

City of West Lafayette

ADA Transition Plan



ADA Consultants of Indiana, LLC
P.O. Box 248
Waynetown, IN 47990
Phone: 765-234-2ADA (2232)
www.adaconsultantsofindiana.com



City of West Lafayette
609 West Navajo St.
West Lafayette, IN 47906
Phone: 765-775-5130
www.westlafayette.in.gov

December 18, 2012

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December 18, 2012



Office of the Mayor
609 West Navajo Street
West Lafayette, Indiana 47906
Phone: 765-775-5100
Fax: 765-775-5248
mayor@wl.in.gov

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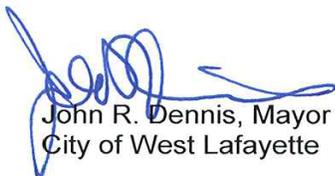
Dear Citizens of West Lafayette,

I am pleased to share with you the City of West Lafayette ADA Transition Plan. This plan is the result of extensive collaboration between the City of West Lafayette staff, citizens, stakeholders, and partners throughout West Lafayette. I want to thank everyone who has taken part in developing this very important plan.

This plan establishes a base and will be our guideline for removing existing barriers to city services, programs, activities and facilities. Ensuring accessibility for individuals with disabilities and providing equal access to all is and will continue to be a priority for me and the City of West Lafayette staff members.

City of West Lafayette will uphold the vision and policies presented in this plan. The success of making our city accessible depends on the coordinated efforts of all levels of government, the public, and the policies and strategies outlined in this plan. The City of West Lafayette will continue to look for opportunities to involve citizens, stakeholders and partners in the implementation of this plan, future updates to the plan, and in policy decisions affecting accessibility. Together, we can realize a shared vision of an accessible, safe, and efficient community.

Sincerely,



John R. Dennis, Mayor
City of West Lafayette

West Lafayette ADA Transition Plan

Introduction

The Americans with Disabilities Act (ADA) is a civil rights law that protects individuals with disabilities. This law provides equal access for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunications. There are five titles to the ADA and many requirements, regulations, & guidelines under the ADA law. The City of West Lafayette is considered an ADA Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any City of West Lafayette facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. We must ensure that the following issues are compliant with ADA Title II and accessible to people with disabilities:

- All services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of local legislative and judicial branches

In other words, no qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of a public entity.

Five Titles of the ADA

Title I

Equal Employment Opportunity for Individuals with Disabilities

This Title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

Title II

Nondiscrimination of the Basis of Disability in State and Local Government Services

This Title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

Title III

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This Title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV

Telecommunications

This Title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

Title V

Miscellaneous Provisions

The final Title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Application of the ADA to West Lafayette

The City of West Lafayette is covered under ADA, Title I - Employment, and Title II - Programs, Services and Activities. The ADA requires the City to make all its programs, services and activities readily accessible and useable by qualified persons with a disability when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to documenting and ensuring the City's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluations and Transition Plan update are significant in that they establish the City's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all citizens. The final product is considered a "working" or "living" document and will be modified when barriers are removed or alterations are made.

In 2011, ADA Consultants of Indiana, LLC was hired to assist the City with a comprehensive evaluation assessing the City's compliance with the 2010 ADA Requirements & Guidelines and the Section 504 of the Rehabilitation Act of 1973. ADA Consultants of Indiana, LLC will use both of these requirements to assess West Lafayette facilities, programs and services. Each action item was outlined by the committee and ADA Consultants of Indiana, LLC offered

recommendations to remedy any compliance issues, as well as assisted the ADA Coordinator with the composition of a transition plan.

The information outlined in the following report is a summary of the general recommendations provided by ADA Consultants of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA Coordinator.

Program Location & Staffing:

Pennie Ainsworth
City of West Lafayette ADA Coordinator
609 West Navajo St.
West Lafayette, IN 47906
Assistant Superintendent of Parks & Recreation
765-775-5110
painsworth@westlafayette.in.gov

ADA Implementation Committee:

An ADA Implementation Committee was formed by the West Lafayette Mayor in November of 2010. The committee meets regularly, often once a month, along with ADA Consultants of Indiana, LLC. Each department within the City is represented on the committee. This important attribute provides essential perspective and communication for all areas of the City's day-to-day operations. The ADA laws require state and local governments to make their goods, services, and facilities accessible to clients, customers and employees with disabilities. The ADA Implementation Committee seeks to make this a reality in the City of West Lafayette.

