



City of Oakland

Mayor's Commission on Persons with Disabilities (MCPD)

Special Ad Hoc Committee Meeting on the Self-Evaluation and Transition Plan Update

Wednesday, November 29, 2017

5:30 p.m. – 7:00 p.m.

Hearing Room Four, Second Floor

One Frank H. Ogawa Plaza (City Hall), Oakland, CA 94612

Agenda

- I. Call to Order
- II. Roll Call
- III. ADA Self-Evaluation & Transition Plan Project Status; *Anh Nguyen, ADA Programs Manager*
- IV. ADA Title II Policy Update; *Anh Nguyen and Hoang Banh, ADA Program Analyst*
 - A. Citywide Disability Access Policy
 - B. Effective Communications Policy
 - C. Departmental Access Coordinator Policy (**Exhibit A**)
 - D. Grievance Procedure
 - E. Service Animal Policy
- V. Updated Transportation Policies and Plans; *Anh Nguyen*
 - A. Accessible On-Street Parking Policy
 - B. Curb Ramp Transition Plan Update
- VI. Adjourn

CITY OF OAKLAND

ADMINISTRATIVE INSTRUCTION

SUBJECT	Departmental Disability Access Coordinators Policy (Americans with Disabilities Act)	NUMBER	181
REFERENCE	Administrative Instruction 123	EFFECTIVE	10/14/2017
SUPERSEDE	None		

I. PURPOSE

The purpose of this Administrative Instruction (AI) is to describe the Departmental Disability Access Coordinator (DAC) network that provides departments with trained personnel resources, who in conjunction with the Department Head and in collaboration with the ADA Programs Division, are responsible for coordinating, facilitating and monitoring departmental compliance with the Americans with Disabilities Act of 1990 as amended (ADA), Administrative Instruction #123 (City ADA Policy), City ADA Transition Plans, and other federal and state disability civil rights laws protecting individuals with disabilities from discrimination and guaranteeing equal access for individuals with disabilities to local government programs, services, buildings, and facilities.

This policy does not cover the coordination, facilitation, or monitoring of the equal employment opportunity provisions of the ADA or other laws protecting individuals with disabilities from employment discrimination. Departments shall continue to adhere to the provisions of A.I. 527, Department Equal Opportunity Representatives Policy, with respect to coordination, facilitation, or monitoring of the City's Equal Employment Opportunity Policies.

II. POLICY

In accordance with Title II of the ADA and related federal and state laws, it is the policy of the City of Oakland (City) that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, buildings and facilities of the City, or be subjected to discrimination directly or through contractual, licensing, or other arrangements, by the City.

The Departmental Disability Access Coordinators (DAC) network is an essential component of the citywide disability access compliance system set forth in A.I. 123 and subsidiary policies and procedures. DACs are liaisons to the central ADA Programs Division that houses the City ADA Coordinator, and will support their respective departments by serving primary points of contact for information dissemination, program modifications, provision of auxiliary aids and services, compliant investigation, and when appropriate implementation of the U.S. DOJ ADA Standards (2010), the City's ADA Transition Plans, and other physical access guidelines.

Department Heads are required to designate one or more qualified DACs to liaise with the ADA Programs Division, and to represent and advise department staff and contractors on matters relating to disability accessibility compliance. The time commitment involved in departmental ADA access compliance activities will vary depending on departmental needs, but is anticipated to comprise at a minimum five percent of the designated employee's workload.

DACs are to be appointed based on the following general criteria:

- A. The DAC should be classified at a supervisory or management level or equivalent position and be authorized to access and review department records.
- B. The DAC must be knowledgeable about essential departmental programs, activities, services, and facilities, and demonstrate sensitivity to and understanding of the principles of equal opportunity as it applies to individuals with disabilities in governmental programs, activities, and services.
- C. The DAC must be provided with sufficient latitude and resources to carry out the responsibilities of this appointment.
- D. Additional Requirements:
 1. Some City Departments, Bureaus or Divisions are required by State or City requirements, or because of prior settlement agreements resolving litigation or administrative complaints, to fulfill specific disability access compliance responsibilities. Department Heads shall ensure that DACs are sufficiently trained and resourced to fulfill these specific requirements. See Section V: Additional Requirements.
 2. The responsibilities of Departments and their DACs are further delineated in AI 123, the City ADA Access Policy.

III. DEFINITIONS

Term

Definition

Americans with Disabilities Act (ADA)

For purposes this AI, refers specifically to Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and any subsequent amendments; prohibits discrimination on the basis of disability by public entities.

Disability

A physical or mental impairment that limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Discrimination

Denial of benefits or exclusion from City services, programs, or activities on the basis of disability. Includes but is not limited to discrimination against individuals with disabilities through third parties, provision of different, separate, or less effective aids, benefits, or services to individuals with disabilities; using criteria or methods of administration that have the effect of discriminating against individuals with disabilities; selecting locations for programs, activities, or services that have the effect of excluding or segregating individuals with disabilities; and failure to make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability.

City ADA Coordinator

Employee designated by City Administrator as mandated by Title II of the ADA to coordinate the City's efforts to comply with Title II requirements, including investigation

of any complaint or actions that may constitute noncompliance with this AI and related policies, laws and regulations.

Disability Access Coordinator (DAC)

Employee designated by Department, Bureau or Division Head to coordinate compliance with AI 123, the City’s ADA Transition Plans, and / or other State and Federal disability civil rights laws and regulations.

