



CITY  
OF **FALLS**  
**CHURCH**

***TITLE VI PROGRAM  
FOR  
CITY OF FALLS CHURCH  
VIRGINIA***

***U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION***

Adopted May 23, 2016

**THE CITY OF FALLS CHURCH TITLE VI PROGRAM**

The City of Falls Church (the “City”) is an independent city in the Commonwealth of Virginia which receives Federal Transit Administration (FTA) funds as a subrecipient of the Northern Virginia Transportation Commission (NVTC). The FTA funded transit projects performed by the City are either studies, or are used to provide amenities for the Washington Metropolitan Area Transit Authority (WMATA), which, in its role as a direct recipient of FTA funds, produces its own Title VI report.

The City has established a Title VI Program to comply with the US Department of Transportation (“DOT”) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons (70 FR 74087, December 14, 2005).

FTA Circular 4702.1B requires subrecipients to have their own Title VI program. The Title VI program shall follow all the requirements of Chapter III-3 of the Circular and must be approved by the subrecipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

## **I. General Policy Statement**

The City of Falls Church (City) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Toward this end, it is City’s objective to:

- Ensure that the level and quality of transportation service is provided without regard to race, color or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations and;
- Ensure meaningful access to programs and activities by persons with limited English proficiency (LEP).

The City Manager and all City employees share the responsibility for carrying out the City’s commitment to Title VI.

## **II. Annual Assurances to NVTC that the City of Falls Church Is Complying with Title VI of the Civil Rights Act of 1964**

The City of Falls Church has signed the certifications and assurances document required by FTA and has forwarded it to NVTC as required by the subrecipient agreement signed between NVTC and the City.

### **III. Notice to the Public**

The City of Falls Church has posted notices regarding its Title VI obligations and the protections afforded to the public by Title VI. See Appendix A for posting locations and a copy of the notice. The notice indicates that the City complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Included in the Appendix is a list of locations where the policy is posted.

### **IV. Complaint Procedures**

See Appendix B for a copy of the City of Falls Church's instructions to the public regarding how to file a Title VI discrimination complaint and a copy of the complaint form.

### **V. Previous Investigations, Complaints, and Lawsuits**

The City of Falls Church has had no Title VI Complaints since its last submission in 2013.

### **VI. Public Participation Plan**

The City of Falls Church will continue to seek out and consider viewpoints of minority, low-income, and Limited English Proficiency persons in the course of its public outreach and involvement activities. The City will continue to consider the composition of the population affected by the project, the type of practical public outreach to be undertaken and the resources available to the City. The City will continue to seek to overcome linguistic, institutional, cultural, economic, historical or other barriers that might prevent minority and low-income people from effectively participating in the City's decision-making process. To that end, the City will continue to:

- Provide opportunities for individuals and groups in these communities who can assist the City in communication;
- Maintain portions of the City's website in audio format and include other best practices to keep the website accessible to persons with disabilities compliant with federal, state, and local requirements;
- Advertise new City programs and initiatives in non-English publications and media outlets;
- Conduct meetings at locations and times convenient to low-income and minority populations and accessible to persons with disabilities; and
- Distribute media releases broadly to include news outlets tailored to such communities and make those releases accessible to persons with disabilities.
- Fully implement the City's policies on reaching out to persons with Limited English Proficiency as well as those with disabilities.

In the last three years (2013-2016), outreach activities have been performed on the S Washington Intermodal Plaza. Four community engagement meetings have been held to discuss project scope, design, and accessibility impacts. Public comments were received at these meetings held in January 2013, May 2013, February 2013, and March 2015. These meetings included the public at large as well as community stakeholder groups including small locally owned businesses, and low income and minority groups such as the Tinner Hill Heritage Foundation. Project interpretive signage was also discussed at these meetings, which will include a focus on minority populations and their role in transit and transportation in and around the Falls Church area. For each meeting, reasonable accommodations for persons with disabilities were available including assistive listening devices for persons with hearing impairments. Meeting minutes and

project information are publicly available on the website and accessible through reasonable accommodating requests for any type of disability from the City.

