

Appendix I



CITY OF SALINAS

ADA Self- Evaluation of Policies, Procedures and Practices



The Americans with Disabilities Act Self-Evaluation of The City of Salinas 2021



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**SALLY SWANSON
ARCHITECTS, INC.**

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SECTION I: PROJECT OVERVIEW

Acknowledgement

Sally Swanson Architects, Inc. thanks the City of Salinas Officials who were very generous with their time and knowledge without which this project would not have been possible. We wish to extend a special thanks to Eda M. Herrera, P.E who was instrumental in coordinating this project.

Introduction

The City of Salinas is committed to seamless access to all its programs services and activities for qualified persons with disabilities. To ensure appropriate access exists, as well as compliance with state and federal disability civil rights laws, the City of Salinas conducted this ADA Self-Evaluation.

The purpose of the evaluation is to examine all programs, services and activities provided by the City and to determine what changes if any would be necessary to ensure appropriate access exists.

The City is covered by the Americans with Disabilities Act (ADA), Title II and California Government Code 11135. The City's employment programs are covered by ADA, Title I, the ADAAA and California Government Code 12926. When comparing state and federal law 28 CFR 35.103 mandates that the most stringent law be applied to create the maximum amount of access for persons with disabilities. Thus, the most stringent standards were applied in the course of the evaluation being reported in this document.

Background Information Regarding the ADA

Passed in 1990, the ADA is one of the most comprehensive civil rights laws in the nation. It provides protection to an estimated 57 million Americans in: employment; receipt of programs, services and activities from state and local government; the receipt of goods and services from private businesses and telecommunications. In 2008 the Americans with Disabilities Amendment Act (ADAAA) was passed. The ADAAA give guidance to the courts regarding who has standing under ADA. The result has been an increasing number of persons who are now able to bring their ADA cases to Federal Court.

Background Information Regarding California State Law

Under California Government Code 11135, the ADA has been incorporated into State Law. Thus, the matters raised in this report as ADA issues are also State issues. California has, in California Government Code 12926, broadened the definition of disability beyond the ADAAA. State and federal laws require that the law that is the most stringent be applied.

Defining who is a Person with a Disability is defined under the Law.

In applying California Government Code 12926, we find these central points of coverage.

1. A person having a physical or mental disability that limits a major life activity, this is considered in the unmitigated status. Thus, we would consider how the individual in question would function without the use of medication or devices that may mitigate the impact of the disability. If there is a limitation to a major life activity in this statute, coverage is established.
2. If a person has a history of a disability as described above, he or she would be protected from discrimination based upon that history.
3. If a person is regarded as having a disability, such as described in section 1 above, they would be protected.

Among others, California State law also provides protection to cancer survivors, persons who have a genetic predisposition to illnesses or disabilities, or persons who have received services within a special education program.

Self-Evaluation

Required by 28 CFR 35.105, the ADA Self-Evaluation is a comprehensive examination of all City programs, services and activities to identify areas where changes are needed to ensure access is in place for persons with disabilities. The scope of the review was set using the US Department of Justice ADA Title II, Technical Assistance Manual section 8100 and 8200.

Method of Self-Evaluation Review

The City of Salinas contracted with Sally Swanson Architects Inc. (SSA) for the purpose of facilitating a Self-Evaluation of City operations. In setting the method of review, the City elected to submit policies to SSA for review. SSA also submitted a list of disability civil right related policy topics to the City asking that said policies, if in place, be submitted as part of the Self-Evaluation Review. (Please see below) At the City's request SSA staff met with selected City staff on July 20 - 21, 2015 to gather Self-Evaluation data from them. The questions that were explored were submitted to the City in advance. These questions appear in this report with a summary of the responses. As appropriate, SSA staff made recommendations and suggestions for the purpose of enhancing policies and practices related to access of programs, services and activities. Items needing follow-up were placed in a spreadsheet for the purpose of managing the desired changes. Findings and recommended changes were reviewed with an ADA Advisory Committee, which was created as part of this project.

ADA Transition Plan

The ADA Transition Plan is required by 28 CFR 35.130 (d). It contains four parts:

1. A list of all physical barriers in sites from which the City provides programs, services or activities;
2. A statement regarding the method to be used to mitigate the barriers;
3. A schedule for barrier mitigation;
4. The name of the City official who is responsible for the transition plan administration.

SSA, at the direction of the City, performed access surveys of the top 10 City facilities. The priority was set taking into consideration the purpose of the facility and the amount of public contact. Public Rights-of-Ways were also evaluated. Priority was given in the review to older areas, and areas around schools and public buildings. For more information, please see the Salinas ADA Transition Plan.

SECTION II: CITY POLICY REVIEW

Below are the policy subjects submitted to the City by SSA for City consideration:

▶ **Status of the ADA Self-Evaluation**

This document is the City of Salinas' ADA Self-Evaluation of 2016.

▶ **Status of appointment of an employee responsible for ADA Coordination**

An ADA Coordinator has been appointed and is in place.

▶ **ADA Notice of Compliance (Include system of dissemination)**

The City of Salinas adopted an "ADA Notice of Compliance" on June 22, 2021.

▶ **Grievance system used to address Disability civil rights complaints**

The City of Salinas adopted an updated Grievance Procedure on June 22, 2021.

▶ **Statement regarding the status of the ADA Transition Plan**

Please see above.

▶ **Service Animal Policy**

Recommendation: Create a service animal policy with an incident reporting system.

▶ **Reasonable Accommodation Policy (Employment) (Based upon California Gov. Code 12926)**

Recommendation: Create a reasonable accommodation procedure covering selection, performance of essential functions, and the receipt of benefits and privileges of employment. This information should be made known to staff and applicants.

► **Policy and practice regarding auxiliary aides and services (VRI update)**

Recommendation: Create a policy and procedure to ensure the provision of auxiliary aides and services (accommodations to the public) are handled in a legal, efficient and equitable manner. Staff needs training to carry out their role in this area.

► **Anti-surcharge Policy**

Recommendation: Create an anti-surcharge policy and publish it in the “ADA Notice of Compliance”.

► **Policy and procedure for policy modification requests and the determination of undue burden**

Recommendation: Create a policy and procedure to administer policy modification requests (CFR 35.130(b) (7). Said system must be able to determine when a request would result in a fundamental alteration of programs, services or activities.

► **Policy and procedure for accessible ticket sales (if applicable). Policy regarding the use of personalized motorized vehicles in public areas**

Recommendation: Create a policy to address ticket sales that will comply with 28 CFR 35.138.

► **Policy regarding accessible 911 systems**

During an interview with the City of Salinas Police Department it was reported that the 911 system has a TTY and staff are trained to operate it.

► **Policy regarding website access**

Recommendation: Create a policy that mandates that all City websites will be accessible and at a minimum WCAG 2.0 AA

► **Policy regarding captioning of video tape recording and/or broadcasts**

Recommendation: Create a policy mandating that all City broadcast videos are captioned and that all new video purchases contain captioning. Note: The US Department of Justice is now involved in rulemaking in this area. This may result in requirements for video descriptors, for the blind, in the future. It's advised that the rulemaking be monitored at www.ADA.gov.

► **Purchasing policy to ensure public funds are not used to create barriers to access**

Recommendation: Create a policy ensuring that public funds are not used to create an access violation. This policy should be accompanied with training and guidance for purchasing staff.

► **Policy and procedure for determining direct threat**

Recommendation: Create a policy to comply with CFR 35.139, direct threat, ensure California Government Code 12926 is incorporated, as appropriate.

► **Zero Tolerance of disability harassment policy**

Recommendation: Update the City of Salinas' 2001-2005 Equal Employment Opportunity Plan to address disability harassment and other disability civil rights issues, as noted in the HR section of this report.

► **Language used in contracts to prohibit disability discrimination**

Language was found in contracts that hold contracts to all state and federal laws.

► **Policy regarding the maintenance of accessible features**

Recommendation: Create a policy to comply with CFR 35.133, maintenance of accessible features. City Maintenance staff need to be trained regarding their role in disability civil rights. There should be a reporting system in place to be used by maintenance staffs when they identify a problem in the field that will require follow up.

Review of Surveys, Findings, Recommendations and Suggestions Resulting from Meetings with City Officials

As noted above, meetings were held with City officials where questions within their area of responsibilities were discussed and solutions to issues were identified. For the complete list of survey questions and meeting notes with recommendations and suggestions see Appendix G.

Meeting with the City of Salinas ADA Coordinator

In the meeting with the City ADA Coordinator, Robert C. Russell, City Engineer the basic structure of ADA Title II compliance was explored. It was discovered that attention is needed in construction of a policy and training infrastructure to promote appropriate compliance with ADA and corresponding California State disability civil rights laws.

Examples of needed policies and procedures include but are not limited to: Notice of ADA Compliance, auxiliary aids and services policy, policy and procedure concerning emergency evacuation, drug anti-discrimination policy, policy for the use of motorized mobility devices, policy concerning ticket sales, as well as other guidance activities as documented elsewhere within the contents of this report. City correspondence should be published in a clear font such as Arial or Times New Roman. City business cards and letterhead should contain "California Relay 711" and City staff should receive information regarding how to use the California Relay System.

As these policies and procedures are created, it will be necessary to provide training and guidance to impacted City staff to ensure appropriate implementation of the operational changes. Vetting with stakeholders will also be an important part of the City's path forward. Steps have already been taken to form an ADA Advisory Group that will provide input regarding the City's ADA Transition Plan and Self-Evaluation. This group is cross disability by design and thus it will be able to provide insights from a variety of perspectives.

ADA Self-Evaluation Questions for Law Enforcement

Meeting with Police Department Staff: Commander Dave Shaw, Virginia Hernandez, Technical Services Coordinator, Cynthia Burnham, Police Services Administrator, Fire Chief Ed Rodriguez, Sam Klemek, Fire Marshal and Mike Garner, Parking Operations offices (Public Works)

Most of the policies and procedures required under ADA Title II appear to be in place. The planned replacement of the police station will enhance access to police programs, services and activities. It is important to note that the City does not hold inmates for over 6 hours before transferring them to County facilities. Service animals are kept with the inmate. If medical services are needed EMTs are called in. No phone system is available to inmates. Medical appliances are not removed from inmates unless such devices are used as weapons. Should that be the case, the inmate is monitored continually.

It is recommended that law enforcement seek sign language interpreting services that can be available to them, on an as needed basis.

Also, it is recommended they use the US Department of Justice roll call video for police officer training. This video was provided to the police department. Upon using the video it would be incumbent upon the police department to evaluate other training needs; identifying gaps of major disability groups that have not been addressed by POST training or the US Department of Justice video.

ADA Self-Evaluation Questions Regarding Site Specific Emergencies

Emergency Management

A meeting was held with fire, police and public works staff involved in managing emergency events within City facilities and City wide incidents. **Commander Dave Shaw; Virginia Hernandez, Technical Services Coordinator, Fire Chief Ed Rodriguez, Sam Kemek, Fire Marshal; Mike Garner, Parking Operations offices (Public Works), and Cynthia Burnham, Police Services Administrator**

Site Specific Incidents

As a result of discussions a number of recommendations were made. These recommendations include, but are not limited to:

Create a procedure for identification of City of Salinas staff that would need special assistance during an emergency. It is critical to know that any inquiry into this area is responded to on a voluntary nature from the employees in question.

If employees come forward identifying the need for special assistance, the reasonable accommodation process needs to be activated. Thus, it becomes advisable to involve HR in this process.

