

## RESOLUTION

### TITLE VI- CIVIL RIGHTS

#### Americans with Disabilities/Section 504 of Rehabilitation Act

The City of Wayne

Resolution No. 2013-54

**Whereas:** Certain transportation facilities (roads, streets, trails, and others) in the City of Wayne have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

**Whereas:** The City of Wayne desires to continue to participate in Federal-Aid transportation construction programs;

**Whereas:** The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

**Whereas:** The City of Wayne as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of the City of Wayne; and

**Whereas:** The City of Wayne understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Wayne being required to repay some or all of the federal funds expended for a project(s).

**Be It Resolved:** The City of Wayne City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of the City of Wayne.

**Be It Further Resolved:** The City of Wayne City Council does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: Building Inspector

PASSED AND APPROVED this 4<sup>th</sup> day of June, 2013.

THE CITY OF WAYNE, NEBRASKA

By   
Mayor

ATTEST:

  
Betty A. McGuire, City Clerk

The City Council of the City of Wayne

Mayor Ken Chamberlain

Councilmembers:

Cale Giese	Nick Muir
Rod Greve	Kaki Ley
Jon Haase	Jennifer Sievers
Jill Brodersen	

Council Member **Kaki Ley**

Moved the adoption of said resolution

Council Member **J Sievers** Seconded the motion

Roll Call: 7 Yes    No    Abstained    Absent **1 Vacancy**

Resolution adopted, signed and billed as adopted

**CITY OF WAYNE 2013  
TRANSITION PLAN UPDATE**

**City Employment Policy**

Discrimination on the basis of disability is prohibited by city code in all city advertising, website offers, interviews hiring, change of job status, reduction in force and termination of employees. Employees of the City of Wayne are “at will” employees.

	<b>Physical Barriers</b>	<b>Audio Accessibility</b>	<b>Visual Accessibility</b>	<b>City Employment</b>	<b>Goal</b>
Public Cable Channel	Provided: Access requires subscription to cable tv Needed: n/a	Provided: no audio Needed: Audio signal	Provided: video signal Needed Audio Signal	Provided: n/a Needed: n/a	2015
City Web Site	Provided: Free access at public library Needed: n/a	Provided: Audion Compatible Needed: Audio format	Provided: Video Signal Needed: Audio format	Provided: n/a Needed: n/a	
City Hall Bldg (built 1938)	Provided: ADA parking, entrances, meeting rooms, drinking fountains and restrooms Needed: n/a	Provided: Microphones and recordings of meetings Needed: n/a	Provided: none Needed: n/a	Provided: City code prohibits discrimination in all hiring and change of status Needed: n/a	
	Needed:	Needed:	Needed: Braille room ID signs.	Needed: annual review	2014
City Auditorium Bldg (built 1935)	Provided: ADA parking, drinking fountains, restrooms, and meeting rooms. Needed: n/a	Provided: Speaker System Needed: n/a	Provided: Needed: Braille room ID signs	Provided: n/a Needed: n/a	2014

Public Library (built 1997)	<p>Provided: ADA parking, entrance, restrooms, meeting rooms, fountains</p> <p>Needed: n/a</p>	<p>Provided: Audio tapes</p> <p>Needed: n/a</p>	<p>Provided: Audio tapes, Braille room ID signs, Sightless compatible software on one public computer.</p> <p>Needed: n/a</p>	<p>Provided: city code prohibits discrimination in all hiring and change of status</p> <p>Needed: annual review</p> <p>2013</p>
Senior Center (built 1997)	<p>Provide: ADA parking, entrance, restrooms, meeting rooms, fountains</p> <p>Needed: n/a</p>	<p>Provided: Microphone system</p> <p>Needed: n/a</p>	<p>Provided: Braille room ID signs.</p> <p>Needed: n/a</p>	<p>Provided: city code prohibits discrimination in all hiring and change of status</p> <p>Needed: annual review</p> <p>2013</p>
Curbs and Sidewalks	<p>Provided: ADA curbs in central business district. City code requires all new and rehab installation to meet ADA standards. City has long term residential sidewalk replacement district program.</p> <p>Needed: n/a</p>	<p>Provided: none</p> <p>Needed: n/a</p>	<p>Provided: none</p> <p>Needed: n/a</p>	<p>City will provide new ADA sidewalk on 10<sup>th</sup> Street project in 2013. City will replace sidewalk adjacent to Windom Street project as needed to meet ADA in 2015 or 2016 after completion of street project.</p> <p>2020</p>
Wayne Golf Course	<p>Needed: Completion of sidewalk replacement district program</p> <p>Provided: Current access is un-restricted to golf carts and special mobility vehicles to tee boxes, greens and fairways. All fees are equal and playing speed is accepted.</p> <p>Needed: Rental specialty carts for personas with limited mobility</p>	<p>Needed: more visual pedestrian signals</p> <p>Provided: n/a</p>	<p>Needed: Audible pedestrian signals needed at some intersections</p> <p>Provided: n/a</p>	<p>Needed: annual review</p> <p>Needed: annual review</p> <p>2014 for rental cars</p>

Baseball and Softball Field	Provided: Individual coaching and assistance provide to all participants	Provided: Loud speaker systems for crowd at games	Provide: n/a	Provided: City code prohibits discrimination in all hiring and change of status	
	Needed: Specialty equipment as needed. Accessible restrooms	Needed: n/a	Needed: Specialty equipment as needed. Braille signage	Needed: annual review	2014 for ADA restrooms
City Parks	Provided: Some wheel chair and walker swings in most parks with more being special built. ADA access, sidewalks and restrooms	Provided: n/a	Provided: n/a	Provided: n/a	
	Needed: Additional ADA play equipment and fountains	Needed: n/a	Needed: Braille signage	Needed: annual review	2013
Swimming Pool	Provided: ADA chair lift and ADA locker rooms and entrances	Provided: n/a	Provided: n/a	Provided: City code prohibits discrimination in all hiring and change of status	
	Needed: Zero depth area in pool	Needed: n/a	Needed: highly visible and Braille signage	Needed: annual review	2020 for new ADA compliant pool
City Recreational Trail	Provided: 3.7 mile trail with ADA bathrooms at trail head	Provided: none	Provided: none	Provided: n/a	
	Needed: ADA parking at trail head.	Needed: n/a	Needed: Braille and highly visual signage	Needed: annual review	Phase II Trail in 2014