## **VII. Meaningful Access for LEP Persons**

### **Four Factor Analysis**

The City of Falls Church has performed a US DOT Four-Factor analysis of its program to encourage LEP people to become more involved in the process of planning transportation services. This analysis consists of these four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee;
2. The frequency with which LEP individuals come into contact with the City's plans, programs, and activities;
3. The nature and importance of the program, activity, or service provided by the City to the LEP population; and
4. The resources available to the City and overall cost to provide LEP assistance.

**Factor 1.** The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee.

The following data comes from the 2010-2014 American Community Survey 5-year estimates. This data is collected by the U.S. Census.

#### **English – 76%**

76% (11,555) of the population of the City speaks English at home.

#### **Spanish – 8.6%**

The most common language other than English is Spanish, which is the primary language of 8.6% (1,017) of the population. Approximately 22.8% (232) of the population who primarily speak Spanish speak English less than very well.

#### **Other 15.2%**

Other Indo-European languages are used by 15.2% (1,801) of the population, and approximately less than a quarter of who do not speak English very well.

#### **Asian and Pacific Islanders languages – 6.7%**

Asian and Pacific Islanders languages are spoken at home by 6.7% (797) of the population, with approximately a third not speaking English well.

#### **Other – 0.5%**

People speaking other languages, such as Amharic, constitute 0.5% (65) of the population, less than a tenth of who do not speak English well.

**Factor 2.** The frequency with which the LEP individuals come into contact with the City's plans, programs, and activities.

The City provides translation services. The City does not have a documented count of how many LEP individuals interface with the City.

**Factor 3.** The nature and importance of the program, activity, or service provided by the City to the LEP population.

The City acknowledges that residents use the transportation network for getting to work, medical

appointments, and many other activities of daily life. The City has specialized programs for the elderly and disabled through a partnership with WMATA and its paratransit program; and Fare Wheels, a supplemental transportation program that allows eligible City residents to stretch their transportation dollars. The City also provides transportation services to residents of the Aurora House, a residential counseling center for at-risk girls ages 13-17.

**Factor 4.** The resources available to the City and overall cost to provide LEP assistance.

The City invests more than \$3,500 in language interpretation and document translation per year. The City will continue to adhere to its existing LEP policy and ADA policies. See Appendix D and E for copies of these policies.

## VIII. Membership of Non-Elected Committees

The City of Falls Church’s Citizens Advisory Committee on Transportation (CACT) considers traffic calming cases, provides recommendations to the City Manager on traffic calming, reviews Impact Studies for development proposals, and makes policy recommendations to the City Manager on transportation related issues. The committee is composed of 7 members appointed by the City Council for 3-year terms, with liaisons from the Planning Commission and the School Board.

Attribute	Value	City of Falls Church*		CACT	
		#	%	#	%
Sex	Male	6,290	48.1%	6	85.7%
	Female	6,784	51.9%	1	14.3%
Housing Tenure	Owner Occupied Units	2,933	59.1%	-	0.0%
	Renter Occupied Units	2,033	40.9%	1	100.0%
Race	White	10,138	77.5%	6	85.7%
	Black or African American	724	5.5%	1	14.3%
	American Indian and Alaska Native	-	0.0%	-	0.0%
	Asian	1,179	9.0%	-	0.0%
	Native Hawaiian and Other Pacific Islander	-	0.0%	-	0.0%
	Some Other Race	475	3.6%	-	0.0%
	Two or More Races	558	4.3%	-	0.0%
Hispanic or Latino	Hispanic or Latino	1,239	9.5%	-	0.0%
	Not Hispanic or Latino	11,835	90.5%	7	100.0%

\*US Census. 2010-2014. American Community Survey 5-Year Estimates.

The City will renew its efforts to identify both members of minority groups and people with LEP who will be affected by major City actions. These people will be strongly considered for appointment to the community service boards which provide the City with policy guidance regarding some of these major transportation issues. The City will continue to promote board and committee vacancies to media outlets that represent a wide variety of audiences including the Spanish and Vietnamese population.

## **IX. Requirement to Collect Demographic Data**

The City is not a transit service provider and therefore is not required to collect demographic data.

## **X. Monitoring of Subrecipients**

The City of Falls Church is not a primary recipient, and does not have any subrecipients to monitor.

## **XI. Equity Analysis of Facilities**

The City of Falls Church is not a transit provider and has not constructed any facilities requiring an equity analysis.