Floor wardens or others staff directly responsible for the provision of emergency services must be provided with information concerning the needs of staff having accommodations in place.

Redundancies need to be planned for in emergency plans to ensure appropriate support is available should an event occur.

Drills of a variety of emergencies should take place accompanied with debriefings.

Persons with disabilities should be involved in these drill and debriefing activities.

If persons are deaf and hard of hearing and working in buildings that do not have full coverage by strobe lights, accommodations must be introduced to ensure appropriate communication of emergency events.

Public address systems should be tested for appropriate volume and coverage. Maintenance of PA systems is needed at regular intervals.

Plans need to be developed to address emergency evacuation of persons with mobility impairments from the second floor and above locations.

Visitor sign in & out sheets may be helpful. On a voluntary basis visitors could be asked to disclose if they would need special assistance in an emergency. This information could be passed to first responders as needed.

Enhanced coordination with the Fire Department and disability community are advised. Ensure that new employees are told during new employee orientation, that they should obtain information regarding emergency management from their supervisor. They should also be informed that reasonable accommodations are available as needed for staff needing such assistance during an emergency.

Citywide Events

Citywide events were also discussed. The following are items recommended to enhance the City of Salinas' response to such events.

Ensure that all information in press conferences conducted by the city public information officer (PIO) is accompanied with sign language interpreting services.

Utilize technical assistance information from the United States Department of Justice regarding emergency shelter set up operations. This information has been submitted to the Fire Chief.

Identify sources from which commodities may be obtained that are necessary during an emergency. This should include durable medical equipment, medications and supplies.

Ensure that there are redundancies in place within this procurement system as the source of first choice may also have been impacted by the incident.

Train CERT volunteers regarding issues relative to disability emergency management.

Ensure that emergency shelters have a backup power supply. This is necessary for temperature control, recharging the batteries in wheelchairs, operating ventilators, etc.

Ensure policy is in place to permit service animals in emergency shelters and to serve persons with disabilities in an integrated setting.

Involve the ADA Coordinator and members of the local disability community in planning, drilling and debriefing emergency plans.

ADA Self-Evaluation Questions for Persons Managing Facilities, Space Leased to Third Parties & Maintenance Operations

In meeting with Salinas officials, Don Reynolds, Assistant Public Works Director and Jim Pia, Assistant City Manager to discuss facility management and maintenance operations the following potential action items were identified. The City of Salinas should:

Clearly identify roles and responsibilities between the City and its tenants for creating and maintaining access in lease agreements.

Training and guidance should be provided to maintenance staff concerning the placement of furniture and equipment to maintain appropriate actions.

Maintenance staff should be trained to identify and repair or report conditions that create safety violations or access barriers.

A system needs to be put in place and maintained that records barrier removal within the ADA Transition Plan. This will allow the City of Salinas to take credit for work done, keep the Transition Plan current and assist if the City needs to demonstrate good faith effort relative to ADA compliance.

When the City enters into a new lease or renews an existing lease concerning sites from which it provides programs, services and activities, an access evaluation must occur. Failing this, it's conceivable that public funds could be used to secure sites which contain access barriers negatively impacting qualified persons with disabilities.

ADA Survey for Staff Responsible for Purchasing and Service Contracts

A meeting was held with City of Salinas officials, Frank Aguayo, Senior Civil Engineer and Manny Cauntay, Senior Buyer to discuss access related to purchasing and contracts. Key points include the following:

The City must ensure that all bid materials are available in alternative format upon request.

Meetings relative to obtaining contract awards should be held in an accessible

environment. If that is not possible, discussion must occur regarding how the bidder/contractor can obtain the same information through alternative means.

To comply with 28 CFR 35.103 State and federal access standards must be examined and the most stringent access standard must be applied.

When designing a construction project or remodel it is advisable to encourage designers to build in construction tolerances. Thus, for example, rather than designing a ramp at a slope of 1 to 12, the ramp might be designed at a 1 to 14 slope. If problems occur in the field it's likely the ramp would still be compliant with construction tolerances in place.

It is prudent to survey projects at key points during construction. It is suggested that the checklist for this purpose found at www.CDA.CA.gov be downloaded and used on a regular basis.

It is suggested that the Disability Advisory Committee be used as a source of information regarding access when planning all major projects and remodels.

It is recommended that service providers who contract with the City be required to post the City's "Notice of ADA Compliance".

It is recommended that purchasing staff be trained on access requirements and their impact on the purchasing program. Resources to purchasing staff should be made available during this training.

ADA Self-Evaluation Questions for Meeting and Event Planners

A meeting was held with Salinas City officials Patricia Barajas, City Clerk and Cynthia Bojorquez, Library and Community Service Director and Kristan Lundquist, Community Services Manager to discuss City sponsored meetings and events. This is an area with a considerable amount of detail. For that reason, it is recommended that a checklist be developed to support staff that is producing meetings and events. Further, staff should be trained regarding the impact various elements within the checklist have on persons with a disability attempting to access the meeting or event.

In highlighting some of the major issues the following items are recommended:

Notice to be contained in all meeting and event announcements, offering accommodations to persons who need special assistance to participate in the event;

There needs to be an identification of local resources where needed accommodations can be procured; and;

Training of staff regarding how to administer accommodation requests is recommended.

The establishment of service animal relief areas adjacent to meeting or event locations is recommended, as is the training of staff regarding the techniques of giving directions to persons who are blind.

Survey access features of perspective meeting and event sites.

The development and implementation of a video captioning policy concerning new video purchases is recommended. It should be noted that rulemaking within the United States Department of Justice is now underway and when finalized may require that videos also have video descriptors for persons with visual impairments. It would be prudent for the City to monitor this rulemaking process.

It's suggested that the City provide guidance to presenters requesting that they read PowerPoints out loud. This can be the resolution of an access barrier for persons who are blind.

All meetings and events must contain accessible integrated seating with companion seating available, accessible stages, microphones, drinking fountains, restrooms, accessible points of transactions and other elements that meeting participants would have available to them.

If public comments have a time limit, the chair may need to extend that time if the speaker has a speech related disability.

In addition to the items described above there are a number of items that should be included on accessible meeting/event checklist. Most of these items can be found on the survey questions utilized to facilitate the meeting.

ADA Self-Evaluation Questions for the Webmaster (IT Manager)

Note: The IT Manager Sean Eisner spoke to webmaster responsibilities, as the City of Salinas does not have a webmaster.

Currently there are three independent websites that the City of Salinas manages- City website, Police Department Website and the Library and Community Services Library. The City recently hired consultant Boots Road to redesign the websites for both City wide and Police Department. The Library will be modified in the near future.

A meeting was held with the IT Manager to discuss electronic accessibility and communications.

It is recommended that training and support information needed to ensure requirements are met, and awareness issues are considered. Ensure all websites at minimum conform to WC GA 2.0 AA standards. These are standards that the US Department of Justice is holding state and local government entities to as a minimum level of compliance.

Recommend the efforts be made to identify all City of Salinas websites and computers that are accessible to the public. At least one computer at each public location must be equipped with screen reading software making it accessible to persons who are blind.

A number of other recommendations were made concerning the content of website access. These recommendations include but are not limited to:

Ensuring all tags are available on all photography and graphics posted on websites.

Set policy to ensure multimedia presentations are accessible if they are posted to a City website.

Ensure that any video posted to a City website is captioned for persons who are deaf or hard of hearing.

Ensure that websites are accessible to individuals who are colorblind.

Ensure that documents are accessible without an associated style sheet.

Set policy to require identifiers for column headers and data tables.

Address markup of headers and cells as called for in standards.

Review frames titled with text for identification and navigation to ensure that they comply with standards.

Ensure that the systems flicker factor is in compliance with applicable standards.

Set policy and monitor it to ensure that text only pages are equivalent to primary pages posted on websites.

Ensure that accessible files are updated at the same time primary files are updated.

Ensure that if informational kiosks are used with touch screen systems that parallel operating devices for persons who are blind are installed and functional.

If systems are deployed to facilitate filling out forms online, ensure that they are accessible to persons who are blind and have learning disabilities.

It is critical that all factors be field tested by end-users with a variety of disabilities to ensure appropriate access exists.

Ensure that features on the websites do not time out when they are being filled out. This would create significant barrier to persons with learning disabilities.

Please note the above is merely to summarize significant points of electronic access. This is not meant to explain or circumvent the aforementioned standards which must be met as a minimum.

ADA Self-Evaluation Questions Regarding Employment

A meeting was held with the HR manager, Marina Gallegos to discuss access to the City of Salinas' employment program.

Some positive factors which were disclosed include: the City does not receive prescription information from lab during drug testing, employee leave balances are not used in the selection process to determine employee's reliability, and medical records are kept separately from the personnel file in a secured setting.

Advertising and position applications are conducted through NEOGOV. They have adopted ADA compliance and WCAG guidelines into their testing and quality assurance

process to address ADA compliance issues, including Level 1 Section 508 ADA compliance. It is recommended that HR work with IT to ensure that this system meets appropriate accessibility standards. The City also has a job hotline. It's recommended that investigation of this line be conducted to ensure that deaf and hard of hearing individuals can obtain the same information during the same hours that people who are hearing can access.

Position qualifications must be directly tied to the essential functions of the job. It is recommended that prior to recruitment, examination of the minimum qualifications (MQs) be conducted. Special care should be exercised concerning such requirements as a California driver's license. This is only permissible if driving is contained within the essential functions of the position. This is just one example of many that could be a problem. In failing to align the MQs with the essential functions there is a danger of disqualifying an otherwise qualified person with a disability.

It was agreed that protocols and guidelines would be beneficial to the HR program. Topics would include, but not be limited to the scope of medical inquiry, the determination of direct threat and determination of undue hardship.

The City must accommodate employees with disabilities who would need special assistance during an emergency. In that context, HR should be involved in the emergency planning efforts for City site specific incidents.

Panelists participating in City employment selection competitions should receive disability and awareness training.

It is recommended that improvements being made and the City's reasonable accommodation policy is disseminated to applicants and City employees.

When medical information is sought as a part of the City employment program it is recommended that a statement on the information request clearly state that genetic information is not being requested.

It is recommended that HR staff become familiar with the resources offered through the Jobs Accommodation Network and the California Department of Rehabilitation.

Recommend the policy be established to ensure that employees who are being reassigned to a vacant position as a reasonable accommodation do not have to compete for the position to which they are being assigned.

It is recommended that periodically a query of all City of Salinas staff take place. This should be done clearly noting that the information employees are submitting is on a

voluntary basis only. In this context, employee should be asked if they would need special assistance in an emergency. If they disclose that they would need such assistance the reasonable accommodation process must be initiated.

It is recommended that an update of the City of Salinas 2001–2005 equal employment opportunity plan take place. This update should include incorporating ADA, ADAAA and California Fair Employment and Housing Act as well as issues including discrimination and harassment.

It is recommended that policy be established with procedures for determining undue hardship.

It is recommended that policy be established with procedures for the determination of undue threat.

It is recommended that steps to be taken to ensure the City Grievance System is posted and well-known to staff and applicants for employment.

Use of This Self-Evaluation as a Living Document

The ADA requires that that a Self-Evaluation be conducted once. Many entities including the City of Salinas recognize the value of using this document on an ongoing basis. As such, it's available to incorporate new policies as needed in response to emerging and case law, new regulation or the development and/or modification of City programs.