Emergency 911	<p>Provided: Enhanced 911 system in place</p> <p>Needed: none</p>	<p>Provided: Text relay for hearing impaired</p> <p>Needed: none</p>	<p>Provided: n/a</p> <p>Needed: n/a</p>	<p>Provided: n/a</p> <p>Needed: annual review</p>	<p>2013</p>
Civil Defense Sirens	<p>Provided: Thorough sound pattern penetration of city limits. Cable tv over-ride for public alerts</p> <p>Needed: City has obtained grant to add a siren for better coverage</p>	<p>Provided: Adequate volume for average hearing levels</p> <p>Needed: more sirens in pattern and alternating tones</p>	<p>Provided: n/a</p> <p>Needed: n/a</p>	<p>Provided: n/a</p> <p>Needed: annual review</p>	<p>2014</p>

# City of Wayne

306 Pearl • P.O. Box 8  
Wayne, Nebraska 68787

(402) 375-1733  
Fax (402) 375-1619

Incorporated - February 2, 1884



## Procedures Manual for Title II of the Americans with Disabilities Act (ADA)

City of Wayne, Nebraska

May 2013

All ADA questions, inquiries, and complaints should be directed to:

**Joel Hansen**

**City Building Inspector and ADA Coordinator**

**Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787**

**(402) 375-1733**

# **City of Wayne Procedures Manual for Title II of the Americans with Disabilities Act (ADA)**

## **Table of Contents**

- I. ADA Title II Overview
- II. State and Local Government Requirements under Title II
- III. ADA Basics: Statute and Regulations
- IV. City of Wayne Public Notice of ADA Compliance
- V. City Wayne Title II Grievance Procedure and Complaint Form
- VI. Auxiliary Aids and Services
- VII. General Contact Information
- VIII. ADA Facility/Program, Service, and Activity Compliance Checklists

**All ADA questions, inquiries, and complaints should be directed to:**

**Joel Hansen**

**City Building Inspector and ADA Coordinator**

**Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787**

**(402) 375-1733 [jhansen@cityofwayne.org](mailto:jhansen@cityofwayne.org)**

## **Title II of the Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in employment, transportation, State and local government services, telecommunications, and in the goods and services provided by businesses.

### **Title II Overview**

- Title II of the ADA covers the programs, activities, and services of public entities, which include any State or local government and any of its departments, agencies, special purpose district, or other instrumentalities.
  
- The basic mandate of Title II is that no qualified individual with a disability shall be excluded from participation, be denied benefits, services or goods, be denied access to programs or activities, or be subject to discrimination.

- Furthermore, people with disabilities must not be denied an equal opportunity to participate and benefit from programs and services. The opportunity must be equal to and as effective as the opportunity provided to others.
  
- In addition, governmental entities must ensure effective communication- including the provision of necessary auxiliary aids and services -so that individuals with disabilities can participate in civic life.
  
- The ADA uses a three-part definition of disability. To be considered a person with a disability under the ADA, an individual must meet only one part (not all three). Coverage of ADA Title II extends to all those individuals that meet the definition of disabled, which according to ADA is any person that:
  1. Has a physical or mental impairment that substantially limits one or more major life activities

2. Has a “record of” such an impairment

3. Is “regarded as” having such an impairment

a) A **physical impairment** is a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems.

b) A **mental impairment** is any mental or psychological disorder such as: Mental retardation, Organic brain syndrome, Emotional or mental illness, Specific learning disabilities.

c) A **major life activity** is an activity an average person can perform with little or no difficulty.

d) A person with a disability is considered to be qualified (for employment, participation in public programs, services, activities, etc.) if the individual meets the **essential eligibility requirements** with or without reasonable modifications, auxiliary aids and services, or removal of barriers.

## **State and Local Government Requirements under Title II**

- May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
- May not require a person with a disability to participate in a program or service specifically designed for individuals with disabilities.
- Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
- Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.
- Must eliminate eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs, or activities unless such standards or rules are essential for the provision of the service, program, or activity.
- May not establish requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification.
- Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.
- Must furnish auxiliary aids and services, such as alternate formats, assistive listening devices, or qualified interpreters, when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- May provide programs, services, and activities, beyond those required by the regulation, to individuals with disabilities, but they may not require that individuals with disabilities participate in such programs, services, and activities, rather than in those available to the general public.
- May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

The ADA does not require the State or local government to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

There are circumstances under which the general requirements of ADA do not apply; these limitations are known as "defenses." However, suitable alternatives should be considered and exhausted before justification of a defense.

1. Historic preservation – Public entities are not expected to change, alter, and/or reconfigure designated historic areas, structures, or buildings in a way that would impact historic significance. However, alternative access must be pursued and implemented.
2. Undue hardship – An employer is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. As defined by ADA, an undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business.
3. Fundamental alteration – A fundamental alteration is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.
4. Direct Threat – An employer may require, as a qualification standard, that an individual not pose a direct threat to the health or safety of himself/herself or others. Direct threat is not to be taken lightly and requires an individualized assessment of the particular individual.

## Section III

### ADA Basics: Statute and Regulations

The following is Chapter 1 from the *ADA Best Practices Tool Kit for State and Local Governments* from the Civil Rights Division of the U.S. Department of Justice

Source: <http://www.ada.gov/pcatoolkit/chap1toolkit.htm>

[skip navigation](#)

Department of Justice

[ADA Home Page](#) | [ADA Publications](#) | [Enforcement](#) | [Site Map](#) | [Search](#)

## ADA Best Practices Tool Kit for State and Local Governments

### Chapter 1

## ADA Basics: Statute and Regulations

---

### A. Introduction

On July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act ("ADA") saying these words, "Let the shameful wall of exclusion finally come tumbling down."<sup>1</sup> One of the most important civil rights law to be enacted since the Civil Rights Act of 1964, the ADA prohibits discrimination against people with disabilities.