## **XII. Resolution Approving this Policy**

Attached as Appendix C, you will find the resolution from the City Council authorizing the City of Falls Church's Title VI program.

## **Appendix A: Notice to the Public**

This appendix lists the location where The City of Falls Church Title VI Program is displayed and includes a copy of the public notice in English and Spanish.

### ***Posting Locations***

The City of Falls Church posts its Title VI policy notifications in the following places:

- The City's website
  - <http://www.fallschurchva.gov/470/Title-VI-Transportation-Equity>
- The City's public library; and
- The City's planning department.

The City will post its Title VI policy notification at its Multimodal Transit station once it is constructed.

### ***Public Notice***

- The City of Falls Church, Virginia operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Falls Church.
- For more information on the City of Falls Church's civil rights program, and the procedures to file a complaint, contact 703.248.5004 (TTY 711); email [citymanager@fallschurchva.gov](mailto:citymanager@fallschurchva.gov); or visit our administrative office at 300 Park Avenue, Suite 303 E, City of Falls Church, Virginia, 22046.
- A person may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- For information in your language, please call 703 248-5040 (TTY 711).\*

**\*All City of Falls Church staff is trained to use the Language Line Services if needed. The City also has a contract to provide interpretation and/or translation services.**

## **Appendix B: Complaint Procedures and Complaint Form**

This appendix describes the City of Falls Church's complaint procedures and includes a copy of the complaint form in both English and Spanish.

### ***Complaint Procedures***

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of Falls Church ("herein referred to as "the City") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete.

Once the complaint is received, the City's Director of Development Services will review it to determine the City office has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the City. If the complaint will be investigated, the Director of Development Services will assign an investigator to the case.

The City has 180 days to investigate the complaint. If more information is needed to resolve the case, the investigator may contact the complainant. The complainant has 25 business days from the date of the letter to send the requested information to the investigator. If the investigator is not contacted by the complainant or does not receive the additional information within 25 business days, the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue the case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training, or other action will occur. If the complainant wishes to appeal the decision, she/he has 25 business days after the date of the letter of the LOF to do so. Appeals should be made to the City Manager.

A person may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.



# Appendix D: Language Access Plan



## I. PURPOSE

Administrative Regulation 8-34 is the City's policy regarding effective communication for all employees interacting with Limited English Proficiency (LEP) customers. The City supports and encourages language access for all employees interacting with LEP customers.

## II. AFFECTED EMPLOYEES

All City employees and employees of Constitutional Officers included in the City's personnel system.

## III. POLICY

No person is denied equal access to City services based on his inability, or limited ability, to communicate in the English language. Quality service to LEP customers requires all City employees to utilize professional interpreter/translation resources as the primary means of communication. This ensures that the communication is accurate, complete, impartial, and confidential and meets or exceeds professional interpreter qualifications. Vital documents will be identified and translated as appropriate.

Bilingual staff may be utilized, with their permission and that of their supervisor, on a limited basis to provide basic instructions or schedule appointments. Professional interpreters should be secured for complex and detailed interactions such as information gathering or providing complicated instructions. Volunteers or family and friends of the client should not be used to interpret unless the client specifically requests their services.

Authority. Title VI of the Federal Civil Rights Act of 1964 and its implementing regulations provide that no individual shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. The courts have held that Title VI of the Civil Rights Act prohibits recipients of Federal financial assistance from denying individuals with Limited English Proficiency (LEP) access to programs, on the basis of their national origin. Executive Order 13166 issued in 2000 further addresses providing meaningful access to LEP persons and thus complying with Title VI. All organizations or individuals that receive Federal financial assistance, either directly or indirectly, through a grant, contract or subcontract have an obligation to ensure that individuals with LEP have meaningful and equal access to benefits and services.

## IV. DEFINITIONS

*Interpretation:* The conversion of an oral language message from one language into another. This includes face-to-face interpretation and telephone interpretation. Interpretation may be simultaneous ("on the heels of each phrase spoken") or consecutive which requires that the speaker pause after a few sentences and wait for the interpreter to transmit the message before proceeding.

*Limited English Proficient Individual (LEP):* Person who does not speak English as his/her primary language and who has a limited ability to read, write, speak, or understand English.