Current Members:

Pennie Ainsworth, Parks & Recreation	Ben Anderson, Engineering
Betina Cochran, Mayor's Office	Dave Buck, Engineering
Dennis Steele, Street & Sanitation	Victor Van Allen, Wastewater
Judy Rhodes, Clerk-Treasurer's Office	John Watson, Police
Jim Redd, Fire	Rick Walker, Neighborhood Resource Team
Vikki Watkins, Development	Diane Foster, Human Resources
Michael Susong, Engineering	Tim Clark, INTAC Management Group, LLC
Zach Williams, Withered Burns, LLP	

Additional West Lafayette Staff Directory available @ www.westlafayette.in.gov.

ADA Compliance Self Evaluations:

The Title II ADA Self-Evaluation Requirements can be divided into two major categories;

1. The Administrative Requirements
2. The Requirements of Access to Programs, Services and Activities

A summary of findings for these categories is listed below.

Administrative Requirements:

ADA Coordinator: The City has appointed an ADA Coordinator to address compliance issues.

Action Item: → Completed.

ADA Grievance Procedure: A Grievance Procedure has been adopted by the West Lafayette Board of Public Works and Safety and appears in the City's current Transition Plan.

Action Item: → Completed – Updated documents were adopted on December 20, 2010 by the West Lafayette Board of Public Works and Safety.

ADA Notice: A Notice of ADA Compliance exists, however it was found to be inconsistently posted.

Action Item: → Completed – An updated Notice was adopted on December 20, 2010 by the West Lafayette Board of Public Works and Safety. It is recommended that the Notice be included within job applications, printed in local newspaper, posted on the City's website, included in employee's handbooks, announced at public meetings, and published as a legal notice to be advertised to the public and all City departments.

Facility Assessments: ADA Consultants of Indiana, LLC is conducting accessibility assessments of designated City facilities. This effort is designed to address physical access barriers within high priority City facilities.

Action Item: → Completed evaluations have been included as appendices to the Transition Plan. Additional appendices will be added as remaining facilities are evaluated.

ADA Transition Plan: The Transition Plan was examined by persons with disabilities in order to gather their input and comment. The plan should be adopted and implemented. It is a summary of the City of West Lafayette's efforts to comply with ADA's Title II mandates.

Action Item: → The West Lafayette Board of Public Works and Safety will vote to adopt this updated Transition Plan on December 18, 2012.

Requirements of Access to Programs, Services and Activities Findings:

The U.S. Department of Justice (USDOJ) serves as the primary enforcement agency for the ADA and has suggested 13 points of program access for the Self Evaluation Review. These 13 points and administrative requirements were used to set the scope of the review for the City of West Lafayette.

1. **Transition Plan** – The Transition Plan is being updated as a part of this project. The completed Transition Plan will be made up of a list of barriers within the physical environment, and a statement of methods for removal of barriers.

Action Item: → The City will continue to implement barrier removal by scheduling and funding projects based on available funds and the disproportioned undue burden ratio.

2. **Program Access** – ADA Consultants of Indiana will perform a self-evaluation to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. The City of West Lafayette 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 the City 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 West Lafayette, should contact the department directly with the request. Requests may also be sent to the City's ADA Coordinator.

Action Item: → The City will achieve program accessibility by making accommodations. This means policies or procedures will be changed or adapted, as long it is reasonable, to ensure inclusion, service or eliminate barriers.

3. **Communication with persons with disabilities** – Information regarding the communication needs of persons with disabilities appears to be inconsistent through City departments. It is recommended that guidance be created on this topic and be made available to all City staff.

Action Item: → The City of West Lafayette Disability Guidelines and Etiquette Handbook for Employees was completed in November 2012 and will be made available to each City employee in January 2013.

4. **Auxiliary Aids and Services** – Provision of auxiliary aides and services such as sign language interpreters, note takers, etc. were reviewed within this scope of the Self Evaluation. Information regarding this required area is not consistent and well-established among the City

staff. It is recommended that guidance be drafted for use by City staff. This guidance should contain local resources, and protocols for City service procedures.

Action Item: → Employees will find procedures and local resources in The City of West Lafayette Disability Guideline and Etiquette Handbook for Employees.

5. Emergency Preparedness – One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of the City of West Lafayette’s responsibility.

Action Item: → To be completed with the Police Self Examination, scheduled for completion by May 2013.