What does the ADA mean for state and local governments in the delivery of their programs, services, and activities, as well as their employment practices? In the broadest sense, it requires that state and local governments be accessible to people with disabilities.

Accessibility is not just physical access, such as adding a ramp where steps exist. Accessibility is much more, and it requires looking at how programs, services, and activities are delivered. Are there policies or procedures that prevent someone with a disability from participating (such as a rule that says "no animals allowed," which excludes blind people who use guide dogs)? Are there any eligibility requirements that tend to screen out people with disabilities (such as requiring people to show or have a driver's license when driving is not required)?

Before you begin your accessibility audit, you need to understand the answers to several basic questions.

- What is the ADA, and are there any other laws or regulations I need to know about to do an accessibility evaluation?
- What is a "disability" under the ADA, and is having one enough to be covered by the ADA?
- What types of barriers are there to accessibility?
- What are states' and local governments' obligations under the ADA?

---

<sup>1</sup> Speech of President George H.W. Bush at the signing of the Americans with Disabilities Act of 1990, reprinted at <http://www.eeoc.gov/ada/bushspeech.html>.

---

### B. The Legal Landscape

Before looking at the individual parts of the ADA, it's best to look at the whole picture. Having an overview of

the laws, regulations, and other legal requirements helps to put everything in context.

### **The Rehabilitation Act of 1973**

Broader than any disability law that came before it, Section 504 of the Rehabilitation Act made it illegal for the federal government, federal contractors, and any entity receiving federal financial assistance to discriminate on the basis of disability.<sup>2</sup> Section 504 obligates state and local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving federal financial assistance. Covered entities also are required to ensure that their employment practices do not discriminate on the basis of disability.

### **The Americans with Disabilities Act of 1990**

The ADA is built upon the foundation laid by Section 504 of the Rehabilitation Act. It uses as its model Section 504's definition of disability and then goes further. While Section 504 applies only to entities receiving federal financial assistance, the ADA covers all state and local governments, including those that receive no federal financial assistance. The ADA also applies to private businesses that meet the ADA's definition of "public accommodation" (restaurants, hotels, movie theaters, and doctors' offices are just a few examples), commercial facilities (such as office buildings, factories, and warehouses), and many private employers.

While the ADA has five separate titles, Title II is the section specifically applicable to "public entities" (state and local governments) and the programs, services, and activities they deliver. The Department of Justice ("DOJ" or the "Department"), through its Civil Rights Division, is the key agency responsible for enforcing Title II and for coordinating other federal agencies' enforcement activities under Title II.

In addition, the Department has the ability to enforce the employment provisions of Title I of the ADA as they pertain to state and local government employees. DOJ is the only federal entity with the authority to initiate ADA litigation against state and local governments for employment violations under Title I of the ADA and for all violations under Title II of the ADA.

---

<sup>2</sup> Rehabilitation Act of 1973 § 104, 29 U.S.C. § 794 (2006).

---

#### **Some Helpful Tools**

The Department's Title II regulations for state and local governments are found at Title 28, Code of Federal Regulations, Part 35 (abbreviated as 28 CFR pt. 35). The ADA Standards for Accessible Design are located in Appendix A of Title 28, Code of Federal Regulations, Part 36 (abbreviated as 28 CFR pt. 36 app. A). Those regulations, the statute, and many helpful technical assistance documents are located on the ADA Home Page at [www.ada.gov](http://www.ada.gov) and on the ADA technical assistance CD-ROM available without cost from the toll-free ADA Information Line at 1-800-514-0301 (voice) and 1-800-514-0383 (TTY).

### **The ADA Standards for Accessible Design (the ADA Standards)**

The ADA Standards for Accessible Design, or the "ADA Standards," refer to the requirements necessary to make a building or other facility architecturally (physically) accessible to people with disabilities. The ADA Standards identify what features need to be accessible, set forth the number of those features that need to be made accessible, and then provide the specific measurements, dimensions and other technical information needed to make the feature accessible.

**Caution:** You may hear the acronym ADAAG used to refer to the ADA Standards. ADAAG stands for the Americans with Disabilities Act Accessibility Guidelines, which are issued by the United States Architectural and Transportation Barriers Compliance Board (called the "Access Board" for short). ADAAG is not the same as the ADA Standards. The Department's regulations must be consistent with the ADAAG, but the ADAAG

contains guidelines, not enforceable standards.

### **Uniform Federal Accessibility Guidelines (UFAS)**

These are the architectural standards originally developed for facilities covered by the Architectural Barriers Act, a law that applies to buildings designed, built, altered or leased by the federal government. They also are used to satisfy compliance in new or altered construction under Section 504. State and local governments have the option to use UFAS or the ADA Standards to meet their obligations under Title II of the ADA. However, if states and local governments choose to use the ADA Standards, the elevator exemption contained in the ADA Standards may not be used<sup>3</sup>. Also, only one set of standards may be used for any particular building. In other words, you cannot pick and choose between UFAS and the ADA Standards as you design or alter a building. DOJ also uses UFAS for certain special-use facilities when the ADA Standards have no scoping or technical provisions, such as for prisons and jails. A downloadable copy of UFAS can be found at <http://www.access-board.gov/ufas/ufas.pdf> and a searchable copy can be found at <http://www.access-board.gov/ufas/ufas-html/ufas.htm>. Technical assistance on UFAS is available from the U.S. Access Board at 1-800-872-2253 (voice) or 1-800-993-2822 (TTY) or [TA@access-board.gov](mailto:TA@access-board.gov).

**Did You Know?** When discussing architectural standards, two terms are often used: "scoping" and "technical provisions."

"Scoping" tells you where and how many accessible elements or features are required under the ADA Standards. "Technical provisions" give you the components, dimensions and installation details of the accessible elements.

**For Example.** Section 4.1.3(7) of the ADA Standards tells you generally about doors in new construction. There are four different scoping requirements that tell you the percentage or absolute number of which of the following types of doors must be accessible: doors going into a building, doors within a building, doors that are part of an accessible route, and doors as part of egress (i.e., exits for fire and life-safety purposes). Section 4.13 of the ADA Standards tells you the technical provisions for doors that are specific requirements, such as the required clear passage width of a doorway.