Thus, an addendum to this report can be added as needed to document the City's good-faith effort to make the changes necessary to ensure appropriate access for residence, employees and visitors to the City of Salinas impacted by City operations.

City's Report Concerning the Self-Evaluation Vetting

The City is committed to vetting in these results with stakeholders as required by law and developing an implementation plan designed to implement necessary changes and track good-faith compliance efforts. The City of Salinas created a cross disability group of stakeholders who reviewed this report.

City of Salinas ADA Transition Plan and Self Evaluation

**Public Vetting Meeting
November 16, 2015 - 9am
City Hall, Council Rotunda**

1. INTRODUCTIONS AND MEETING PURPOSE

Eda Herrera provided a background and the purpose of the ADA Committee and introduced City Staff and Sally Swanson Architects, Inc. (SSA), the City's ADA Transition Plan Consultant

CITY STAFF:

Eda, Associate Engineer, Eda@ci.salinas.ca.us
Rob Russell, City Engineer, RobR@ci.salinas.ca.us
Gary Petersen, Director of Public Works, GaryP@ci.salinas.ca.us
Frank Aguayo, Senior Civil Engineer, FrankA@ci.salinas.ca.us
Crissy White, Administrative Secretary, Crissy@ci.salinas.ca.us

SALLY SWANSON ARCHITECTS:

Jasper Kirsch, Project Manager, JKirsch@swanarch.com
Michael Paravagna, Sally Swanson Architects, MParavag@yahoo.com

COMMITTEE ATTENDEES:

Kathleen Murray-Phillips, Monterey County Department of Social Services, Agency on Aging, MurrayPhillipsK@co.monterey.ca.us
Teresa Sullivan, Executive Director for the Alliance on Aging, TSullivan@allianceonaging.org
Elsa Quezada, Executive Director for the Center Coast Center for Independent Living, EQuezada@cccil.org
Diana Trapani, Executive Director for the Blind and Visually Impaired Center, Diana@blindandlowvision.org
Wayne Johnson, Coordinator of Client Services, Nonprofit agency providing services for the deaf and hard of hearing, WayneJ@dhhsc.org
Darrell Sinclair, student at Hartnell College, DarrellI.Sinclair@yahoo.com

- 2. THE ROLE OF THIS GROUP**
- 3. OVERVIEW OF ADA AND STATE MANDATES IMPACTING CITY GOVERNMENT**
- 4. ACTION TAKEN BY THE CITY OF SALINAS**
- 5. THE SELF EVALUATION**
- 6. THE TRANSITION PLAN**

Michael Paravagna of Sally Swanson Architects (SSA) presented a Power Point presentation providing a summary of agenda items numbers two through six. City staff provided information to the Committee regarding the City's plans and the future of the ADA Committee.

7. DISCUSSION

The Committee had a discussion regarding SSA's presentation, the purpose of the ADA Committee, and actions going forward.

- A. CCCIL and Alliance on Aging representatives asked if the City was going to make funding available to support their portion of the accessibility requirements and oversight. Although Council has approved of gas tax and Measure V/G funding to address accessibility deficiencies (sidewalk, access ramps, buildings, etc.), City staff indicated that any City funding would be a policy question, that can only be addressed by City Council. The City Council sets City priorities;
- B. Discussion included the severity of sidewalk upheavals in neighborhoods, which impacts quality of life. Staff reiterated Council's funding for these deficiencies, and inclusion of root barriers with new/replacement street trees and selection of deeper-rooting tree species. Representatives were very interested in correcting the vast number of upheaved sidewalks throughout the City. The Committee will provide the City with a list of other buildings of concern to the disabled community (addresses, uses, deficiencies, etc.) to identify deficiencies in the path of travel.
- C. With regard to City-wide sidewalk deficiencies, Frank Aguayo identified the various programs that have been undertaken by the City to address sidewalk deficiencies and general funding levels, including: Rancho Cielo crews, Salinas City maintenance crews, and the City's 50/50 Sidewalk Program;
- D. Due to Sally Swanson Associate's (SSA's) limited knowledge of our community, they suggested the group provide input as to what parks and City facilities are most important to address (based on activity and community programs provided). City PW staff should get input from Parks/Recreation personnel in this regard.
- E. Coordinator of Client Services suggested annual training (DVD) for all front office staff who are the first line of interaction so they are generally aware of the ADA requirements/obligations, and can better meet the needs of customers. SSA identified a 16-minute DVD that may address this concern, and also serve as a refresher for other staff members.
- F. Attendees seemed accepting of our means of prioritizing sidewalk and facilities. Priority locations include: schools, government facilities (City Hall, County Center, post offices, recreation centers, parks, medical facilities, etc.). Attendees want to consider MST bus stop locations and paths of travel to destinations, to include: senior centers and medical facilities/offices/hospitals.

FOLLOW-UP ACTIONS:

1. City and SSA will provide a list of facilities being considered (facility, site address, use), to ensure we are not excluding important facilities/locations;
2. The Committee will provide the City with a list of other buildings of concern to the disabled community (addresses, uses, deficiencies, etc.) to identify deficiencies in the path of travel that should potentially be included in the City's plan.

The Committee adjourned at 10:50 a.m.

MINUTES PREPARED BY:

Crissy White, Administrative Secretary

Work Plan for the Self-Evaluation Implementation

A list will be produced by SSA for each recommendation, categorized by each interview group. ADA coordinator and staff will meet with each group to go over the items identified in the Self-Evaluation for implementation actions. The groups will meet on a quarterly basis to go over the action items and follow schedule for implementation. City will hire SSA as needed for support during this process. Action items, time lines and staff responsible are to be added by the City

City Officials Involved in Developing this Self-Evaluation

Eda Herrera, Public Works
Robert Russell, ADA Coordinator, Public Works
James Serrano, Transportation Manager (Public Works)
Sean Eisner, IT Manager
Don Reynolds, Assistant Public Works Director
Jim Pia, Assistant City Manager
Cindy Burnham, Police Services Administration
Dave Shaw, Commander/Police Department
Virginia Hernandez, Technical Services/Police Department
Ed Rodriguez, Fire Chief
Sam Klemek, Fire Marshal
Mike Garner, Public Works/ Parking
Cynthia Bojorquez, Police Animal Shelter,
Kristan Lundquist, Library and Parks Director
Patricia Barajas, City Clerk
Marina Gallegos, Human Resources Officer
Frank Aguayo, Senior Civil Engineer

Manny Cauntay, Senior Buyer

Appendix A: 28 CFR 35.105 Self-Evaluation

28 CFR 35.105 Self-evaluation

- (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:
 - (1) A list of the interested persons consulted;
 - (2) A description of areas examined and any problems identified;
and
 - (3) A description of any modifications made.
- (d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

Appendix B: Cal. Gov. Code § 11135

California Government Code Section 11135

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

Appendix C: Cal. Gov. Code § 12926

California Government Code Section 12926

Cal Gov Code § 12926 (2010)

§ 12926. Definitions regarding unlawful practices

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(h) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(i) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(j) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

(k) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(l) Notwithstanding subdivisions (i) and (k), if the definition of "disability" used in the Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (i) or (k), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (i) and (k).

(m) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(n) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(o) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice.

(p) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in *Section 422.56 of the Penal Code*.

(q) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(r) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(s) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

HISTORY:

Added Stats 1980 ch 992 § 4. Amended Stats 1985 ch 1151 § 1; Stats 1990 ch 15 § 1 (SB 1027); Stats 1992 ch 911 § 3 (AB 311), ch 912 § 3 (AB 1286), ch 913 § 21.3 (AB 1077); Stats 1993 ch 1214 § 5 (AB 551); Stats 1998 ch 99 § 1 (SB 654); Stats 1999 ch 311 § 2 (SB 1185), ch 591 § 5.1 (AB 1670), ch 592 § 3.7 (AB 1001); Stats 2000 ch 1049 § 5 (AB 2222); Stats 2003 ch 164 § 1 (AB 196); Stats 2004 ch 700 § 4 (SB 1234).

1990 Amendment:

Added subd (j).

1992 Amendment:

(1) Added subd (a); (2) redesignated former subds (a)-(d) to be subds (b)-(e); (3) amended the introductory clause of subd (d) by (a) deleting ", except as hereinafter provided," before "includes"; and (b) substituting ", except as follows:" for a period; (4) added subdivision designation (d)(1); (5) added subd (d)(2); (6) added subd (f); (7) redesignated former subdivisions (e) and (f) to be subds (g) and (h); (8) substituted "includes, but is not limited to," for "means" in subd (h); (9) added subd (i); (10) redesignated former subd (g) to be subd (j); (11) substituted "disability, mental disability" for "handicap" in subd (j); (12) substituted subd (k) for former subd (h) which read: "(h) 'Physical handicap' includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services."; (13) added subds (l) and (m); (14) redesignated former subds (i) and (j) to be subds (n) and (o); and (15) added subd (p) and the last paragraph. (As amended 1992 ch 913, compared to the section as it read prior to 1992. This section was also amended by two earlier chapters, ch 911, ch 912. See Gov C § 9605.)

1993 Amendment:

(1) Substituted "functions" for "duties" after "Essential" both times it appears in subd (f); (2) deleted ", but is not limited to," after "includes" in subd (h); (3) deleted former subd (l) which read: "(l) 'Reasonable accommodation' may include either of the following:

"(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

"(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. It is the intent of the Legislature that the definition of 'physical disability' in

this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.*, 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., § 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."; **(4)** designated the former last paragraph in the section to be subd (l); and **(5)** substituted "of" for "or" after "size of the business" in subd (p)(3).

1998 Amendment:

(1) Amended subd (d) by **(a)** substituting the comma after "indirectly" for the semicolon; and **(b)** adding the comma after "thereof"; **(2)** substituted "that" for "which" after "organization" in subd (g); **(3)** amended subd (h) by adding **(a)** "(1) genetic characteristics, or (2)" after "include" in the first sentence; and **(b)** the second sentence; and **(4)** added "and" before "(5) the geographic" in subd (p).

1999 Amendment:

(1) Amended subd (d) by **(a)** substituting "of the state" for "thereof" in the introductory clause; **(b)** deleting subdivision designation (d)(1) at the beginning of the second paragraph; and **(c)** deleting former subd (d)(2) which read: "(2) 'Employer,' for purposes of provisions defining unlawful employment practices related to mental disability, means any person regularly employing 15 or more persons, or any person directly or indirectly acting as an agent of such an employer, and also includes the state and municipalities and political subdivisions of the state."; **(2)** substituted subd (h) for former subd (h) which read: "(h) 'Medical condition' includes (1) genetic characteristics, or (2) any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence. For purposes of this section, 'genetic characteristics' means any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or is determined to be associated with a statistically increased risk of development of a disease or disorder, or inherited characteristics that may derive from the individual or family member, that is presently not associated with any symptoms of any disease or order."; **(3)** substituted "or age" at the end of subd (j); **(4)** added subd (m); **(5)** redesignated former subds (m)-(o) to be subds (n)-(p); **(6)** added subds (q) and (r); and

(7) redesignated former subd (p) to be subd (s). (As amended Stats 1999 ch 592, compared to the section as it read prior to 1999. This section was also amended by two earlier chapters, ch 311 and ch 591. See *Gov C § 9605*.)