6. Language Sensitivity – The United States Department of Justice (USDOJ) suggests an examination of the manner in which persons with disabilities are portrayed in City publications. Information concerning “person first language” and a list of terms that may be offensive to some persons with disabilities such as “mental retardation”, “victim of”, “wheelchair bound”, or “handicapped.” These concepts should be reinforced with training.

Action Item: → This material was completed for training instruction and purposes and included in the Disability Guideline and Etiquette handbook for Employees.

7. Historic preservation – When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied.

Action Item: → The City of West Lafayette does not operate any programs or activities out of any governed historical building.

8. Procedure for determining fundamental alterations - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Public Right-Of-Way Accessibility Guidelines (PROWAG). A policy will be written and any situations that potentially require the use of undue burden will require a written justification and approval by the ADA Committee.

Action Item: → To be completed by June 2013.

9. **Access to public meetings**– No significant guidance was found to assist City staff in producing accessible meetings.

Action Item: → It is recommended that at minimum, an internal guidance document/checklist be created to support staff in this area, scheduled for completion by June 2013. This is also an advisable topic for on-going training.

10. **Employment Practices**–The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

Action Item: → Completed – Current Employee Personnel Manual went into effect on January 1, 2008.

Excerpt from the West Lafayette Personnel Manual:

3.00 EQUAL EMPLOYMENT OPPORTUNITY, AMERICANS WITH DISABILITIES ACT AND AFFIRMATIVE ACTION POLICIES

3.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of West Lafayette recruits, hires, advances, and compensates without regard to race, religion, color, sex, age, marital status, familial status, sexual orientation, national origin, or ancestry in order to provide equal employment opportunity to all employees and applicants for employment in accordance with state and federal law. (See Appendix 3 for comprehensive policy against harassment and discrimination and complaint procedure.)

3.02 AMERICANS WITH DISABILITIES ACT POLICY

West Lafayette is committed to complying with all applicable provisions of the Americans with Disabilities Act (“ADA”) and other laws governing disability discrimination. The City of West Lafayette will not discriminate against any qualified employee or applicant with regard to any term or condition of employment because of such individual’s disability or perceived disability so long as the employee can perform the essential functions of the job, with or without reasonable accommodation. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his/her disability, provided that such accommodation does not constitute an undue hardship on the City. This includes making reasonable accommodation to allow individuals with disabilities to participate in the application and hiring process. Employees or applicants with a disability who believe they need a reasonable accommodation should contact their interviewer, immediate supervisor, a department head, or the Human Resources Director. The City encourages individuals with disabilities within the meaning of the ADA to come forward and request reasonable accommodation. (See Appendix 3 for comprehensive policy against harassment and discrimination and complaint procedure.)

3.03 AFFIRMATIVE ACTION POLICY

The City of West Lafayette will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The City is committed to taking affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action will include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

11. Construction and Renovation Project – After January 26, 1992, all construction and renovation projects are to be compliant with federal access requirements. The City conducts plan checks of new construction projects to identify compliance issues before permits are issued and any construction begins. The City’s adoption of the ADAAG and Public Rights-Of-Way Accessibility Guidelines (PROWAG) will assist and provide means to meet the requirements of the ADA.

Action Item: → To be completed by March 2013.

12. ADA Training for Staff – Much of the City staff has regular contact with the public and will need to be equipped with a wide range of disability related information in order to appropriately address the Disability Civil Rights issues as they conduct City business. It is recommended that a variety of guidance documents be created and made available for City staff to access as needed. These documents could then be maintained and updated as needed.

It is also advisable to have training available for:

- New staff,
- Staff having public contact,
- Supervisors and managers,
- Emergency responders, and
- Meeting organizers.

Action Item: → Training documents completed November 2012 - The City of West Lafayette Disability Guideline and Etiquette Handbook for Employees.

13. Employee Policies regarding former alcohol and drug users – ADA requires that persons who formerly engaged in the use of illegal drugs be protected from discrimination if they have been rehabilitated and no longer using drugs illegally.

Action Item: → Ongoing.

Grievance Procedure:

- The City of West Lafayette has an established a Grievance Procedure that meets the ADA requirements.
- The Grievance Procedure includes a description of how and where a complaint is filed.
- It includes a statement of notifying potential complainants that alternative means of filing is available.
- The procedure includes time frames and processes to be followed.
- The procedure includes information on how to appeal an adverse decision.
- The procedure includes a statement of how long a complaint file will be retained.