---

<sup>3</sup> The elevator exemption, which only applies to non-governmental entities, states that elevators are not required in certain specified facilities. 28 C.F.R. pt. 36 app. A § 4.1.3(5).

## **C. ADA Fundamentals**

The cornerstone of Title II of the ADA is this: no qualified person with a disability may be excluded from participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability.<sup>4</sup> One simple sentence, but it has many words, phrases and ideas to understand.

### **1. Who is Covered?**

Not everyone is covered under the ADA. There are certain basic requirements that must be met in order to be protected. The first and most obvious requirement is that a person must have a disability.

#### **a. Disability Defined**

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities.<sup>5</sup> ADA protection extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are

perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.<sup>6</sup>

Three things to ask yourself when determining whether an individual has a disability *for purposes of the ADA* are:

**One: Does the individual have an impairment?**

A *physical* impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss impacting one or more body systems.<sup>7</sup> Examples of body systems include neurological, musculoskeletal (the system of muscles and bones), respiratory, cardiovascular, digestive, lymphatic and endocrine.<sup>8</sup>

A *mental* impairment is a mental or psychological disorder.<sup>9</sup> Examples include mental retardation, emotional or mental illness, and organic brain syndrome.<sup>10</sup>

The Department's regulations also list other impairments, including contagious and noncontagious diseases; orthopedic, vision, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; specific learning disabilities; HIV disease (with or without symptoms), tuberculosis, drug addiction, and alcoholism.<sup>11</sup>

**Two: Does the impairment limit any major life activities?**

An impairment cannot be a disability unless it limits something, and that something is one or more major life activities. A major life activity is an activity that is central to daily life.<sup>12</sup> According to the Department's regulations, major life activities include walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working,<sup>13</sup> and performing manual tasks that are central to daily life.<sup>14</sup> The Supreme Court has also decided that reproduction is a major life activity.<sup>15</sup> This is not a complete list. Other activities may also qualify, but they need to be activities that are important to most people's lives.

**Three: Is the limitation on any major life activity substantial?**

Not only must a person have an impairment that limits one or more major life activities, but the limitation of at least one major life activity must be "substantial." An impairment "substantially limits" a major life activity if the person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so. An impairment is "substantially limiting" under the ADA if the limitation is "severe," "significant," "considerable," or "to a large degree."<sup>16</sup> The ADA protects people with serious, long-term conditions. It does not protect people with minor, short-term conditions.

Here are some things to think about when trying to decide if an impairment is substantially limiting:

- What kind of impairment is involved?
- How severe is it?
- How long will the impairment last, or how long is it expected to last?
- What is the impact of the impairment?
- How do mitigating measures, such as eyeglasses and blood pressure medication, impact the impairment? The Supreme Court has ruled that, if an impairment does not substantially limit one or more major life activities because of a mitigating measure an individual is using, the impairment may not qualify as a disability.<sup>17</sup> Remember, however, that mitigating measures such as blood pressure medication may sometimes impose limitations on major life activities, and those must be considered as well.

<sup>4</sup> 42 U.S.C. § 12132; 42 U.S.C. § 12102(2)(B) & (C).

<sup>5</sup> 42 U.S.C. § 12202(2)(A).

<sup>6</sup> 42 U.S.C. § 12102(2)(B) & (C).

<sup>7</sup> 28 C.F.R. § 35.104(1)(i)(A).

<sup>8</sup> 28 C.F.R. § 35.104(1)(i)(A).

<sup>9</sup> 28 C.F.R. § 35.104(1)(i)(B).

<sup>10</sup> 28 C.F.R. § 35.104(1)(i)(B).

<sup>11</sup> 28 C.F.R. § 35.104(1)(ii).

<sup>12</sup> Toyota Motor Mfg., Kentucky, Inc. v. Williams, 534 U.S. 184 (2002).

<sup>13</sup> Bragdon v. Abbott, 524 U.S. 624, 638-49 (1999). The Supreme Court has questioned whether "working" is a major life activity. However, "working" is identified as a major life activity under the regulation for Title II of the ADA, 28 C.F.R. § 35.104, and the regulation for Title I of the ADA, 29 C.F.R. § 1630.2(l).

<sup>14</sup> Toyota, 534 U.S. 184.

<sup>15</sup> Bragdon v. Abbott, 524 U.S. 624 (1988).

<sup>16</sup> Toyota, 534 U.S. 184.

<sup>17</sup> Sutton v. United Airlines, Inc., 527 U.S. 471 (1999).

**Example:** Broken Arm – Under ordinary circumstances, a person with a broken arm is not covered by the ADA. Although a broken arm is an impairment, it is usually temporary and of short duration. Consequently, a broken arm is not considered to be substantially limiting in most circumstances.

#### **Does a person with depression have a disability under the ADA?**

You might think the answer would be "no" because depression does not seem to substantially limit any specific major life activity. However, someone who has had major depression for more than a few months may be intensely sad and socially withdrawn, have developed serious insomnia, and have severe problems concentrating. This person has an impairment (major depression) that significantly restricts his ability to interact with others, sleep, and concentrate. The effects of this impairment are severe and have lasted long enough to be substantially limiting.

#### **b. A Qualified Person with a Disability**

Having an impairment that substantially limits a major life activity may mean that a person has a disability, but that alone still does not mean that individual is entitled to protection under the ADA. A person with a disability must also qualify for protection under the ADA. A "qualified individual with a disability" is someone who meets the essential eligibility requirements for a program, service or activity **with or without** (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.<sup>18</sup>

Essential eligibility requirements can include minimum age limits or height requirements (such as the age at which a person can first legally drive a car or height requirements to ride a particular roller coaster at a county fair). Because there are so many different situations, it is hard to define this term other than by examples. In some cases, the only essential eligibility requirement may be the desire to participate in the program, service, or activity.