2000 Amendment:

(1) Amended subd (h) by (a) adding "means" in the introductory clause; and (b) substituting "cancer or a record or history of cancer" for ", for which a person has been rehabilitated or cured, based on competent medical evidence" in subd (h)(1); (2) substituted subd (i) for former subd (i) which read: "(i) 'Mental disability' includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. However, 'mental disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a mental disability."; and (3) substituted subd (k) for former subd (k) which read: "(k) 'Physical disability' includes, but is not limited to, all of the following:

"(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

"(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

"(B) Limits an individual's ability to participate in major life activities.

"(2) Any other healthy impairment not described in paragraph (1) that requires special education or related services.

"(3) Being regarded as having or having had a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) and (2).

"(4) Being regarded as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

"It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.* (1982) 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., Sec 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."

2003 Amendment:

(1) Added the second sentence of subd (p); and (2) amended subd (s) by substituting (a) "The" for "the" at the beginning of subds (s)(1)-(s)(5); and (b) the period for the comma at the end of subds (s)(1)-(s)(3) and the period for ", and" at the end of subd (s)(4).

2004 Amendment:

Substituted "Section 422.56 of the Penal Code" for "Section 422.76 of the Penal Code, except that, for purposes of this part, the reference in that definition to the "victim" shall mean the employee or applicant and the reference in that definition to the "defendant" shall mean the employer or other covered entity or person subject to applicable prohibitions under this part" in subd (p).

Appendix D: ADA Notice of Compliance

City of Salinas ADA Notice of Compliance

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), and California Government Code section 11135, the City of Salinas will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Salinas 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 and California Government Code sections 11135 and 12926, the Fair Employment and Housing Act.

Effective Communication: The City of Salinas will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in programs, services, and activities, including qualified sign language interpreters, 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 Salinas 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 Stanislaus County 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 Salinas, should contact the office of **City Clerk (831) , 758-7381 California Relay 711**, as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require The City of Salinas 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 Salinas is not accessible to persons with disabilities should be directed **Rodger, A Olds, ADA Coordinator 831-758-7427**

or California Relay 711.

The City of Salinas 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.

Appendix E: City of Salinas ADA Grievance Procedure

Grievance Procedure under ADA or California State Disability Civil Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Salinas. The City's Disability Discrimination 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 the complainant and location, date and a description of the problem(s). The City's Grievance Procedure form is available online at:

https://www.cityofsalinas.org/sites/default/files/departments_files/public_works_files/new_ada_grievance_procedure_form.pdf or at Salinas City Hall, 200 Lincoln Ave, Salinas, CA 93901.

Alternative means of filing a complaint, such as personal interviews or a tape recording the complaint, are available to 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:

**Rodger A. Olds,
Citywide ADA Coordinator
200 Lincoln Ave.
Salinas, CA 93901**

**TEL 831-758-7427
FAX 831-775-4299
TTY 831-XXX-XXXX**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will schedule a meeting with the complainant to discuss the complaint and possible resolutions. After an investigation and review the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the City's position on the issue and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator 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 Manager.

After receiving the appeal, the City Manager or his designee will review the appeal and the ADA Coordinator finding. Within a reasonable period, after a review, the City Manager or his designee will respond in writing, and, where appropriate in a format that is accessible to the complainant, with a final resolution to the complaint.

All written complaints received by **Rodger A. Olds** or his/her designee, appeals to the City Manager or his designee, and responses from these two offices will be retained by the City for at least three years.



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 Salinas will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: City of Salinas 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: City of Salinas will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Salinas 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.

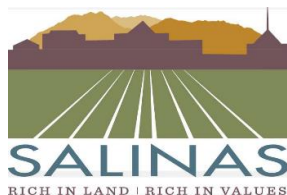
Modifications to Policies and Procedures: City of Salinas will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Salinas 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 City of Salinas, should contact the office of the City Clerk as soon as possible but no later than 5 business days before the scheduled event.

The ADA does not require the City of Salinas 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 City of Salinas is not accessible to persons with disabilities should be directed to Adriana Robles, P.E.

City of Salinas 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.



ADA Grievance Form

1. Complainant (person completing this form):

Name: _____

Address: _____

Telephone: _____

Email: _____

2. Individual Discriminated Against (If different from Complainant):

Name: _____

Address: _____

Telephone: _____

Email: _____

3. Description of Alleged Grievance:

Date of occurrence: _____

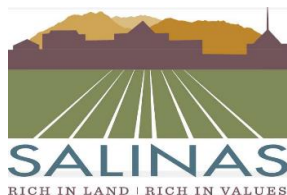
Location of occurrence: _____

Description of event: _____

Names of people involved (including City staff): _____

Witnesses: _____

4. Requested Action by the City to Correct Barrier: _____



City of Salinas

PUBLIC WORKS DEPARTMENT • 200 Lincoln Ave • Salinas, California 93901

(831) 758-7241 • (831) 758-7935 (Fax) • cityofsalinas.org

5. **Have you discussed this matter with City staff? If yes, whom, when and what was the result of that discussion?**

The information provided above is true and accurate to the best of my belief or knowledge.

Signature: _____

Date: _____

If, because of your disability, you need assistance in completing this form or need to bring a complaint through alternative means (e.g. personal interview, recording) please notify the City ADA Coordinator at (831)758-7241 or California Relay 711.

MAIL/EMAIL COMPLETED FORM TO:

City of Salinas
Public Works Department
c/o ADA Coordinator
200 Lincoln Ave.
Salinas, CA 93901

pubworks@ci.salinas.ca.us
(831) 758-7241

To Be Completed by Staff:

Date Barrier Resolved _____

CIP No. _____

CITY OF SALINAS

ADA NONDISCRIMINATION POLICY STATEMENT

Americans with Disabilities Act

The City of Salinas does not discriminate on the basis of disability in its services, programs, or activities.

Employment: The City of Salinas does not discriminate on the basis of disability in its hiring or employment practices and complies with the ADA title I employment regulations.

Effective Communication: The City of Salinas will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Salinas will make reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy programs, services, and activities. For example, people with service animals are welcomed in the City of Salinas offices, even where pets and other animals are prohibited.

Requests: To request an auxiliary aid or service for effective communication, or a modification of policies or procedures contact Patricia Barajas, City Clerk at (831) 758-7383 or patricib@ci.salinas.ca.us as soon as possible, preferably 5 business days before the activity or event.

Complaints: Send complaints to Adriana Robles, ADA Coordinator at City of Salinas, Public Works Department, 200 Lincoln Ave. Salinas, CA 93901.

ADA Nondiscrimination Policy Statement

Short Version

Americans with Disabilities Act

The City of Salinas does not discriminate on the basis of disability in its programs, services, activities, and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact Patricia Barajas, City Clerk (831) 758-7383 or patricib@ci.salinas.ca.us as soon as possible, preferably 5 business days before the activity or event.

A grievance procedure is available to resolve complaints.

Upon request, this notice is available in alternative formats such as large print or Braille.

ADA Coordinator contact information:

Adriana Robles, P.E.
City of Salinas
Public Works Department
200 Lincoln Ave.
Salinas, CA 93901
adrianar@ci.salinas.ca.us
(831)758-7194

Appendix F: ADA Coordinator

Contact Information for the City of Salinas ADA Coordinator:

Adriana Robles, P.E.

City Engineer and ADA Coordinator

Address:

Public Works Department

200 Lincoln Ave.

Salinas, CA 93901

Phone: 831-758-7427

Email: adrianar@ci.salinas.ca.us

You may also contact:

Maria Contreras, Assistant Engineer

Phone: 831-758-7429

Email: mariac@ci.salinas.ca.us

City of Salinas

Grievance Procedure under ADA or California State Disability Civil Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of programs, services, activities or benefits by the City of Salinas. The City’s Disability Discrimination 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 the complainant and location, date and a description of the problem(s). The City’s Grievance Procedure form is available online at <https://www.cityofsalinas.org/search/site/ADA%20grievance> or at Salinas City Hall, Public Works Department, 200 Lincoln Ave., Salinas, CA 93901. Alternative means of filing a complaint, such as personal interviews or a tape recording the complaint, are available to 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:

Adriana Robles, P.E., ADA Coordinator
City of Salinas, Public Works Department
200 Lincoln Ave., Salinas, CA 93901
Tel 831-758-7194 , Fax 831-775-4299
email adrianar@ci.salinas.ca.us

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, 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 Salinas and offer options for substantive resolution of the complaint.

If the response by 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 Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager 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 Manager 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 Manager or his/her designee, and responses from these two offices will be retained by the City of Salinas for at least three years.

To file a complaint directly with the U.S. Department of Justice through the ADA Information Line: 1-800-514-0301 (TTY: 1-800-514-0383). You also can submit a written complaint to:

U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Ave. NW
Disability Rights Section — 1425 NYAV
Washington, DC 20530

Appendix G: Self-Evaluation Questionnaires

Results of the City of Salinas: Interviews of City Officials

Questions asked of City of Salinas City officials with notes and draft recommendations

ADA Self-Evaluation Questions for the ADA Coordinator

1. **Does the City of Salinas have an ADA Notice of Compliance? If yes, does it address state law? Please attach the Notice.**

The City of Salinas does not currently have an ADA Notice of Compliance, this needs to be developed.

Recommendation: Create and disseminate an “ADA Notice of Compliance”, which also addresses coverage under state law.

2. **Does the grievance system**
 - a. **Offer assistance to persons with disabilities, who due to their disability are not able to independently complete the grievance?**
 - b. **Provide timelines when a complainant can expect a result?**
 - c. **Have a second level of review?**
 - d. **Contain a notice regarding availability of the grievance system in alterative format**
 - e. **Contain the name and contact information of the ADA Coordinator?**
3. **Are the ADA Notice of Compliance and the grievance system posted on the City’s website?**

Yes.

4. **Who handles the fact finding and grievance administration?**
5. **Does the City of Salinas have a plan for ADA Notice and Grievance dissemination?**

6. **Does the ADA Coordinator's office have ready access to City senior management? If no, how are disability civil rights issues elevated in order that they may be addressed in a timely manner?**

Yes, also recommend a system be put in place to coordinate ADA issues within other departments.

7. **Who provides auxiliary aides and services to persons seeking accommodation under ADA Title II?**

City clerk or recording secretary. Training is needed for the staff.

Recommendation: Provide training to ensure all City staff that have responsibility in this area are aware of their role and how to locate resources in the area.

8. **Who provides reasonable accommodations to applicants and employees under ADA Title I, ADAA and California Government Code 12926?**

HR deals with this via the use of a consultant.

9. **Is an interactive process used? If yes, how is it documented?**

The HR consultant deals with documentation as part of their role.

10. **How is undue hardship determined and by whom?**

A process for undue hardship needs to be developed.

Recommendation: Create guidance in this area for staff addressing public accommodation issues. HR deals with employment related accommodations.

11. **Is there an anti-surcharge policy in place to make it clear to staff not to charge for accommodations?**

A process for anti-surcharge policy needs to be developed.

Recommendation: Create policy in this area, which may be covered in the "ADA

Notice of Compliance”.

- 12. Is contract language in place holding contractors and vendors to applicable State and Federal disability civil rights mandates? If yes, how is this enforced?**

The Purchasing Department has language in City contracts. Problems are investigated when complaints are received.

- 13. If a person with a disability believes they have been discriminated against by a City vendor or contractor, what steps are open to them?**

- 14. Is an accessibility plan check done when vendors are conducting tenant improvements in public services areas?**

Yes, they are performed at the planning level prior to permitting.