**EFFECTIVE DATE: 13 March 2007**

**REVISION DATE:**

*Qualified Interpreter/Translator:* Person formally trained (certified or qualified) in converting oral or written language between persons who do not share a common language.

*Sight Translation/Interpretation:* The transmission of written materials from one language into another spoken language.

*Translation:* The conversion of written text from one language into another.

## V. RESPONSIBILITIES

The following describes the responsibilities of various City Departments. The responsibilities are tiered to ensure the most complete level of compliance with this Regulation.

### A. Office of the City Manager.

1. Provide leadership and sponsorship of the Language Access Policy and initiative;
2. Provide direction for Language Access goals and procedures; and
3. Provide information and guidance through the Housing and Human Services Division/ Human Services Specialist.

### B. Housing and Human Services Division.

1. Maintain resources and materials related to language issues;
2. Disseminate updates to Division Directors on advances in software, equipment, resources and materials;
3. Recommend interpretation and translation contracts as well as new technology;
4. Provide education and training to employees about language resources, accessibility of services, and effective use of interpretation and translation services as well as available equipment and materials;
5. Provide guidelines for translated documents; and
6. Provide guidance on Web page accessibility.

### C. Division Directors

1. Consult with Housing and Human Services Division;
2. Disseminate Language Access information and resources to all employees;
3. Ensure that all employees are aware of, have access to and understand how to use available language resources including, but not limited to: telephone interpretation services, and speaker phones/conference call capability and cell phones for field workers;
4. Disseminate access codes provided by vendor(s);
5. Direct employees to proactively inform LEP customers of the availability of language access services and utilize telephone interpretation services as primary means of communication; monitor compliance;
6. Promote professional development in cultural competency and foreign language skills; and
7. Identify vital documents for translation; work with identified vendor(s);

### D. Employees

1. Understand and utilize language access resources such as telephone interpretation services;
2. Seek and attend language access training;
3. Proactively inform LEP customers of the availability of language services in their primary language;

4. Request professional development in the areas of cultural competence, foreign languages, or interpreter certifications, if desired;
5. Utilize bilingual staff on a limited basis only (Appropriate use of bilingual staff includes simple interactions only and requires the permission of the employee and his supervisor.);  
and
6. Utilize volunteers, family and friends only if requested by the customer.

\_\_\_\_\_  
F. Wyatt Shields, City Manager

\_\_\_\_\_  
Date

# Appendix E: Americans with Disabilities Act Policy



## I. PURPOSE

Administrative Regulation 8-30 is the City's policy to provide reasonable accommodations to qualified job applicants and employees with disabilities consistent with the provisions of Title I of the Americans with Disabilities Act (ADA).

## II. AFFECTED INDIVIDUALS

All City departments and offices are covered by the accessibility and notification requirements cited in the ADA, and all qualified job applicants, permanent, probationary, and term employees are covered by the reasonable accommodation requirements. This Federal law also covers elected and appointed City officials and their employees.

## III. POLICY

By a Resolution adopted January 10, 1992, the City affirms its commitment to the letter and to the spirit of the Americans with Disabilities Act. It is the City's policy to ensure equal employment opportunity to all individuals, including those with disabilities. The City of Falls Church will provide reasonable accommodation to qualified job applicants and employees, in accordance with the provisions of the Act, when: an applicant requests a reasonable accommodation during the application process; and an employee requests a reasonable accommodation to enable him/her to perform essential job functions.

The City of Falls Church has designated the Human Resources Director and the ADA Compliance Officer as responsible for enacting this policy and administering the program. Job applicants and employees needing reasonable accommodation should contact the Human Resources Director or the ADA Compliance Officer.

The City of Falls Church will process requests for reasonable accommodation in a timely manner and, as appropriate, provide accommodation promptly.

## IV. DEFINITIONS

*Disability:* Defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities.

*Person with a disability:* Refers to any person who has a disability, has a record of a disability, or is regarded as having a disability.

*Has a 'record of disability':* Means the person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

*Is 'regarded as having a disability':* Means the person has a physical or mental impairment that does not substantially limit a major life activity but is treated by others as constituting such a limitation; has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment; or has no physical or mental

**EFFECTIVE DATE:**

**REVISION DATE:**

impairment but is treated by others as having such an impairment.