What happens if an individual with a disability does not meet the eligibility requirements? In that case, you will

have to look further to determine if the person with the disability is entitled to protection under the ADA. When a person with a disability is not qualified to participate or enjoy a program, service, or activity under Title II, there may be ways to enable the individual to participate, including, for example:

- Making a reasonable modification to the rule, policy, or procedure that is preventing the individual from meeting the requirements,
- Providing effective communication by providing auxiliary aids or services, or
- Removing any architectural barriers.

---

<sup>18</sup> 28 C.F.R. § 35.105

---

### **Reasonable Modification**

Public entities must reasonably modify their rules, policies, and procedures to avoid discriminating against people with disabilities.<sup>19</sup> Requiring a driver's license as proof of identity is a policy that would be discriminatory since there are individuals whose disability makes it impossible for them to obtain a driver's license. In that case it would be a reasonable modification to accept another type of government-issued I.D. card as proof of identification.

#### **Examples of Reasonable Modifications**

- Granting a zoning variance to allow a ramp to be built inside a set-back.
- Permitting a personal attendant to help a person with a disability to use a public restroom designated for the opposite gender.
- Permitting a service animal in a place where animals are typically not allowed, such as a cafeteria or a courtroom.

Are there times when a modification to rules, policies and procedures would not be required? Yes, when providing the modification would fundamentally alter the nature of the program, service, or activity.

A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. For example, a city sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate ("G.E.D."). If someone lacks a diploma or G.E.D. because of a cognitive disability, would the city have to modify the policy of requiring a high school diploma or G.E.D.? Probably not. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

---

<sup>19</sup> 28 C.F.R. § 35.130(b)(7).

---

### **Effective Communication**

People with disabilities cannot participate in government-sponsored programs, services, or activities if they cannot understand what is being communicated. What good would it do for a deaf person to attend a city council meeting to hear the debate on a proposed law if there was no qualified sign language interpreter or

real-time captioning (that is, a caption of what is being said immediately after the person says it)? The same result occurs when a blind patron attempts to access the internet on a computer at a county's public library when the computer is not equipped with screen reader or text enlargement software. Providing effective communication means offering auxiliary aids and services to enable someone with a disability to participate in the program, service, or activity.

#### Types of Auxiliary Aids and Services

There are a variety of auxiliary aids and services. Here are a few examples.

- **For individuals who are deaf or hard of hearing:** qualified sign-language and oral interpreters, note takers, computer-aided transcription services, written materials, telephone headset amplifiers, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, videotext displays, and TTYs (teletypewriters).
- **For individuals with who are blind or have low vision:** qualified readers, taped texts, Braille materials, large print materials, materials in electronic format on compact discs or in emails, and audio recordings.
- **For individuals with speech impairments:** TTYs, computer stations, speech synthesizers, and communications boards.

Persons with disabilities should have the opportunity to request an auxiliary aid, and you should give 'primary consideration' to the aid requested. Primary consideration means that the aid requested should be supplied unless: (1) you can show that there is an equally effective way to communicate; or (2) the aid requested would fundamentally alter the nature of the program, service, or activity.

**Example:** A person who became deaf late in life is not fluent in sign language. To participate in her defense of criminal charges, she requests real time computer-aided transcription services. Instead, the court provides a qualified sign language interpreter. Is this effective? No. Providing a sign language interpreter to someone who does not use sign language is not effective communication.

#### The Cost of Doing Business

The expense of making a program, service, or activity accessible or providing a reasonable modification or auxiliary aid may not be charged to a person with a disability requesting the accommodation.<sup>20</sup>

**Example:** What if a person asks for a sign language interpreter at a city council meeting? The cost may not be passed along to the person requesting that accommodation.

---

<sup>20</sup> 28 C.F.R. § 35.130(f).

---

#### Examples of Barriers to Accessibility

##### Architectural

- A building has just one entrance that is up a flight of stairs and has no ramp.

- The door to the only public restroom in a building is 28 inches wide.

#### Policies and Procedures

- Requiring a driver's license to obtain a library card from the public library.
- A "No Animals" rule (without an exception for service animals) to enter a pie baking booth at a county fair.

#### Effective Communication

- No assistive listening system for public meetings by a City Council.
- A state's website that cannot be accessed by blind people using screen reader software or those with low vision using text enlargement software.

**A Final Word:** Every disability is a disability of one. While some people with a particular disability may not be able to perform a certain task or participate in a particular program, service, or activity, others may be able to do so.

**Example:** Some people with severely impaired vision can drive safely so long as they use specially prescribed optical aids.

#### **One Man's Ability – and Disability**

Jim Abbott played professional baseball. He was the 15th player to ever debut in the major leagues (and never play in the minor leagues) and had a 3.92 earned run average in his rookie year. Jim Abbott was born with one hand. If his home town had applied a blanket requirement that all little league players must have two hands, Jim Abbott might not have had the chance to develop into the professional athlete that he became.

The key to making correct decisions is an individualized assessment. Avoid blanket exclusions, and evaluate each person based on his or her own abilities.

## **2. What is Covered?**

### Programs, Services, and Activities

Public entities may provide a wide range of programs, services, and activities. Police, fire, corrections, and courts are services offered by public entities. Administrative duties such as tax assessment or tax collection are services. Places people go such as parks, polling places, stadiums, and sidewalks are covered. These are just some examples (and by no means a complete list) of the types of programs, services, and activities typically offered by state and local governments.

### Integrated Setting

One of the main goals of the ADA is to provide people with disabilities the opportunity to participate in the mainstream of American society. Commonly known as the "integration mandate," public entities must make their programs, services, and activities accessible to qualified people with disabilities in the most integrated way appropriate to their needs.<sup>21</sup>

Separate or special activities are permitted under Title II of the ADA to ensure that people with disabilities receive an equal opportunity to benefit from your government's programs, services, or activities.<sup>22</sup> However, even if a separate program is offered to people with disabilities or people with one kind of disability, a public entity cannot deny a person with a disability access to the regular program. Under the ADA, people with disabilities get to decide which program they want to participate in, even if the public entity does not think the individual will benefit from the regular program.<sup>23</sup>

**Example:** A county may run a summer program for kids with disabilities in June and kids without disabilities in July. The county must allow kids with disabilities to attend either session.