- 15. Is guidance in place for City staff and vendors regarding clear space and furniture placement? If yes, please attach the guidance.**

Recommendation: The City needs to develop guidance for staff in the area of furniture placement.

- 16. Are vendors / contractors held to the City service animal policy?**

Recommendation: The City needs to develop guidance for staff in the area of service animal requirements.

- 17. Is there a procedure in place to be used by City staff should there be an incident involving a service animal? If yes, please attach the procedure.**

Recommendation: The City needs to develop guidance for staff in the area of service animal incident reporting.

- 18. How does the County address service animal relief areas during meetings and events?**

Recommendation: The City needs to develop guidance for staff addressing meeting and event production, which should include the topic of service animal relief areas.

19. Are all City of Salinas publications offered in alternative format?

Recommendation: Create a system by which City publications can be provided in alternative format if requested.

20. Is there notice on all public meeting announcements that auxiliary aides and services are made available as needed for meeting participants with disabilities?

Yes, review existing

Disability-related modification or accommodation, including auxiliary aids or services, may be requested by any person with a disability who requires a modification or accommodation in order to participate in any meetings for this project. Requests should be referred to the City Clerk's Office at 200 Lincoln Avenue, Salinas, 831-758-7381, as soon as possible but by no later than 5 p.m. of the last business day prior to the scheduled meeting. Hearing impaired or TTY/TDD text telephone users may contact the City by dialing 711 for the California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number.

21. Is disability etiquette and persons first language information available to all City employees having public contact?

Recommendation: Include person first language in training for all City staff having public contact.

22. Are City staff and vendors, who have public contact trained regarding ADA requirements and disability awareness?

Recommendation: Develop guidance regarding disability awareness for vendor and include awareness in training for all City staff having public contact.

23. How new employees are oriented to etiquette, language and City's legal disability civil rights mandates?

Recommendation: Provide the guidance document for vendors discussed in item number 22 to all new City staff.

24. When disability civil rights training is provided, do you retain a roster of trainees, information regarding the subject and length of the training, the training plan or PowerPoint, and the trainer's resume?

Sign in is required for training.

25. What trainings do you think should be provided to City staff?

Recommendation: Training regarding the Grievance process/procedure, for purchasing staff, Human Resources staff, Emergency Management, Disability Awareness, and Maintenance of Access for maintenance staff.

26. Are publications reviewed to ensure they do not portray persons with disabilities in a negative manner?

Recommendation: Please see item number 25 regarding awareness training.

27. Is there a policy and procedure in place to address policy modification requests and the determination of undue burden? If yes, when was it last updated? Please attach a copy of the policy.

A policy and procedure to address policy modification requests and the determination of undue burden needs to be developed.

Recommendation: Create protocols to determine undue burden.

28. Is there a policy and procedure in place to address direct threat determination? If yes, when was it last updated? Please attach a copy of the policy. Needs to be developed, review.

Recommendation: Create protocols to determine direct threat.

29. Is there a policy and procedure in place regarding maintenance of accessible features? If yes, please attach.

No.

30. Is there a system in place to identify safety and access issues, which can be used by maintenance staff to report and or correct problems?

No.

31. **Has maintenance staff been trained to identify access and safety issues?**

No.

32. **If “Program Access” solutions are used to create access are they approved by the ADA Coordinator before they are put in place?**

Recommendation: Develop guidance document for “Program Access” procedure.

33. **When “Program Access” solutions are put in place are they documented by a written procedure to ensure City staff implements them appropriately?**

No.

34. **Are transportation providers, if applicable, trained regarding, the use of tie downs, disability awareness, and the requirement that stops be called and other transportation mandates?**

See above.

35. **Has a policy been created to address motorized mobility devices, as required by 28 CFR 35.137? Develop guidance**

Recommendation: Develop guidance/ policy regarding motorized mobility devices.

36. **When the purchase of new equipment is made, (purchases including, but not limited to communication and transportation equipment) how are access requirements addressed?**

Recommendation: Provide guidance and training regarding access and purchasing.

37. **Does the City operate any programs, services or activities from a registered historic site? If yes, please list the sites.**

Salinas Train Station

38. **Have the City of Salinas law enforcement officers received disability awareness training, such as the US DOJ roll call videos?**

Officers have received POST training in this area and the Police Department was provided a copy of the US DOJ roll call training as part of the ADA.

39. How is access monitored during City related projects during planning and construction?

Planning department and Permitting review building ADA accessibility requirements.

Recommendation: Checklist at www.CCDA.CA.Gov.

40. When entering into settlement agreements as part of the Project Civic Access, the US DOJ requires that the staff of Title II entities, which have public contact, attend a two hour training covering ADA requirements and disability awareness. How is the City of Salinas informing impacted staff of the City's responsibilities and disability awareness?

City has provided Accessibility training in 2017.

41. In addition to staff training provided to date, are there other trainings you feel should be produced? If yes, what training is needed and for whom?

Sensitivity training. See above.

42. Are there areas, not noted above that you feel should be studied within this Self-Evaluation?

No.

43. Does the City of Salinas have a policy in place that prohibits discrimination against persons who formerly used drugs illegally?

The City does not discriminate against former users of drugs.

44. How are reasonable accommodations for City volunteers handled?

Individual staff addresses any special accommodations requested.

45. Does the City of Salinas have an anti-disability harassment policy? If yes,

a. Is it based upon zero tolerance or the legal definition of disability harassment?

b. How often is it disseminated to all City staff?

Recommendation: Update policy to clearly state that it is a zero tolerance policy and disseminate to all staff once a year.

ADA Self-Evaluation Questions for Law Enforcement

1. **Have the City of Salinas first responders been trained regarding the disability civil rights mandates that the City is held to under State and Federal laws?**

Various training is provided, including POST training. The US DOJ roll call video was provided to the Police Department at the time of the ADA Self-Evaluation interview on 7/20/15.

2. **Have holding and booking areas been reviewed for access since the 2010 ADA Standards for Accessible Design became effective?**

A new facility is to be provided. Previous inspections and reviews were not specific to ADA. Ensure compliance in the new facility to be provided.

3. **If visitor areas are offered, are they accessible?**

Yes.

4. **If inmate phone systems are provided is there a phone system for inmate's who are deaf or hard of hearing?**

5. **When arrests are made, how are service animals dealt with?**

The service animal stays with arrestee when possible. There is procedure to contact friend or family to care for the animal if needed.

6. **When arrests are made, how are medical appliances (canes, walkers, hearing aids, oxygen tanks, etc) addressed?**

There is policy in place to monitor when appliance is required to be removed.

7. **How are power wheelchairs, scooters and other large mobility devices transported after an arrest?**

A City lift is available as needed.

8. **How are medication needs dealt with after an arrest?**

Will provide assistance or call for medical assistance.

- 9. When an officer is giving information (direction or Miranda Rights) to a person with a communication related limitation, how is it determined that the person has an understanding of the information being communicated?**

Policy in place for qualifying questions to insure that what is being said is understood by a person with a communication related limitation.

- 10. How do officers communicate with persons who are Deaf?**

A policy to address the communication of officers with persons who are Deaf need to be developed.

Recommendation: Evaluate resources in the area and create access to sign language interpreters when needed.

- 11. Does the 911 system have TTY? If yes, how often does training occur regarding its use?**

Yes.

- 12. Is there a procedure in place for officers to obtain a sign language interpreter when one is needed on an emergency basis?**

See above item number 8.

- 13. Have officers been trained regarding the best techniques for communication with persons with disabilities and officer safety? If yes, were the following disabilities covered?**

- a. Vision Impairments**

No.

- b. Deaf, Hard of hearing and Speech Impairments**

No.

- c. Developmental Disabilities**

Yes.

d. Traumatic Brain Injury

Yes.

e. Post-Traumatic Stress Disorder

Yes.

f. Learning Disabilities

Yes.

g. Mobility Impairments

No.

h. Multiple Chemical Sensitivities

No.

i. Mental Disorders

Yes.

j. Competing Disabilities (i.e. someone is on the bus with a service dog and another person on the bus has a phobic response to the dog and wants it removed as an accommodation. Both have rights to be considered. The passengers are in conflict.)

No.

Recommendation: Use the US DOJ roll call video, then evaluate any gaps in training and follow up with other resources.

14. Are there other issues you feel should be addressed in dealing with disability civil rights and your role within the City of Salinas? If yes, please explain.

Access to current facility (new building to be provided)

ADA Self-Evaluation Questions Regarding Site Specific Emergencies

Office sites

1. **Has the City used the guidance published by the EEOC regarding a lawful means of identifying employees who might need assistance during an emergency due to their disability?**

Review existing policy/application/practice verbiage.

Recommendation: Seek information from all City staff asking them to, on a voluntary basis, disclose if they would need special assistance during an emergency due to a disability. If someone reports that they would need such assistance begin the reasonable accommodation process.

2. **Do City office buildings have a visitors sign-in system to include an item whereby a visitor can declare, on a voluntarily basis that they would need assistance in an emergency due to a disability?**

No.

Recommendation: Create a sign-in system for City building visitors, for use by first responders.

3. **Have floor wardens been trained regarding the needs of persons with disabilities in emergency situations?**

No.

Recommendation: Training of all staff that have a role in emergency management regarding issues encountered by persons with disabilities during emergencies.

4. **If floor wardens are assigned the responsibility of assisting persons with disabilities, are redundancies made in the assignments? (Consider wardens who might not be in the office on the day of the event.)**

No.

Recommendation: Create redundancies in the response system to cover for staff that may not be at the worksite on the day of the event.

5. **Has the emergency plan been coordinated with the Fire Department?**

Yes.

6. **Is there a procedure for shutting down the intake on the HVAC system, if there is a need to shelter in place, due to contamination of the air outside the building?**

Yes, review for all city facilities.

7. **Is there a back up electrical generation system? (Consider sheltering in place and the need for water from systems controlled by motion sensors, lighting and HVAC)**

Recommendation: Review for all City facilities and provide backup power as needed.

8. **Have there been drills of the emergency plan(s)? If yes, how often?**

Yes, the drills are performed every two years.

Recommendation: Have drills and debriefs at least once a year. Deal with disability related issues within these activities.

9. **Are persons with disabilities involved in emergency plan creation, drills and debriefings?**

Yes for county, no for city.

Recommendation: Greater collaboration with persons with disabilities is advised.

10. How are staff and visitors accounted for after an evacuation?

After an evacuation, roll call is conducted and rooms are cleared and swept.

11. In the event of an emergency evacuation, has the path of travel and assembly been coordinated with the Fire Department? (Consider Fire Department points of arrival, staging area, areas for fire hoses, wheel chair users, distance needed from emergency site, etc)

Not necessary per Fire.

12. In response to a bomb threat, if evacuation is required, is the assembly site checked for explosives before it is populated?

Not practical.

13. If the event involves the need for site occupants to be decontaminated before leaving the site, is there a procedure in place to hold all parties on site until decontamination has been completed?

Yes.

14. During shelter in place events, how are medical and medication needs addressed?

Yes, it is placed with local hospitals.

15. Can the person in the site handling the event until the fire department arrives, communicate with the Fire Department as they are rolling to the site?

Yes.

16. **Is there information available to staff regarding how to deal with various types of events? (Consider earthquakes, fire, shooting, Bomb threat, civil unrest, terrorist attacks, etc.) If yes, has it been made available to employees, if needed, in alternative formats?**

Yes.

Recommendation: Review protocols and coordinate with disability related issues.