Short-term conditions, such as a broken ankle, do not constitute a disability covered under the ADA.

*Essential Functions:* The basic job duties that an employee must be able to perform with or without reasonable accommodation, as defined by the employer and outlined in job descriptions. Essential functions can be determined as follows: 1) the position exists to perform the function, 2) the number of other employees that may be available to perform that task, 3) the position requires a certain degree of skill or specialization.

*Major Life Activity:* Everyday activity that an average person can perform with little or no difficulty. Major life activity means a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

*Qualified Job Applicants and Employees:* Person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. Only qualified job applicants and employees with disabilities must be accommodated.

*Reasonable Accommodation:* Any change or adjustment to the job application process, job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship, as defined below.

Reasonable accommodations may include, but are not limited to: modifying work sites, e.g., to provide wheelchair access; acquiring or modifying equipment, devices or software; adjusting work schedules to facilitate medical treatment; job restructuring; reassignment to a vacant position for which the employee with a disability is qualified; flexible leave options, including unpaid leave; providing readers or sign language interpreters; and providing materials in alternative format.

*Undue Hardship:* An accommodation that would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the overall financial resources of the City, and the nature and structure of its operation. The City Manager makes all final decisions regarding reasonable accommodation and undue hardship.

#### V. ADA COMPLIANCE OFFICER

The City's ADA Compliance Officer is the Senior Human Services Specialist in the Housing and Human Services Division. This position provides technical assistance and monitors the City's compliance with the ADA.

#### VI. REASONABLE ACCOMMODATION PROCESS FOR EMPLOYEES

The process for identifying and providing reasonable accommodation for employees is:

1. Using the Reasonable Accommodation Request form (attached), an employee submits a reasonable accommodation request, in writing, to the Human Resources Director and to the ADA Compliance Officer. The request should include an explanation of how his/her disability affects job duties and specify the accommodation the employee is seeking. The Human Resources Director and the ADA Compliance Officer reserve the right to request medical documentation of the nature and the extent of the disability.
2. The Human Resources Director and the ADA Compliance Officer in consultation with the employee's supervisor evaluates the employee's job to determine its purpose and essential functions, and remains in contact with the employee and his/her supervisor throughout the reasonable accommodation process.
3. The Human Resources Director and the ADA Compliance Officer consult with the employee to determine his/her physical or mental abilities and limitations, as they relate to the job's essential functions.
4. The Human Resources Director and the ADA Compliance Officer determine if the employee has a disability covered by the ADA, and whether the employee is qualified with or without a reasonable accommodation.
5. The Human Resources Director and the ADA Compliance Officer determine, based on objective medical or other evidence, whether an employee with a disability poses a direct threat of harm to himself or to others, and whether the threat may be removed by a reasonable accommodation.
6. The supervisor and the employee identify potential accommodations. The supervisor may consult with expert resources such as the ADA Compliance Officer or the Job Accommodation Network (800 526-7234 voice, 877 781-9403 tty).
7. While the employee's preference should be considered, the supervisor, in consultation with the Human Resources Director and the ADA Compliance Officer, may choose an alternate accommodation that is less expensive or easier to provide.
8. Should the Human Resources Director and the ADA Compliance Officer determine that a particular accommodation would impose an undue hardship on the City; the supervisor may consider whether an alternative accommodation imposes such a hardship.
9. If a reasonable accommodation is available, the supervisor, in consultation with the Human Resources Director and the ADA Compliance Officer, selects and implements the accommodation, requesting any additional funds necessary to accommodate the employee.

#### VII. APPEAL PROCEDURE FOR EMPLOYEES AND JOB APPLICANTS

The City provides an appeal procedure for timely resolution of potential disputes for reasonable accommodation made by employees and job applicants.

1. The employee or job applicant files a written appeal request with the City Manager and provides copies to the Human Resources Director and to the ADA Compliance Officer.
2. The City Manager or his/her designee consults with the Human Resources Director, the ADA Compliance Officer, and the City Attorney, and sets a hearing date, conducts a hearing, gathers any necessary information and/or documentation, and conducts any pertinent interviews.
3. The City Manager renders a decision, in writing, to the employee or job applicants within 30 calendar days of the filing of the request for reconsideration. The City Manager is the final authority on all appeals for reasonable accommodation.
4. Any employee dissatisfied with the City Manager's decision may contact the US Department of Justice or the US Equal Employment Opportunity Commission for additional guidance.