---

<sup>21</sup> 28 C.F.R. § 35.130(d).

<sup>22</sup> 28 C.F.R. § 35.130(b)(1)(iv).

<sup>23</sup> 28 C.F.R. § 35.130(b)(2).

---

### 3. When Was it Built? Why Does it Matter?

The ADA treats facilities that were built before it went into effect differently from those built or renovated afterwards. **The key date to remember is January 26, 1992**, when Title II's accessibility requirements for new construction and alterations took effect.<sup>24</sup>

#### **Before January 26, 1992**

Facilities built before January 26, 1992, are referred to as "pre-ADA" facilities.<sup>25</sup> If there is an architectural barrier to accessibility in a pre-ADA facility, you may remove the barrier using the ADA Standards for Accessible Design or UFAS as a guide, or you may choose to make the program, service, or activity located in the building accessible by providing "program access."<sup>26</sup> Program access allows you to move the program to an accessible location, or use some way other than making all architectural changes to make the program, service, or activity readily accessible to and usable by individuals with disabilities.

**Example:** A small town with few public buildings operates a museum featuring the history of the area. The museum is in a two story building built in 1970, which has no elevator. The town may either install an elevator or find other ways to make the exhibits accessible to people with mobility disabilities. One program access solution in this case might be to make a video of the second floor exhibits for people to watch on the first floor.

There are many ways to make a program, service, or activity accessible other than through architectural modifications. Keep in mind, however, that sometimes making architectural changes is the best solution financially or administratively, or because it furthers the ADA's goal of integration.

---

<sup>24</sup> 28 C.F.R. § 35.151.

<sup>25</sup> 28 C.F.R. §§ 35.150 - 35.151.

<sup>26</sup> 28 C.F.R. § 35.150.

---

**After January 26, 1992**

Any facility built or altered after January 26, 1992, must be "readily accessible to and usable by" persons with disabilities.<sup>27</sup> For ADA compliance purposes, any facility where construction commenced after January 26, 1992 is considered "new," "newly constructed," or "post-ADA." "Readily accessible to and usable by" means that the new or altered building must be built in strict compliance with either the ADA Standards for Accessible Design or UFAS.

Altering (renovating) a building means making a change in the usability of the altered item. Examples of changes in usability include: changing a low pile carpet to a thick pile carpet, moving walls, installing new toilets, or adding more parking spaces to a parking lot. Any state or local government facility that was altered after January 26, 1992 was required to be altered in compliance with the ADA Standards or UFAS.

When part of a building has been altered, the alterations must be made in strict compliance with architectural standards, including creating an accessible path of travel to the altered area.

**Example:** A county renovates a section of an administrative building. That renovated section must be altered in compliance with the ADA Standards or UFAS. In addition, the route from the accessible entrance of the building to the renovated section must be made accessible to people with disabilities. Features along the route, such as toilet rooms and water fountains, need to be made accessible as well.

Of course, it is possible for a pre-ADA building (i.e., built before 1992) to have altered elements. In that case, the public entity can provide program access for the programs housed in the non-altered portion of the building by making them available in the parts of the building that have been altered.

New and altered facilities must be built in compliance with the ADA Standards or UFAS regardless of what, if any, programs are located in them. Even if new or altered facilities are not open to the public, they must be accessible to people with disabilities.

---

<sup>27</sup> 28 C.F.R. § 35.151.

---

**4. Enforcement and Remedies**

An individual or a specific class of individuals or their representative alleging discrimination on the basis of disability by a state or local government may either file –

- (1) an administrative complaint with the Department of Justice or another appropriate federal agency; or
- (2) a lawsuit in federal district court.

If an individual files an administrative complaint, the Department of Justice or another federal agency may investigate the allegations of discrimination. Should the agency conclude that the public entity violated Title II of the ADA, it will attempt to negotiate a settlement with the public entity to remedy the violations. If settlement efforts fail, the agency that investigated the complaint may pursue administrative relief or refer the matter to the Department of Justice. The Department of Justice will determine whether to file a lawsuit against a public entity to enforce Title II of the ADA.

Potential remedies (both for negotiated settlements with the Department of Justice and court-ordered settlements when the Department of Justice files a lawsuit) include:

- injunctive relief to enforce the ADA (such as requiring that a public entity make modifications so a building is in full compliance with the ADA Standards for Accessible Design or requiring that a public entity modify or make exceptions to a policy);
- compensatory damages for victims; and/or
- back pay in cases of employment discrimination by state or local governments.

In cases where there is federal funding, fund termination is also an enforcement option that federal agencies may pursue.

---

[ADA Tool Kit for State and Local Governments](#)

[ADA Home Page](#)

Last updated: October 09, 2008

## **City of Wayne Public Notice of ADA Compliance**

Public agencies are required to provide information about their ADA-related responsibilities to all interested persons. Agencies must also provide notice to individuals with disabilities about the ADA's prohibition against discrimination and their rights under the law.

Agencies can and should disseminate information about their disability accommodation processes, including the name of the ADA Coordinator and contact information, in several ways:

- Provide information through newspaper advertisements, newspaper legal notices, city websites, and radio and/or captioned television public service announcements.
- Notices should also be posted at all program/meeting sites, presented in program handbooks, announced at program, service or activity meetings, and included in regular agency mailings.
- Information about disability accommodations procedures should also be included with applications for programs and services, as well as with applications for employment.
- All notices must be made available in alternative formats when requested.

# **City of Wayne Notice Under the Americans with Disabilities Act**

*The following page is the City of Wayne's Notice of Compliance pertaining to the rules, regulations, and requirements under the ADA.*

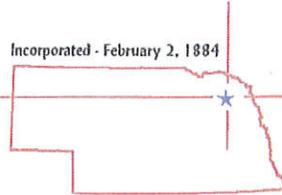
*The following page is intended for use as public information on the City of Wayne's ADA compliance efforts. It can and should be photo-copied, posted, and/or distributed as appropriate to fulfill the notice requirements of ADA.*

# City of Wayne

306 Pearl • P.O. Box 8  
Wayne, Nebraska 68787

(402) 375-1733  
Fax (402) 375-1619

Incorporated - February 2, 1884



## Notice Under The Americans With Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Wayne will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

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

**Effective Communication:** The City of Wayne 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 of Wayne'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 of Wayne 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. For example, individuals with service animals are welcomed in City of Wayne offices, even where pets are generally prohibited.