17. **Is the whole site covered by fire alarms and strobe lights?**

No.

Recommendation: If a staff member is deaf or hard of hearing, address a warning system via the reasonable accommodation process.

18. **Are exits clearly marked?**

Yes.

19. **Are back up emergency lifts in place?**

Verify.

Recommendation: Verify plan for getting persons with disabilities to the ground floor.

20. **If areas of safe refuge will be in use, is there a communication system from that site to the event control center? If yes, would this system work for a deaf person?**

Yes.

21. **Are all PA systems monitored by maintenance staff to ensure the volume is high enough to be heard throughout the intended areas of impact?**

No.

Recommendation: Evaluate PA system communication in the context of emergency management.

22. Are emergency evacuation chairs to be used? If yes, Consider:

- a. Has staff been trained in the use of these chairs?**
- b. If yes, did this training include information regarding the risks of transferring some persons with disabilities into and out of the chair?**
- c. Have impacted employees with disabilities been involved with the training?**
- d. What is the plan should the chair need to be used for more than one person? (Consider where the first evacuee will be left when the chair is taken back into the site for reuse.)**
- e. Have the chairs been tested in the stair wells to ensure they can operate and turn in the space available?**
- f. What is the plan in the event the slow moving chairs create a back up in the stair well?**
- g. Are the chairs stored close to where they will be used?**
- h. Are there any barriers or locks impacting ability to obtain them when needed?**
- i. Are chair manufacturer directives, if any, regarding maintenance followed?**

No, emergency evacuation chairs are not used.

23. Do elevators have a system to communicate, if a person is trapped? If yes, will this system work for a person who is deaf or have speech limitations?

No, not for deaf.

24. Have emergency management staffs been trained regarding the variety of events that might occur and their impact on persons with disabilities?

Yes.

City Wide Events**25. Who is in command during an emergency?**

City Manager.

26. Is there an evacuation plan for each community?

Yes, on county level.

27. When the PIO makes press announcements regarding the incident is a sign language interpreter used?

No.

Recommendation: Insure that all PIO / City official announcements include effective communication fir persons who are deaf or hard of hearing.

28. Is staff trained to identify and address the needs of persons with disabilities?

Yes.

29. Is there a registry of persons with disabilities who might need special assistance during an emergency? (Please note this question does not imply that SSA recommended such a registry)

No, verify. The Police Department has list for dementia & Alzheimer's.

30. Has City of Salinas used the US Department of Justice guidance regarding disaster management? (Please note this can be located at www.ADA.gov.)

Verify. Technical information from the US DOJ was submitted to the Fire Chief.

31. Does the City of Salinas have a reverse 911 system or some other method of communicating with sections of the City?

Yes.

32. If prolonged sheltering in place is necessary, is there a means of obtaining:

- Accessible cots,
- Medication and medical supplies,
- Access for professionals who may arrive and be able to help,
- Feeding systems?

No.

Recommendation: Use the information from US DOJ and input from persons with disabilities to create a plan in this area.

33. Is more than one source identified to obtain needed items? (Consider that some supply sources may have been impacted by the emergency)

No.

Recommendation: Build in redundancies regarding the sources from which the items needed in an emergency may be obtained.

34. Is there a backup means in place by which room temperature can be maintained? (Consider persons who may die if the temperature is too high)

No.

Recommendation: Ensure that there are backup power supplies in shelters for temperature control, ventilators and power wheelchair charging.

35. Is there a policy in place regarding access to the shelter for service animals?

Yes.

36. Is there a policy in place requiring that persons with disabilities are served in integrated settings?

No.

Recommendation: Ensure policy is in place that mandates persons with disabilities receive service in an integrated setting.

- 37. Have all third parties who may provide aide, such as the American Red Cross agreed to comply with the mandates Salinas is held to by ADA Title II?**

Yes.

- 38. If evacuation is needed, is a plan in place which would provide:**

- a) Accessible vehicles,**
- b) Drivers,**
- c) Fuel,**
- d) Appropriate destination(s),**
- e) Destinations?**

Yes.

- 39. Have various area hospitals been identified, which could accept injured persons?**

Yes.

- 40. If the evacuation of a building is necessary, how is the impacted area swept to ensure it is clear?**

See previous.

- 41. How is new staff oriented regarding the emergency plan?**

Recommendation: Ensure all new City staff are instructed during new employee

orientation that they are to obtain information from their supervisors regarding the emergency plan within their work site.

42. Are drills held? If yes, do they involve different types of incidents?

Yes.

43. Do they involve persons with disabilities?

No.

Recommendation: Involve persons with disabilities and the City ADA Coordinators in emergency planning.

44. Is the City ADA Coordinator involved?

Yes.

45. Does the City of Salinas have a Disability Advisory Committee involved? If yes, are they involved in this area?

Yes, and they will be involved in this area.

46. Has Disability based training been provided to CERT Volunteers?

Recommendation: Provide training to CERT volunteers regarding disability issues within emergency management.

ADA Self-Evaluation Questions for Persons Managing Facilities, Space Leased to Third Parties & Maintenance Operations

1. **Is there a policy in place regarding the maintenance of accessible features? If yes, has maintenance staff been trained regarding identifying and reporting or repairing disability access and safety issues?**

Delegated in lease contract. Training

Recommendation: Ensure lease agreements clearly define roles and responsibilities in maintenance of accessible features.

2. **Is access to the City owned leased space surveyed for compliance before said space is offered for lease? If so, are access barriers addressed before the lessee occupies the space?**

Yes.

3. **Is guidance available to impacted staff regarding furniture placement and access issues? (consideration includes, but is not limited to clear space, strike side clearance, bulletin board elevation, reach ranges, etc) (Applies only if the City is providing furniture and equipment.)**

Review each department. Need review/development.

Recommendation: Train maintenance staff regarding their role the placement of furniture and equipment.

4. **Do lease agreements clearly define areas of City and tenet responsibilities regarding access?**

Yes, review verbiage.

5. **Are facilities surveyed to determine if access and safety is being maintained?**

Recommendation: Train maintenance staff to identify access and safety issues related to their scope of responsibility.

6. **How are tenet improvement projects reviewed to determine if they create disability civil rights violations?**

They are plan checked by the building official.

7. **Are City equipment and furniture purchases reviewed to determine if they comply with access standards?**

Recommendation: Provide training, resources and guidance to purchasing staff.

8. **When access improvements are made, are the barriers to access that have been mitigated incorporated into the City ADA Transition Plan to show Salinas' good-faith effort to comply with ADA?**

Recommendation: Establish a system to ensure that all access related improvements are recorded in the ADA transition plan data base. This will keep the transition plan current and ensure the City has up to date information regarding the good faith effort to comply with ADA.

9. **Are construction and remodeling projects done in conjunction with a CASp? Note; CASp reviews are recommended at plan check, at key points of construction and upon project completion.**

Yes.

10. **When the City leases space to be used for the provision of City programs, services or activities, is a CASp inspection preformed?**

No.

Recommendation: Prior to renewing an existing lease or entering into a new lease review the property to ensure that City programs, services and activities provided though the site will be accessible.

11. **Are access barriers addressed before the City occupies the space?**

Currently done by building dept. Review process to identify barriers prior to lease.

Recommendation: Please see item number 10 above.

ADA Survey for Staff Responsible for Purchasing and Service Contracts

Introduction

This document is designed to bring up a few of the general issues related to purchasing and contracting, that relate to disability civil rights compliance in state and local government. It is important to note that each business transaction must be analyzed on its own merit and that the issues raised here are typical, but not exhaustive.

General Conditions

1. **Are all public documents related to bidding and contracting available to persons with disabilities in alternate format if needed?**

No.

Recommendation: Ensure all written communications are available in alternate format upon request.

2. **Are meetings related to bidding and contracting held in accessible locations?**

Yes.

Recommendation: City staff must be made aware that if a bidder is not able to access the same site and information that other bidders have access to, some form of accommodation is necessary.

Construction and Remodel

1. **Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?**

Yes, review. Include most stringent access standards (state and federal).

- 2. Do design contracts encourage design professionals to exceed the maximum access standards when possible to ensure that construction tolerances are built into the project?**

Yes for PRow. Recommend procedures/checklist, inspections when complete

Recommendation: Contract covering all City projects should encourage designers to plan in construct tolerates when possible to avoid errors during construction to result in access standards violations.

- 3. Is policy in place that mandates CASp inspections at key points of construction and at completion, before final payment is made?**

Recommendation: Review all projects at key points to ensure they are free of access barriers. The City may wish to use the checklist created for this purpose by the California Commission on Disability Access. It is a free download at www.CCDA.ca.gov.

- 4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?**

No, ITC remodel opportunity for review.

Suggestion: The City may find this an avenue that leads to useful information regarding project access issues.

Service Contracts

- 1. Do all contracts in which the contractor will be providing programs, services or activities on behalf of your office, written in a manner that holds the contractor to the mandates of Title II of the ADA and California Government Code 11135?**

Yes.

- 2. If a recipient of programs, services or activities via service contracts will that their civil rights have been violated what recourse is open to them?**

Yes, they are forwarded to the Human Resources Department.

Recommendation: Ensure programs funded by the City of Salinas post the City's "Notice of ADA Compliance".

- 3. How do the contract administrator and ADA Coordinator become aware of alleged civil rights violations? (Please discuss timelines and communication of facts.)**

The contract administrator and ADA Coordinator become aware of alleged civil rights violations based on complaints received.

Purchase of Items Which Have Communication Elements

- 1. Is there a requirement in place that mandates the purchasing agent check the marketplace to determine if accessible items of the type being purchased are available?**

No.

Recommendation: Provide training, resources and guidance to purchasing staff.

- 2. Are items purchased examined to determine if they are useable by persons who are:**
- a. Blind**
 - b. Have low vision**
 - c. Deaf**
 - d. Are hard of hearing**
 - e. Have learning disabilities (Consider items that do not contain time limits on their use and close down.)**
 - f. Have limited dexterity (Consider items that do not require grasping, pinching or twisting.)**

No, a policy/procedure is needed.

Recommendation: Please see number 1 above.

3. When questions come up regarding accessible communication purchase, are outside resources consulted (Disability Advisory Committees, Jobs Accommodation Network, local Independent living Center, etc.) before the purchase is made?

No.

Suggestion: Obtain input from persons with disability on major purchases with an access impact.

General Purchases

1. Prior to the purchase and if applicable, are building standards reviewed to ensure the item in question will be compliant when installed in its intended location? (Factors to consider include, but are not limited to; toilet paper dispensers must be located below the grab bar, items may not protrude more than 4" from the wall in a path of travel if they are placed at an elevation above 27" or below 80", there must be clear space available for a wheelchair user to be able to approach the item for use, an item must not require a person to reach higher than 48" or lower than 15" to operate unless the user must reach over other items to operate, then it lowers, etc.)

2. Is the operational presser required to use an item considered? (It should not exceed 5lbs.)

No.

3. Is dexterity considered before a purchase is made? (Users must not be required to grasp, pinch or twist the device to operate it.)

No.

4. When furniture is purchased is knee clearance for tables and clear space within a room considered?

No.

Recommendation: Please see number 1 above.

ADA Self-Evaluation Questions for Meeting and Event Planners

1. **Is notice provided within meeting/event announcements that auxiliary aides and services (reasonable accommodations) are available as needed for persons with disabilities?**

There is no policy, but language is provided in pertaining documents. A policy needs to be developed.