Grievance Procedure

The City’s procedure for providing prompt and equitable resolution of complaints alleging any action that is prohibited by this Instruction.

IV. PROCEDURES

<u>Responsible Party</u>	<u>Action</u>
City Administrator	1. Appoints, supports, and directs the City ADA Coordinator(s).
	2. Enforces the maintenance of the citywide Departmental Disability Access Coordinator Network pursuant to this Policy and A.I. 123.
City ADA Coordinator	1. Reports to and receives direction from the City Administrator or designee.
	2. Supports and oversees the DAC network; hosts quarterly network meetings and provides technical assistance and training as needed to ensure that DACs have the necessary information and knowledge, skills and abilities to fulfill the general requirements set forth in Section II above.
	3. Coordinates complaint investigation and resolution with DAC support.
	4. Investigates, and if deemed appropriate, works with City Administrator to implement incentives for DACs who achieve special licensure or other relevant credentials, such as premium pay, as permitted by the relevant MOUs.

Department Heads	1. Appoints, at a minimum, one DAC who will work effectively and cooperatively with the City’s ADA Coordinator, and who meet the general criteria set forth in this policy. Additional DACs will be required for larger departments with multiple bureaus, departments with specific access compliance responsibilities, and or departments providing diverse external programs, activities, and services.
	2. Provide DACs with sufficient latitude and resources to perform departmental responsibilities as set forth in this policy and in AI 123, and to attend meetings and trainings offered by the ADA Programs Division.
Departmental Disability Access Coordinator (DAC)	1. Coordinates Departmental ADA compliance activities in collaboration with the City ADA Coordinator and as set forth in AI 123.
	2. Responsible to receive and report complaints of disability discrimination to the City ADA Coordinator and to assist with investigation and resolution of complaints.
	3. Attends quarterly DAC network meetings hosted by the ADA Programs Division, and other meetings and trainings as scheduled or recommended by the ADA Programs Division regarding the ADA, related laws and regulations, best practices for creating equal opportunity for individuals with disabilities, and disability awareness.

V. ADDITIONAL REQUIREMENTS

As discussed Section II and IV above, specific Departments, Bureaus and Divisions are required to have dedicated staff with more specialized expertise assigned to fulfill disability access duties and responsibilities pursuant to State law, City policies, or standing practices developed in response to litigation, administrative complaints, or ADA grievances. These specific DACs, their qualifications, and specialized responsibilities include but are not limited to:

A. Planning and Building Department: Certified Access Specialist (CASp)

Per Senate Bill 1608 (Corbett, 2008), the California Civil Code required effective July 1, 2010 that the City of Oakland employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of

public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. Cal. Civ. Code §55.53(d)(1). If more than two certified access specialists are employed or retained, at least half must be building inspectors.

Effective January 1, 2014, a local agency shall employ or retain enough building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If two or more certified access specialists are retained or employed, at least half must be building inspectors. Cal. Civ. Code §55.53(d).

California's Certified Access Specialist program (CASp) is codified beginning with section 4495.5 of the Government Code and implemented via Title 21, California Code of Regulations, beginning with section 111.

B. Department of Transportation

Per the City's Curb Ramp Transition Plan, the curb ramp and sidewalk asset manager in the DOT is charged with administering the Plan, inspecting and tracking curb ramp installations by the City and others, maintaining the map-based curb ramp and sidewalk asset management systems, and reporting annually to the Mayor's Commission on Persons with Disabilities.

Per the City's On-Street Accessible Parking Policy, the parking and mobility manager in the DOT is responsible to administer the Policy, to manage the City's on-street parking inventory in conformance with the applicable federal, state and local accessibility laws and regulations, to help ensure that public right of way improvement projects initiated or permitted by the City conform to the Policy, and to report annually to the Mayor's Commission on Persons with Disabilities.

These Departmental Access Coordinators shall be able to readily interpret and apply local, state and federal accessibility guidelines and standards to public right-of-way design and construction programs.

C. Library

Consistent with the Oakland Public Library's high usage by individuals with disabilities, a librarian with specialized knowledge, skills, and abilities shall be appointed to coordinate the multiple and varied daily tasks associated with ensuring the full participation of patrons with disabilities in library programs citywide including, but not limited to supporting system wide availability of information, materials, and programming in multiple formats; developing and implementing extended services programs; and installing and maintaining software and other assistive technologies for use in the libraries to enable patrons with different types of disabilities to use computer stations, read print materials, and participate in general and specialized library programming.

D. Parks and Recreation

Consistent with the Oakland Park and Recreation (OPR) Department's high usage by individuals with disabilities, a staffer with specialized knowledge, skills, and abilities shall be appointed to coordinate the multiple and varied daily tasks associated with providing equal access for patrons with disabilities including, but not limited, to supporting the participation of individuals with disabilities in regular programs, activities, and services and providing specialized recreation services as needed to ensure inclusion of individuals with disabilities in the gamut of OPR offerings.

VI. ADDITIONAL INFORMATION

For more information about this policy, please contact:

City ADA Coordinator
One Frank H. Ogawa Plaza, 3rd Floor
Oakland, CA 94612
510-238-5219 (V)
510-238-2007 (TTY)
510-238-3304 (Fax)
adaprograms@oaklandnet.com

CITY ADMINISTRATOR