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 of Wayne, should contact **Joel J. Hansen, Building Inspector and ADA Coordinator, Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787, (402) 375-1733, [jhansen@cityofwayne.org](mailto:jhansen@cityofwayne.org)** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Wayne 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 of Wayne is not accessible to persons with disabilities should be directed to: **Joel J. Hansen, City Building Inspector and ADA Coordinator, Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787, (402) 375-1733, [jhansen@cityofwayne.org](mailto:jhansen@cityofwayne.org).**

The City of Wayne 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, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Effective as of 1/1/2012

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



Home of Wayne State College



Equal Housing Opportunity

# **City of Wayne Grievance Procedure Under the Americans with Disabilities Act**

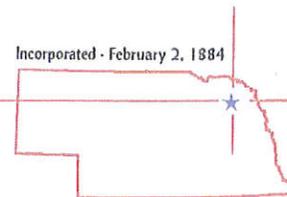
*The following page is the City of Wayne's Grievance Procedure pertaining to the rules, regulations, and requirements under the ADA.*

*The following page is intended for use as public information on the City of Wayne's ADA compliance efforts. It can and should be photo-copied, posted, and/or distributed as appropriate to fulfill the notice requirements of ADA.*

# City of Wayne

306 Pearl • P.O. Box 8  
Wayne, Nebraska 68787

(402) 375-1733  
Fax (402) 375-1619



## Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirement of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Wayne. The City of Wayne’s Personnel Policy governs employment related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than **60** calendar days after the alleged violation to:

**Joel J. Hansen**

**Building Inspector and ADA Coordinator**

**Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787**

**(402) 375-1733 [jhansen@cityofwayne.org](mailto:jhansen@cityofwayne.org)**

Within **15** calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within **15** calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Wayne and offer opinions for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within **15** calendar days after receipt of the response to the City Administrator or his/her designee.

Within **15** calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within **15** calendar days after the meeting, the City Administrator or his/her designee will respond in writing, and where appropriate in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee appeals to the City Administrator or his/her designee, and responses from these two offices will be retained by the City of Wayne for at least three years.

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



Home of Wayne State College



Equal Housing Opportunity

# **City of Wayne Discrimination Complaint Form**

## **Under the Americans with Disabilities Act**

*The following page is the City of Wayne's Discrimination Complaint Form pertaining to the rules, regulations, and requirements under the ADA.*

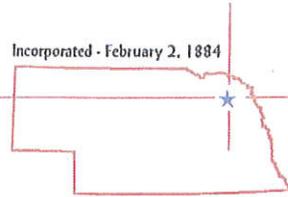
*The following page is intended for use as public information on the City of Wayne's ADA compliance efforts. It can and should be photo-copied, posted, and/or distributed as appropriate to fulfill the notice requirements of ADA.*

# City of Wayne

306 Pearl • P.O. Box 8  
Wayne, Nebraska 68787

(402) 375-1733  
Fax (402) 375-1619

Incorporated - February 2, 1884



## Title II of the Americans with Disabilities Act Discrimination Complaint Form

---

Instructions: Please fill out this form completely. Sign and return to the address on page 2.

Complainant:

---

Address:

---

City, State, and Zip Code:

---

Telephone: Home:

Mobile:

Business:

Person Discriminated Against:  
(If other than the complainant)

---

Address:

---

City, State, and Zip Code:

---

Telephone: Home:

Mobile:

Business:

Page 1

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



Home of Wayne State College



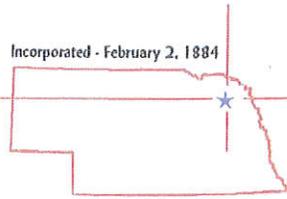
Equal Housing Opportunity

# City of Wayne

306 Pearl • P.O. Box 8  
Wayne, Nebraska 68787

(402) 375-1733  
Fax (402) 375-1619

Incorporated - February 2, 1884



When did the discrimination occur? (Date and approximate time)

Where did the discrimination occur?

Describe the act(s) of discrimination (attach additional pages if necessary):

Have any additional efforts been made by you regarding this complaint? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Pleas return this completed for to:**

**Joel J. Hansen**

**Building Inspector and ADA Coordinator**

**Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787**

**(402) 375-1733 [jhansen@cityofwayne.org](mailto:jhansen@cityofwayne.org)**

Page 2

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



Home of Wayne State College



Equal Housing Opportunity

# Auxiliary Aids and Services

Under the Americans with Disabilities Act (ADA), State and local governments must ensure effective communication with individuals with disabilities. Public entities are required to provide appropriate auxiliary aids and services, where necessary, to ensure that communications (such as all public information, discourse, and/or announcements) with individuals with disabilities are as effective as communications with others. Auxiliary aids and services include: Braille, large print formats, assistive listening devices (ALS), TTY/TDD access, closed captioning, interactive software for various disabilities, website accessibility implements, interpreters, readers, service animals, etc.

When selecting an auxiliary aid or service, a public entity should:

- Give primary consideration to the aid or service preferred by the individual because that individual is usually best able to identify the communication barriers that hamper participation.
- Allow people the opportunity to use their own assistive technology products to achieve effective communication.
- Consider the context in which the communication is taking place and its importance.