### VIII. REASONABLE ACCOMMODATION PROCESS FOR JOB APPLICANTS

An applicant for employment submits, in writing, a request for reasonable accommodation to the City's Human Resources Director and to the ADA Compliance Officer, to include requests for reasonable accommodation in pre-employment testing. The Human Resources Director and the ADA Compliance Officer review the request and advise the applicant of the decision. Reasonable accommodation is provided, if indicated, in accordance with the provisions of the ADA.

### IX. STAFF RESPONSIBILITIES DURING THE REASONABLE ACCOMMODATION PROCESS FOR EMPLOYEES

A. Supervisors. Supervisors will cooperate with the Human Resources Director and the ADA Compliance Officer in all aspects of the process of determining reasonable accommodation. Supervisors will provide information, as requested, to the Human Resources Director and to the ADA Compliance Officer regarding the purpose and the essential functions of the employee's job. Supervisors will work to identify potential reasonable accommodations. Supervisors will inform their immediate supervisor, Division Director, and General Manager of the request and the process for reasonable accommodation.

Supervisors with responsibility for hiring also ensure that pre-employment inquiries of a job applicant relate solely to the applicant's ability to perform job-related functions and not to whether the applicant is an individual with a disability or to the nature and the severity of such disability.

B. Division Directors and General Managers. Subordinate supervisors should advise Directors and Managers of requests for reasonable accommodation and the process involved. Directors and Managers may request to be included in the efforts by the Human Resources Director and the ADA Compliance Officer to provide reasonable accommodation. Division Directors and General Managers will cooperate with the Human Resources Director in identifying vacant positions that may be appropriate for a qualified employee with a disability. Directors and Managers may request additional funds, if needed, to provide reasonable accommodation to qualified employees with disabilities.

C. Human Resources Director. The Human Resources Director coordinates all requests for reasonable accommodation with the ADA Compliance Officer, in consultation with the employee and his/her supervisor; complies with all steps in the Reasonable Accommodation Process referenced above; and requests that the ADA Compliance Officer research available resources to provide recommendations on potential accommodations for a qualified applicant or employee with a disability.

D. ADA Compliance Officer. The ADA Compliance Officer monitors the City's compliance with all aspects of the ADA with regard to requests for reasonable accommodation; coordinates with the Human Resources Director on all requests for reasonable accommodation; and researches and provides technical assistance, to include recommendations of potential accommodations.

E. City Manager. The City Manager rules on all appeals for reasonable accommodation and makes a final determination on whether the City can provide reasonable accommodations

without causing undue hardship.

X. PRE-AND POST-EMPLOYMENT GUIDANCE

A. Pre-Employment Medical Issues.

1. It is unlawful to: ask an applicant whether he/she is disabled; ask about the nature or severity of a disability; or require the applicant to take a medical examination before making a job offer.
2. It is lawful to: ask applicants questions about their ability to perform job-related functions, so long as the questions are not phrased in terms of a disability and to ask applicants to describe or to demonstrate how, with or without reasonable accommodation, they will perform job-related functions.

B. Post-Employment Medical Issues.

1. It is unlawful to require a medical examination or to ask an employee questions about a disability unless the supervisor can demonstrate that these requirements are job-related and necessary for the conduct of business.
2. It is lawful to require a medical examination prior to commencement of employment duties, if an examination is required of everyone who will be working in the job category prior to employment; and to request a medical examination after an employee asks for a reasonable accommodation.

C. Pre-Employment Substance Abuse Issues.

1. Alcoholism is a covered disability under the ADA. It is unlawful to ask applicants how much alcohol they drink or whether they have participated in any program to curb alcohol consumption.
2. It is lawful to ask applicants about illegal drug use. Current illegal drug users are excluded from protection under the ADA. However, the ADA does protect persons who are no longer illegally using drugs including those who have successfully completed or who are currently in a rehabilitation program.

\_\_\_\_\_  
F. Wyatt Shields, City Manager

\_\_\_\_\_  
Date

Attachment:

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