated a need for some improvements.

Overview of Accessibility: There are a number of City Departments that have received ADA training, or encountered interactions with persons with disabilities. City-wide was conducted for all departments in July, 2014. Each department that encountered persons with disabilities was able to fully accommodate the individuals, and provides the services needed. The City of Columbia has made great strides in creating an environment that accessible and friendly to persons with disabilities; as a result the City will conduct: *a yearly training of at least one employee from all departments to ensure each department is fully aware its ADA responsibilities.* The City will also provide all employees with annual reminders about the ADA requirements with links to instructional information, and any information to any changes to the ADA law.

Policy & Procedures

Policy & Procedures

Below are some of the questions that were asked by staff during the assessment:

ALTERNATIVE FORMAT

Question 1:

What happens when people who are blind need materials in Braille?

Response: There is a disclaimer on website. There is a 48 hour request for braille materials. Braille materials are outsourced.

Follow Through: No braille materials were available to view. The only disclaimer that was on the website is located under Departments > Employment, which lists the City of Columbia Notice of Non-Discrimination policy. The policy states that "Qualified individuals who need accessible communication aids or services or other accommodations to participate in programs and activities are invited to make their needs and preferences known to the 504/ADA Coordinator.

ADA TITLE II REQUIREMENTS:

Under Title II of the Americans with Disabilities Act, **all public entities are required to ensure "equally effective communication"** and to provide "auxiliary aids and services" to individuals with cognitive or sensory disabilities. Auxiliary aids and services include such things as assistive listening devices,

sign language interpreters, real time captioners, and alternative (or "accessible") formats – large print, Braille, computer disk, or audio cassette tape. It also includes making "PDF" files and other electronic documents, including emails and websites, accessible to blind persons and others who rely on audible computer screen readers.

RECOMMENDATIONS:

1. Staff training regarding procedure of requesting alternative format.
2. The Notice of Non-Discrimination policy should be listed elsewhere on their website, as only those searching for employment would see this notice. It is recommended to have a link dedicated to accommodations.
3. It is also recommended to change the verbiage on the Non-Discrimination policy to read "Individuals with disabilities who need accessible communication aids or services…"

Question 2:

Are all written materials that are prepared for public distribution available in accessible formats such as large print, Braille, audiotape, and digital formats (i.e., via email or screen-readable format on computer diskette)?

Response: Large print is available upon request. Digital recordings are available if a Freedom of Information Act is filed with the City of Columbia. Freedom of Information Act follow ups will be two weeks after the FOIA request is filed.

Follow Through: A sample large print document was obtained, and is labeled Attachment B. The large print document is satisfactory. Braille documents are addressed in Question 1. The City of Columbia utilizes their website to send notices to the public and none seem to be distributed or posted elsewhere.

RECOMMENDATIONS:

1. The notices (City Council's Agenda & Meeting Minutes) are not accessible via a screen reader on the website. These documents are listed in PDFs. It is recommended that these documents are formatted in an accessible PDF format.
2. A Freedom of Information Act does not need to be requested for all materials. If citizens without disabilities can obtain such documents without a FOIA request, then people with disabilities requesting this information in alternative format should receive this information without a FOIA as well.
3. The ADA Coordinator should be accessible to all citizens, including people who are blind. Therefore, his business cards should be stamped with a Braille embosser which states the ADA Coordinator's name and contact information.

Question 3:

Do you have public meetings with audio amplification, sign language interpreters, or real-time transcription services?

Response: There are headsets available with audio amplification. Sign Language interpreters are available upon request. There are no real-time transcription services.

Follow-Through: The headsets were not available to use, as City Hall is renovating the Council Meeting spaces.

RECOMMENDATION:

1. It is recommended that closed captioning services be provided and/or that guests are aware that the option to view real time captioning services can be made available.
2. To make headsets available.

TTY & ASL INTERPRETERS:

Question 1:

Do you know what a TTY is?

Response: The HR Manager mentioned that TTY is for the hard of hearing.

Question 2: What is your TTY #, and where is it located?

Response: The HR Manager and the Risk Manager were unsure where the TTY was located, and what the number was. Upon further investigation we were told that the TTY number is available via TTY @ 911 and the number given was 803-545-3150.

Follow Through: The Team believes they were thinking of 711 Relay Services. The team called the number given and that number was a telephone line directed to City Court.

ADA TITLE II REQUIREMENTS:

- The public entity has an obligation to develop and adhere to policies for providing effective communication

  This includes:

  1. Public notice;
  2. Effective communication policy; and
  3. Identifying communication issues and employees' responsibilities upon identification of issues.

- Title II requires that public entities provide auxiliary aids and services so that individuals with disabilities can:
  1. Receive services and benefits; and
  2. Participate in the programs and activities provided by the public entity in the same way as individuals without disabilities.