Available at: http://www.westlafayette.in.gov/egov/docs/1294173919_459960.pdf

Complaint/Grievance Form

Available at: http://www.westlafayette.in.gov/egov/docs/1294173994_896179.pdf

Code Requirements and Engineering Plan Review Procedures:

A review of the West Lafayette City Code and any other City policies will be reviewed to ensure proper and uniform terms and definitions are used.

Action Item:  In legal review, to be completed by June 2013.

City Code Requirements Available at:

<http://search.municode.com/html/16787/index.html>

Communications:

Under Title II of the ADA, all state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others. For most individuals with disabilities, there is no difference. For people who have disabilities that affect hearing, seeing, speaking, reading, writing, or understanding, they may use different ways to communicate than people who do not.

Any request for reasonable accommodation will be made through the Mayor's Office. Request for accommodations will be accepted up to 48 hours prior to an event.

Website:

The City of West Lafayette maintains its website to allow general accessibility to all users including those who listen to the content of the site by using a screen reader. Major reports and other special publications are made available in Portable Document Format (PDF).

If you use assistive technology and the format of any material on the City's website interferes with your ability to access the information please contact the Mayor's office 765-775-5100.

The City of West Lafayette is committed to making our Website accessible to any and all users. We welcome comments on how to improve the site's accessibility for users with disabilities.

Public Involvement:

In accordance with Title II requirements for ADA, a public entity with more than 50 employees must provide an opportunity to interested persons, including individuals with disabilities to participate in the development of the Transition Plan by submitting comments. The City identified and pursued several avenues that involve individuals with disabilities, or organizations representing individuals with disabilities with an opportunity to participate in the development of the City's ADA Transition Plan.

The City conducted a Public Presentation of the City of West Lafayette Transition Plan on September 12, 2012, at 6:30 pm in the West Lafayette City Hall Building. The purpose of the presentation was to provide information to the public regarding various steps in the Transition Plan process. A copy of the City's Transition Plan preliminary draft was made available for public inspection at that time, along with a copy of an "Areas of Concern" form, on the City website, under the ADA tab heading "ADA Grievance Forms and Feedback." Hard copies of both were provided at the meeting and also made available upon request. Completed concern forms were accepted until November 21, 2012. Completed "Area of Concern" forms are made available on the City's website under the ADA tab.

http://www.westlafayette.in.gov/egov/docs/1354285730_555389.pdf

On November 15, 2012, the City conducted a Public Hearing at West Lafayette City Hall building at 6:30 pm. The purpose of the hearing was to provide the citizens of community an opportunity to provide input for areas they sees as being most important, widely used, or any other areas of concern that may have not been considered. Minutes from this meeting available at:

http://www.westlafayette.in.gov/egov/docs/1354213799_538146.pdf

Sidewalk and Curb Ramp Inventory:

The sidewalk and curb ramp inventory was completed by City staff and BF&S Engineering during the summer of 2012. The inventory information is available upon request at the engineering office as well as on the City's website.

The maps identify locations where non-compliant ramps and sidewalks exist. The City will use these maps to program and prioritize repairs on an annual and on-going basis.

Available at: www.westlafayette.in.gov/egov/docs/1355495543195.htm

Access Compliance Assessments of Facilities:

The following appendixes are available on the City of West Lafayette website under the ADA tab or available upon request in alternative formats. Facility assessments will be available to the public for 3 years:

Appendix A - The Morton Center

http://www.westlafayette.in.gov/egov/docs/1348155611_966918.pdf

Appendix B - Municipal Building

<http://www.westlafayette.in.gov/egov/docs/1347479667270.htm>

Appendix C - Municipal Pool

<http://www.westlafayette.in.gov/egov/docs/1347480735695.htm>

Appendix D - Lilly Nature Center

<http://www.westlafayette.in.gov/egov/docs/1348158087852.htm>

Appendix E - Street and Sanitation Department

<http://www.westlafayette.in.gov/egov/docs/1347480459657.htm>

Appendix F - Waste Water Treatment Plant

<http://www.westlafayette.in.gov/egov/docs/1347480654416.htm>

Appendix G - Tapawingo Park

<http://www.westlafayette.in.gov/egov/docs/1347480538385.htm>

Appendix H - Purdue Community Boat House

<http://www.westlafayette.in.gov/egov/docs/134748034331.htm>

Appendix I - Paula R. Woods Park

<http://www.westlafayette.in.gov/egov/docs/1348158372584.htm>