Recommendations: 1. Ensure all public meeting and event notices contain a statement informing attendee that accommodations will be provided to persons with disabilities, who need such accommodations to be able to attend the meeting or event. 2. Identify local resources able to provide such accommodations, if they are requested. 3. Training for impacted City staff regarding how to address accommodation requests.

2. **Are persons administering the meeting trained regarding the City's disability civil rights responsibilities?**

No.

Recommendation: Provide training needed by City staff to enable them to address their responsibilities in this area.

3. **Are meetings held on public transportation routes?**

Yes.

4. **Are meeting sites reviewed for physical accessibility before the meeting is calendared? Note: this must include arrival points, meeting room(s), supporting restrooms, drinking fountains, public phones, registration counters, etc.**

No.

Recommendation: Ensure access is considered by meeting and event planners. Training and or a checklist is advisable.

5. Are service animal relief areas identified before the meeting?

No.

Recommendation: Meeting and event planners should identify a service animal relief area before the meeting and staff should be able to direct attendees to the area upon request.

6. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible? Note: When considering microphone access please take into account podium elevations, touch screen control systems, goose neck microphone attached to the center of tables without knee clearance for wheelchair users, and persons who will not be able to hand hold any equipment.

Recommendation: Verify all facilities are accessible as part of event planning.

7. If video is used, is it captioned?

No.

Recommendation: Set policy mandating that all new video purchases are captioned.

8. If video is used does it contain audio descriptors?

No.

Suggestions: 1. Monitor US Department of Justice rulemaking in this area, which may mandate audio descriptors in the future. 2. Beginning to buy videos with audio descriptors now within new purchases would be prudent.

9. Are speakers asked to read aloud all content on PowerPoints?

No.

Suggestion: Making City staff aware of how the practice of reading power point screens is useful to persons who are blind.

10. Is integrated seating made available with companion seating for wheelchair users?

Verify at all facilities. Ticket sales policy

Recommendations: 1. Ensure integrated accessible setting is available. 2. Create a ticket sale policy as required by 28 CFR 35.138.

11. If seating is at tables, is knee clearance space checked for wheelchair users?

Verify. Provide acc. tables for public accommodations

Recommendation: Ensure staff responsible for meeting and event production address knee clearance requirements. A meeting and event planning checklist is advisable.

12. Is high seating available for persons who have difficulty getting in and out of low chairs?

No.

Suggestion: Providing seating at a variety of elevation can be very helpful for some persons with disabilities.

13. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?

No, training will need to be provided.

Recommendation: Training and guidance is advisable.

14. Are FM Loop systems (Assistive Listening Devices) available for persons who are hard of hearing? If FM Loop systems are being used, do meeting hosts ensure that all comments made during the meeting go through the PA system?

Available. Coordination needed for other facilities. Staff training and availability of equipment.

Recommendation: Train impacted staff in the use of the equipment.

- 15. If sign language interpreters or a real time captioner are being used, is there reserved seating at the front of the room for persons needing these accommodations?**

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

- 16. Are two sign language interpreters retained for meetings or events lasting more than two hours?**

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

- 17. Are sign language interpreters and real time captioning screens positioned close to the speaker?**

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

- 18. Are sign language interpreters under good lighting?**

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

- 19. Are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?**

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

- 20. If speaker cards are to be used, is staff available to assist persons with disabilities, as needed in completing the cards?**

N/A.

21. If public comment time is limited, is the time increased for persons who have speech impairments?

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

22. If events include displays, are the displays accessible and on an accessible route?

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

23. Is the indoor or outdoor surface where persons with disabilities will travel smooth, stable and slip-resistant?

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

24. Are transaction points reviewed for clear space, and elevation?

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

25. If parts of an exhibit are inaccessible due to technical infeasibility, is video with captioning used to display the exhibit?

No, a policy review is needed.

Recommendation: Training and guidance is advisable.

26. Does City of Salinas have an event planning checklist to address access in meetings and event planning?

Yes.

27. Outreach Policy & Staff Training

ADA Self-Evaluation Questions for the Webmaster (IT Manager)

Note: The IT Manager spoke to webmaster responsibilities as the City of Salinas does not have a webmaster.

- 1. Are all web site postings reviewed for access before they are put up?**

Yes.

Recommendation: Training and support information is needed to ensure requirements are met and awareness issues are considered. Ensure all websites at minimum conform with WCAG 2.0 AA.

- 2. Have all files on City public sites been reviewed for access? If such a review is planned or in progress, please discuss it.**

No.

Recommendation: 1. All City of Salinas websites and computers accessible to the public must be identified and reviewed. 2. The recommendation stated in number 1. must be applied for websites and computers must have software installed that make them accessible to persons who are blind.

- 3. Have any complaints been received regarding access to any City website?**

No

- 4. Is there a text equivalent, such as an alt tag on all non text items such as photos or graphics?**

No.

Recommendation: "Alt tags" must be applied to all websites using photography or graphics.

5. **For multimedia presentations, are equivalent accessible alternatives used, which are synchronized with the presentation?**

Recommendation: Set policy to ensure multimedia presentations are accessible if they are posted on any City Website.

6. **If video is used is it captioned for persons who are Deaf or Hard of Hearing?**

No.

Recommendation: Videos posted to all City web sites must be captioned.

7. **When information is conveyed in color is the same information made available without the use of color?**

No.

Recommendation: Ensure that City websites are accessible to persons who are color blind.

8. **Are documents organized in order that they are readable without the need for an associated style sheet?**

No.

Recommendation: Ensure documents are accessible without an associated style sheet.

9. **Are redundant text links provided for each active region of a server-side image map?**

No, a policy review is needed.

10. **Are row and column headers identified for data tables?**

No, a policy review is needed.

Recommendation: Set policy to require identifiers for column headers and data tables.

11. Is markup used to associate data cells and header cells for tables that have more than two or more logical levels of rows or column headers?

No.

Recommendation: Address markup of data cells and header as called for by standards.

12. Are frames titled with text for form identification and navigation?

Not aware.

Recommendation: Review and bring to standard.

13. Are all pages designed to avoid the screen flickering with a frequency greater than 2 Hz or less than 55Hz?

It's set with 60 Hz and above.

Recommendation: Confirm that standards are being met.

14. Is the text-only page, with equivalent information and functionality?

Not sure.

Recommendation: Confirm that standards are being met.

15. Is the content of the text only page updated at the same time the primary page in changed?

All departments have access to their contents and editor updates.

Recommendation: Set policy that mandates accessible pages are updated at the same time the primary page is updated.

16. Is updating addressed the same way for all City public web sites?

Recommendation: Ensure the City web access policy is applied to all City websites

- 17. If page uses scripting languages to display content, or create interface elements, is the information provided by the script readable by assistive technology?**

Recommendation: Verify and review to ensure standards are met.

- 18. If a web page or informational kiosk requires an applet or plug in device for access, does the required device(s) comply with Section 1194.21 of the Technical Standards for Software Operating Systems (a) through (l)?**

Not aware.

Recommendation: Ensure access policy is in place before bringing any touch screen systems on line.

- 19. If electronic forms are to be filled out on line, do they work with assistive technology?**

Do not know: there is limited interactive documentation as the City currently does not have a webmaster.

Recommendation: ensure online forms are accessible before positing them on line

- 20. Have the systems discussed in question 19 been tested by end users?**

No.

Recommendation: Ensure end users with a variety of disabilities test on line forms and all other parts of City web sites for access.

- 21. Is a system in place that allows screen reader users to skip navigational links?**

No.

22. Are systems in place that may time out while a person is giving a response? If yes, is there a way that the user is warned and can obtain more time without losing data?

No.

Recommendation: Ensure that web sites are accessible to persons with learning disabilities.

Summary Statement

- Would like training/more info on web accessibility & standards. Coordination with other facilities.

References from: US Department of Justice, US Patient and Trade Make Office and the California Department of Rehabilitation

ADA Self-Evaluation Questions Regarding Employment

A review of employment programs, services and activities is important so an employer can determine where improvements might be necessary to ensure compliance with The Fair Employment and Housing Act (FEHA), the Americans with Disabilities Act (ADA), ADAA and the Rehabilitation Act of 1973.

It is necessary for the reviewer to identify any employment impact that comes about or may come about due to an applicant or employee's disability.

1. **Are City openings advertised through organizations, which have a disability constituency, i.e. the Department of Rehabilitation, Independent Living Centers and other community based disability organization? If yes, please describe how this occurs. If it does not occur, please make recommendations, which would put this practice in place.**

NEO GOV / GOVERNMENTJOBS.COM system, 3rd party system. Check for accessibility. Also newspaper and special recruitment (engineering etc.), job fairs. Occasionally the Herald; Professional Association depending on position.

Recommendation: Confirm CALOPPS meeting access standards. Suggest working with IT on this matter as they will be addressing online access issues City wide.

2. **If the City of Salinas has a telephone job line how can persons who are deaf or hard of hearing obtain the same information? If yes, how?**

No.

Recommendation: Check line to ensure it provides the same level of access to deaf and hard of hearing callers as it does for callers that are hearing. If it does not, changes must be made to ensure all parties have the same level of access.

3. **Are essential and marginal functions of each position identified before advertising for the position? If yes, by whom?**

Job description online, yes.

4. **Have requirements been checked to ensure that they are job related and consistent with business necessity? For example, requiring a driver's license for a position where the incumbent does not drive might disqualify an otherwise qualified person with a disability. Please make recommendations as appropriate to improve this process.**

Human Resources checks for requirements.

Recommendation: Only qualification that is related to the essential functions of the position may be used in qualifications. As selection occurs ensure that qualifications are not in place, which are not needed that would disqualify an otherwise qualified candidate. Example, requiring a California driver's license for a position in which driving is not essential.

5. **Please describe how information about testing and openings are made available in alternative format for persons who request it, due to their disability related needs. Are improvements needed to this system? If yes, please describe.**

The City provides accommodations as requests are made such as extra time and private space.

6. **Do job bulletins announcing openings contain statements regarding the City's nondiscrimination policy concerning persons with disabilities?**

Yes.

7. **Do job announcements inform candidates that reasonable accommodations are available as appropriate during the selection process?**

Yes.

8. **How is the process discussed in number 7 carried out?**

Candidates are advised in advance, including descriptions of requirements where the reasonable accommodations can then be considered.

9. **How are selection activities, i.e. interview questions, writing exercises, reference checks, etc, coordinated with the essential functions of the position?**

Yes (a yes/no response is not an appropriate answer here)

10. **What recommendations do you have for improvement of this process?**

Would like recommendations, guidelines, and protocols.

Recommendation: Create protocols and guidance documents to support the HR Manager. Subjects may include, but not be limited to; medical inquiry, direct threat determination, disability awareness, HR's role in emergency management for employees with disabilities, HR resources and other topics identified in discussions with HR management.

11. **Do candidates know in advance of the types of activities they will need to engage in during the selection process? If yes, how are they informed? Please share any recommendations you have to enhance this process.**

Yes (see above).

12. **How are selection panelist trained in disability etiquette and legal question formation?**

No training for disability etiquette is currently provided to selection panelists, though it is worth noting that outside panelists are also involved in some interviews

Recommendation: Selection panelists need training regarding disability awareness and etiquette.

13. **Who ensures that selections are conducted in accessible locations?**

HR's responsibility.

14. Is there a policy requiring that selection sites be adjacent to accessible public transportation?

Yes.