RECOMMENDATIONS:

1. It is highly recommended that the City of Columbia operate their own TTY line in each building, including the ADA Coordinator's office.
2. Create an effective communication policy.
3. Conduct staff training on how to operate the TTY line.

It is recommended that the TTY number be listed on all brochures which list the telephone number for City of

4. Columbia, on the ADA Coordinator's information, as well as on the "Contact us" page on their website.

Question 3:

Who do you call for sign language interpreters?

Response: The SC School for the Deaf & Blind.

Follow-Through: The City's staff believes that their list of interpreters actually may come from SC Association for the Deaf.

RECOMMENDATION:

1. It is recommended that the ADA Coordinator have an up to date list of ASL Interpreters and knowledge about the process of requesting interpreters.

PUBLIC MEETING AGENDA

Question 1:

Is there an ADA Statement on the Public Meeting Agenda?

Response: Yes.

Follow-Through: All agendas are listed online. There was no ADA Statement on any agendas found.

RECOMMENDATION:

1. It is recommended that an ADA Statement is listed on the bottom of all public meeting agendas.

Question 2:

Is the ADA Coordinator's contact info listed in order to request accommodations on Public Meeting Agendas?

Response: No number is listed. Guests should call HR when requesting accommodations.

RECOMMENDATIONS:

1. Contact information for the ADA Coordinator should be listed on all public meeting agendas.

Question 3:

Who is your ADA Coordinator?

Response: Gardner Johnson, who is also the HR Manager.

Question 4:

Do your City notices include an ADA statement?

Response: They are listed on the agendas online.

Follow-Through: After the team reviewed City Council Agendas online, no ADA Statements were found.

RECOMMENDATIONS:

1. It is recommended that an ADA Statement, which includes the ADA Coordinator's contact information, is located at the bottom of all City Council Agendas.

WEBSITE

Question 1:

Is there a place on the website to request reasonable accommodations?

Response: Not sure.

Follow-Through: After the team reviewed the website, they could not easily find a place to request reasonable accommodations. The only mention of accommodations is listed under Departments > Employment as mentioned in Q1 of the Alternative Format section of this document.

RECOMMENDATIONS:

1. It is recommended that a Request for Reasonable Accommodation be made accessible through their website, as well as list the ADA Coordinator's contact information to make a request by phone/email/TTY.

Question 2:

Is there an ADA Statement on the webpage?

Response: There is a Non-Discriminatory policy on the website under Department > Employment.

Follow-Through: This policy is discussed in further detail in Question 1 of the Alternative Format section.

RECOMMENDATIONS:

1. It is recommended that there is a clear ADA statement on the website, and that the ADA Coordinator's contact information is listed.

Question 3:

Can screen readers access the webpage?

Response: They were unsure of the website's accessibility.

Follow-Through: The team went over the website with a screen reader and found that although a screen reader could go over information, it could be more accessible.

RECOMMENDATIONS:

1. There were very few headings labeled as headings on the website. To make the website accessible to screen readers, it is recommended that headings are properly coded as such on the website.
2. PDFs could not open on the website. It is recommended that PDFs are made accessible, or a word format is posted as well.

There are no alternative texts listed on graphics. It is recommended that alternative text be added to all graphic images

CITY-OWNED FACILITIES, PARKS, AND PUBLIC RIGHT OF WAYS SELF-EVALUATION: FINDINGS

The City of Columbia owns and either operates or leases a number of municipal and utility buildings, public streets, parking lots, community centers, parks, trails, sports fields, and lease properties. Some of these properties are not open for public use or do not house public services or programs, but many do.

The City has conducted a variety of site visits, surveys, and inventories of its facilities, sidewalks, curb ramps, and parks starting after the ADA became law in 1992. This is updated information to the original site visits, surveys, and inventories. Today, the majority of the City's public facilities are ADA compliant and it continues to make progress on installing any curb cuts and sidewalks along its roadways as issues are brought to our attention, and providing increased access to its indoor and outdoor parks and recreation facilities. The following is a summary of the currently identified accessibility improvement priorities and needs.

The City Hall Building was assessed in July, 2013 and several areas were noted to need slight modifications and adjustments in order to be fully compliant with the ADA. To date, all of those modifications have been made and completed with the exception of the restrooms as this project will require separate funding and bidding processes. A majority of the modifications centered on signage and the locations thereof.

This assessment was used as a guide for all of our other City owned facilities. There were some adjustments of signage needed as all of the facilities are compliant to ADA accessibility standards.

The Parks and Recreation Department will receive an assessment of its facilities to be conducted by an independent consult in early October, 2015. An assessment was completed for this department some time ago, however, those results are outdated and a more recent assessment is needed.

The City Of Columbia is well on it's way to complete compliant with the ADA in every area. All of the activities contained in this plan will continue to be monitored and adjusted as we proceed.