A public entity is not required to provide:

- The requested aid or service if there is another equally effective means of communication available; however, it must give primary consideration to the aid or service preferred by the individual.
- Auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

## To find local providers of specific auxiliary aids and services contact:

### **Nebraska Commission for the Blind and Visually Impaired**

4600 Valley Road  
Suite 100  
Lincoln, NE 68510-4844  
Phone: (402) 471-2891  
Toll-free: (877) 809-2419  
Fax: (402) 471-3009

<http://www.ncbvi.ne.gov/>

### **Nebraska Commission for the Deaf and Hard of Hearing**

Omaha Office  
1313 Farnam On-The-Mall  
Omaha, NE 68102-1836  
Phone: (402) 595-3991 v/tty  
Fax: (402) 595-2509  
Toll Free: 1-877-248-7836 v/tty  
E-mail Address: [ncdhh.omaha@nebraska.gov](mailto:ncdhh.omaha@nebraska.gov)

<http://www.ncdhh.ne.gov/>

### **Nebraska Department of Health and Human Services**

Eastern Service Area  
Barry DeJong - Administrator  
1313 Farnam  
Omaha, NE 68102  
Phone: (402) 595-2880

Lincoln Office  
301 Centennial Mall South  
P.O. Box 95206  
Lincoln, NE 68509-5026  
Phone: (402) 471-3121

<http://www.dhhs.ne.gov/>

# General Contact Information

**ADA Information Line:** 1-800-514-0301

Office on the Americans with Disabilities Act  
Civil Rights Division/ U.S. Department of Justice  
P.O. Box 66118  
Washington, D.C. 20035-6118

[www.ada.gov](http://www.ada.gov)

**DBTAC-Great Plains ADA Center**

Richard Sternadori  
3119 Euclid Avenue  
Sioux City, IA 51105  
(712) 274-5940  
1-800-949-4232 ext 227 (Toll-free for IA, KS, MO & NE)  
573-882-3600 (V/TTY)  
FAX: 573-884-4925  
SternadoriR@missouri.edu  
[www.adaproject.org](http://www.adaproject.org)

**Nebraska Relay Service:** Dial 711

The Nebraska Relay Service (NRS) provides the vital link for effective telephone communication between people who use a TTY/TDD and those who use a standard telephone.

**All ADA questions, inquiries, and complaints should be directed to:**

**Joel Hansen**

**City Building Inspector and ADA Coordinator**

**Wayne City Hall, 306 Pearl Street, Wayne, Nebraska 68787**

**(402) 375-1733**

# **ADA Facility/Program, Service, and Activity Compliance Checklists**

*The following pages are the City of Wayne's ADA Facility/Program, Service, and Activity Compliance Checklists pertaining to the rules, regulations, and requirements under the ADA.*

*The following section is intended for use as a component of the City of Wayne's ADA compliance efforts. In addition, this section can and should be used to keep completed and current departmental compliance checklists.*

# ADA Title II Checklist for Program, Service, and Activity Accessibility

*This checklist is designed as a tool in a quick appraisal of potential problem areas for accessibility. State and local government agencies can use this checklist to make sure that program, service, and activity audits have found all problem areas. Completion of these items will not achieve compliance with ADA. The checklist will, however, identify barriers which deny individuals with disabilities an opportunity to participate in and benefit from programs, services, and activities of a state agency.*

## Provide the following information:

1. Identify the  program,  service, or  activity your department provides:

---

---

2. A brief description of the program, service, or activity:

---

---

---

---

---

---

---

---

---

---

3. The physical location(s) where the program, service, or activity is provided:

---

---

---

---

4. Any eligibility criteria, expressly stated or assumed, for the program, service, or activity:

---

---

---

---

5. Based on your own assessment and knowledge of the identified program, service, or activity, are there any accessibility concerns (physical and/or non-physical) for individuals with disabilities?

YES  NO

If yes, explain:

---

---

---

---

---

---

---

---

By signing this document, I acknowledge that I have received, reviewed, and understand the ADA Title II requirements and procedures as outlined in the *City of Wayne Procedures Manual for Title II of the Americans with Disabilities Act (ADA)*.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Title of Signee \_\_\_\_\_

Signature \_\_\_\_\_

**City Administrator**

# ADA Title II Checklist for Facility Accessibility

*This checklist is designed as a tool in a quick appraisal of potential problem areas for accessibility. State and local government agencies can use this checklist to make sure that facilities audits have found all problem areas. Completion of these items will not achieve compliance with ADA or state and local barrier-free design standards. The checklist will, however, identify facility barriers which deny individuals with disabilities an opportunity to participate in and benefit from programs, services, and activities of a state agency.*

## Building Access

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Are 96" wide parking spaces designated with a 60" aisle?        |
| <input type="checkbox"/> | <input type="checkbox"/> | Are parking spaces near main building entrance?                 |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a "drop off" zone at building entrance?                |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the gradient from parking to building entrance 1:12 or less? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the entrance doorway at least 32 inches?                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Is door handle (lever handles) easy to grasp?                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is door easy to open (less than 8 lbs. pressure)?               |
| <input type="checkbox"/> | <input type="checkbox"/> | Are other than revolving doors available?                       |

## Building Corridors

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Is path of travel free of obstruction and wide enough for a wheelchair? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is floor surface firm, level and not slippery?                          |
| <input type="checkbox"/> | <input type="checkbox"/> | Do obstacles (phone, fountains) protrude no more than 4 inches?         |
| <input type="checkbox"/> | <input type="checkbox"/> | Are elevator controls low enough (54") to be reached from a wheelchair? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are elevator markings in Braille and raised letters for the blind?      |
| <input type="checkbox"/> | <input type="checkbox"/> | Does elevator provide audible signals for the blind?                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Does elevator interior provide a turning area of 51" for wheelchairs?   |

## Restrooms

- | YES                      | NO                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Are restrooms near building entrance/personnel?                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Do doors have lever handles?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are doors at least 32" wide?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is restroom large enough for wheelchair turnaround (60" minimum)?                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are stall doors at least 32" wide?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are grab bars provided in toilet stalls?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are sinks and counters at least 30" high with room for a wheelchair to roll under? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are sink handles easily reached and used?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are soap dispensers, towels, no more than 48" from floor?                          |

## Personnel Office

- | YES                      | NO                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Are doors at least 32" wide?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the door easy to open?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the threshold no more than 1/2" high?                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Is path of travel between desks/tables wide enough for wheelchairs? |

Date: \_\_\_\_\_

**Inspected by:**

Signature: \_\_\_\_\_

City Building Inspector and ADA Coordinator

**Approved by:**

Signature: \_\_\_\_\_

City Administrator