15. Is the City's reasonable accommodation policy posted and readily available to employees and candidates for employment?

Review EEO policy.

Recommendation: The City's reasonable accommodation policy and procedure must be available to all employees and applicants.

16. Is assistance in completing forms regarding the reasonable accommodation process available as needed by persons with disabilities?

Yes, use of outside consultant for accommodations.

17. Have State and Federal laws been compared to determine which provides the greatest access and are the most inclusive requirements used as a basis for employment policy/practice?

Yes.

18. Does the reasonable accommodation policy require an interactive process, which includes; disability disclosure, interactive problem solving, accommodation selection, accommodation implementation and ongoing follow to ensure effectiveness?

Yes.

19. How is the interactive process documented?

The interactive process is documented by meeting notes made by the outside consultant.

20. Have persons responsible for the reasonable accommodation process been trained regarding the legal requirements in this area?

Yes.

21. Are medical inquiries based upon need that is job related and consistent with business necessity?

Yes.

22. When making a medical inquiry, does the City of Salinas inform the medical provider that genetic information is not being requested as mandated by the Genetic Information Nondiscrimination Act and the FEHA?

Review & recommendations.

Recommendation: Include a statement on all medical inquiries that genetic information is not being requested.

23. Are Workers Compensation medical records kept separate from medical records obtained to facilitate reasonable accommodations?

Yes.

24. Is a policy in place prohibiting the practice of asking employees or applicants to sign release of information forms, which have blank spaces?

N/A, policy is conducted through a 3rd party consultant.

25. Are supervisors trained that it is unlawful to ask questions about disability or questions that might lead to information about a disability during selection interviews or reference checks?

Yes.

26. How do HR staff, supervisors and managers obtain information regarding the legal requirements to which the City of Salinas is held?

Through professional associations, city attorney, and training.

27. If you have recommendations for improvements in this area, please note them.

Any other resources or recommendations

Recommendation: Become familiar with the services provided by the Jobs Accommodations Network and the California Department of Rehabilitation.

28. What outside resources have been identified to assist in the reasonable accommodation process when additional information is needed?

Yes, see above.

29. Is there a system in place to reassign employees with disabilities into a vacant position City wide if effective accommodation is not possible in their current position?

Yes

30. What is the process to determine that an employee is not able to be accommodated in their current position?

Through an interactive process.

31. Is this decision reviewed before the transfer is affected? Yes___ No___ If yes, by whom?

Yes, through an interactive process.

32. How long does the City seek a vacant position for an employee needing reassignment as a form of reasonable accommodation?

Yes, the process is allotted 2 weeks.

- 33. The reassigned employee must be able to perform the essential functions of the new position with or without reasonable accommodation. How is the reasonable accommodation process handled during reassignment?**

City hires a professional consulting firm to navigate through the reasonable accommodation process.

- 34. Does the City have a policy prohibiting reassigned staff from competing for the position they are being assigned to?**

Review policy/procedure.

Recommendation: Set policy to ensure that an employee who is being reassigned to a vacant position as a reasonable accommodation does not compete for the position they are being reassigned to.

- 35. Have emergency management teams in all facilities been trained regarding the needs for employees with disabilities during an emergency?**

No.

Recommendation: HR, the ADA Coordinator and emergency management staff should work together to ensure planning and accommodations as needed, take place to prepare for emergency events.

- 36. Has the guidance for employer's issues by the EEOC, concerning identifying staff with disabilities that may need assistance in an emergency been used? Yes___ No___ If yes, how often is it used?**

No.

Recommendation: Periodically query City staff. Ask them, on a voluntary basis, if they will disclose the need for special assistance, due to a disability, during an emergency. If they report such assistance is needed began the reasonable accommodation process.

37. Is a statement disseminated to all staff annually putting them on notice that the City of Salinas has prohibited disability discrimination or harassment including jokes or inappropriate language?

Yes, the City has a policy. Annual training is provided.

Recommendation: Revise the City of Salinas 2001-2005 Equal Employment Opportunity Plan, to address ADA/ FEHA issues including discrimination and harassment.

38. What is the process for determining undue hardship regarding a reasonable accommodation process?

Recommendations & resources needed.

Recommendation: Set policy and procedure regarding determining undue hardship.

39. What is the process for determining direct threat?

Recommendations & resources needed.

Recommendation: Set policy and procedure regarding determining direct threat.

40. Is the City of Salinas' Notice of ADA Compliance posted in all work sites?

No

41. Is the City of Salinas' ADA grievance system posted in all work sites?

No

Recommendation: Ensure the City Grievance System is posted and well known to staff and applicants for employment.

Appendix H: Glossary of Terms

Glossary of Terms and Basic information

The following glossary of terms is designed to give a basic overview of common elements of access within the Americans with Disabilities Act, Title II, and California State law. For more specific information concerning the terms described below please review 28 CFR 35 and the California Government Code 12926.

Definition of Disability:

Under California State law, Government Code Section 12926, a person with a disability is: 1) A person having a physical or mental impairment that limits a major life activity. This limitation must be considered in the unmitigated status. This means that the determination of whether the limitation exists would be considered in terms of how the individual would function without the use of medication, personal devices or habits that have been formed to mitigate the disability. 2). or, A person who has a record of a disability, such as described in number one. 3). or, a person who is regarded as having a disability, such as described in number one.

Note: This is an abridged definition of disability under California State law. For further information, please see California Government Code 12926. The California definition of disability is being used, as it is more stringent than the definition found under the Americans with Disabilities Act of 1990 or the Americans with Disabilities Amendments Act of 2008.

Qualified Person with a Disability:

A qualified person with a disability has a disability as described above and is qualified to receive the programs, services or activities of the entity in question.

Self-Evaluation

A comprehensive evaluation of all programs, services and activities to ensure that access for qualified persons with disabilities is in place. The self-evaluation must be vetted with interested stakeholders. The Self-Evaluation was due in 1993.

Transition Plan

A physical access evaluation of all sites from which programs, services and activities are provided. The transition plan contains four parts: 1. A list of physical barriers; 2. A statement of method to be utilized for mitigation of barriers; 3. A statement regarding the

schedule of barrier mitigation; and, 4. The designation an official who is responsible for the administration of the transition plan. The transition plan was due in 1992.

The transition plan must be vetted with interested stakeholders.

Note: The intent was to create access within facilities that were online in 1992 and that new construction or remodels would be accessible.

Program Access

A designated alternative manner in providing programs, services and activities in order to ensure that appropriate access is in place. For example, accessible meeting space may be secured on the ground floor of the building to hold meetings with people who have mobility impairments, who are not able to go to the second floor because of the absence of an elevator.

ADA Grievance Procedure

A grievance process that is published and capable of addressing issues that may arise from access policies that impact the delivery of programs, services and activities. The grievance procedure must be widely disseminated, offer a second level review, notify the grievant of the outcome, state the ADA coordinator's name and contact information and offer assistance to a person with a disability who may not be able to complete the grievance document independently due to their disability.

Notice of ADA Compliance

A Notice of ADA Compliance is a widely disseminated notice that provides information concerning the elements of ADA compliance that the entity has in place. It is recommended that the notice of ADA compliance be accompanied by a dissemination plan.

ADA Coordinator

This position is required for state and local government entities that have 50 or more employees. Initially, position was envisioned to coordinate the grievance process. The national trend is that this position is now used to coordinate a variety of matters relative to ADA implementation and administration. Caution must be exercised concerning an appropriate separation of duties. It is inappropriate to have the ADA Coordinator engaged in both providing reasonable accommodations through the interactive process, and investigating issues concerning the accommodations that have been provided or denied.

Direct Threat

Direct threat is a significant risk of substantial harm that cannot be mitigated through

policy modification or reasonable accommodation. The danger must be real and not speculative or remote.

Policy Modification Request and Fundamental Alteration

A qualified person with a disability may request that an entity modify its policies to create an appropriate level of access. A system must be in place for entertaining these requests and determining whether said request would result in a fundamental alteration of the programs, services and activities impacted. Should there be an inability to grant the initial request, other measures must be considered, if available, to address the access issue in question. Should it be determined that the request results in the fundamental alteration, a senior official should expeditiously sign off on the determination.

Auxiliary Aids and Services

These are measures provided to ensure that appropriate access to programs and services and activities is in place upon request. Auxiliary aids and services include, but are not limited to providing documents in an alternative format such as Braille, providing sign language interpreting services, note takers, real-time captioning services or assistive listening devices.

Video Remote Interpreting (VRI)

VRI is permitted in the 2010 Title II ADA regulations. It provides a system in which sign language interpreting can be conducted via video with the interpreter offsite. Caution needs to be exercised to ensure that the technical quality of the system is sufficient to appropriately transmit the information being communicated.

California Relay Service

The California Relay Service was created by ADA, Title IV. It is a free service to facilitate effective telephone communication between persons who are deaf and hard of hearing and persons who are hearing. This is done via a relay operator who uses both a teletype devices and a telephone. The California Relay service may be reached at 711.

Note: Some entities have chosen to include “California Relay Service 711” on business cards and letter heads to facilitate communication.

Reasonable Accommodation

Reasonable accommodation technically refers to the employment relationship. It is an adjustment that provides the employee or applicant an opportunity to participate in: the performance of essential functions of the job, the selection process or to receive benefits and privileges offered to other employees in the work situation. Reasonable

accommodation solutions often vary widely. Accommodation request must be handled through an "interactive process".

Interactive Process:

The interactive process is required in the state law and federal case law, yet neither defines it clearly. Problems have occurred when disputes have arisen and the employer has not clearly documented the interactive process. For that reason, the following steps are recommended:

1. The employer becomes aware that there is a disability that impacts elements of the employment relationship.
2. The employer and employee/applicant meet to discuss the barrier in question and potential resolutions. In this stage if needed data is gathered from medical providers, consultants or the Jobs Accommodation Network.
3. After giving primary consideration to what the employee/applicant is requesting, the employer makes a prompt decision regarding what effective accommodation will be provided. Or, if the accommodation in question would result in an undue hardship the employer is not obligated to provide said accommodation.
4. The employer promptly implements the reasonable accommodation.
5. The employer initiates follow up discussions with the recipient of reasonable accommodation to ensure that the accommodation was in fact effective.

Note: The reasonable accommodation process is ongoing and may need to be revisited at any point in the employment relationship, as disabilities and technology may change.

Medical Inquiry

Medical inquiry is the acquisition of pertinent medical information to determine whether a bona fide legal disability exists and what limitations it may present that necessitates a reasonable accommodation. Medical inquiry should be limited in scope. Data related to genetic characteristics should not be solicited, obtained or retained. Medical information may not be lawfully stored in an employee's personnel file.

Undue Hardship

An undue hardship would be the provision of a reasonable accommodation that is extensive, disruptive, fundamentally alter the nature of the program or is unduly expensive. It is important to note that the expense issue is extremely difficult for a state or local government entity to use as a defense. In doing so, one would need to consider the total budget of the entity in question.

Service Animal

A service animal is a dog or miniature horse that has specifically been trained to perform tasks for a person with a disability that they are not able to perform for

themselves due to their disability.

Note: This is a subject that generates the highest number of complaints received by the US Department of Justice

Maintenance of Accessible Features Policy

This relates to the requirement set by 28 CFR 35.133 in which an entity must maintain accessible features. Policy and procedure in this area is designed to give staff guidance unifying, repairing or reporting issues within access elements on sites where programs, services and activities are conducted.