

City of Boynton Beach ADA Transition Plan

City of Boynton Beach Americans with Disabilities Act Policies and Procedures

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1- PURPOSE AND SCOPE:

The purpose of this policy is to outline the City of Boynton Beach's policy relative to the U.S. Americans with Disability Act of 1990. The City ensures compliance with applicable federal laws, state statutes and city ordinances as amended.

Please see also the City's Equal Employment Opportunity Policy and the Harassment Policy.

2- APPLICABILITY:

This policy applies to all applicants and current employees of the City of Boynton Beach. Employees whose positions are covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by Civil Service Law or a collective bargaining agreement.

3- DEFINITION:

Qualified Individual: an individual who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or desires.

Disability: a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such impairment, or being regarded as having such impairment.

Major Life Activities: major life activities include, but are limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The definition also includes the operation of major bodily functions such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Reasonable Accommodation: a modification or adjustment to a job, employment practices, or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.

Undue Hardship or Burden: an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.

PUBLIC NOTICE OF AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

- A. The City of Boynton Beach hereby adopts the following Public Notice of Americans with Disabilities Act (ADA) Compliance:

CITY OF BOYNTON BEACH AMERICANS WITH DISABILITIES ACT

The person named below is responsible for coordinating the City's compliance with the Americans with Disabilities Act. Inquiries, complaints, requests for communication aids, and other accommodations and assistance should be directed to:

City of Boynton Beach Office of Accessibility
Attn: Julie Oldbury
100 E. Ocean Avenue Boynton
Beach FL 33435
T. (561) 742-6276
F. (561) 742-6011
TTY: (800) 995-8771
E-mail: ADA@bbfl.us

Copies of this notice are available in large print, audiotape, Braille, and on computer disk upon request. The City's ADA grievance procedure, Self-Evaluation, and policies and procedures are also available on request.

Signed:

In compliance with the provisions of the Americans with Disabilities Act, the above Public Notice shall be posted in prominent locations in public buildings and also in short form on all brochures and public information materials.

4- POLICY

The City of Boynton Beach is committed to protecting the rights and dignity of all employees. The City will not tolerate discrimination against individuals with disabilities because of their disabilities in the work place or with regard to City sponsored activities.

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against qualified individuals with disabilities because of their disabilities.

The City of Boynton Beach intends to ensure that individuals with disabilities who are employed by the City and persons applying for jobs are treated fairly and given opportunities equal to those of others working or seeking work.

This policy applies to all member of the public with disabilities and their companions, including job applicants, program participants, people who contact the City seeking information about our programs, services or activities, or people who are using or attempting to use our facilities, programs and services.

EQUAL EMPLOYMENT OPPORTUNITY AND REASONABLE ACCOMMODATION POLICY

The ADA, and other disability laws, prohibits discrimination against people with disabilities in every aspect of employment, including:

1. Recruitment, advertising, and job application procedures;
2. Hiring, upgrading, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
5. Leaves of absence, sick leave, or any other leave;
6. Fringe benefits by virtue of employment, whether or not administered by the employer;
7. Selection and financial support for training, including apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
8. Activities sponsored by the employer including meetings, social and recreational programs;
9. Any other term, condition, or privilege of employment.

The City of Boynton Beach does not exclude or isolate persons with disabilities who are using or attempting to use our facilities, programs and services, and is willing to modify the format of Employment Applications (such as a large print application or on audio tape) or to offer assistance in completing them, hold testing and interviewing in accessible locations (so people who use wheelchairs can participate, for example), provide accurate information about the abilities and skills of individuals with disabilities when conducting tests and interviews, and provide reasonable accommodation so that an individual with a disability can perform the essential functions of his or her job.

The City of Boynton Beach is committed to the principle that individuals with disabilities who are employed by the City and persons applying for jobs should not be subjected to discrimination because of that disability, should be treated fairly and given opportunities equal to those of others working and/or seeking to work here. The City administration and all supervisory personnel are responsible for maintaining a work environment free of discrimination against persons with disabilities. The City encourages all employees to aid in the achievement of this objective and has established an ADA Coordinator within the City's Manager's Office to formalize its commitment to this purpose.

The City of Boynton Beach is not required to give preferential treatment to individuals with disabilities or lessen qualification standards. The law does require that the City consider reasonable modifications regarding how qualified individuals with disabilities demonstrate their abilities and skills.

REASONABLE ACCOMMODATION PROCESS FOR A QUALIFIED APPLICANT OR EMPLOYEE

The City of Boynton Beach does not discriminate against qualified applicants as defined under the Americans with Disabilities Act and employees on the basis of disability in any terms, conditions or privileges of employment. A qualified applicant or employee as defined under the Americans with Disabilities Act can submit reasonable accommodation request when they consider it necessary.

The accommodations request may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishings, auxiliary aids, and services; and making services, programs, or activities accessible, usable, and integrated wherever appropriate. Specific lists of types of accommodation are not included in this policy as they vary depending on program and individual needs and also by types of accommodation available.

A. Upon request, the City will provide reasonable accommodation to employees and applicants with disabilities when doing so does not pose an undue financial or administrative hardship.

B. Job applicants are not required to provide information about disabilities or accommodations required until a conditional job offer is made. Interviewing managers are prohibited from requesting information about any disabilities or accommodations required until making a conditional job offer. However, a job applicant who chooses to do so, may submit written requests for reasonable accommodation to the Director of Human Resources or alternatively to the ADA Coordinator prior to the conditional job offer. Or, after the job offer is made to the applicant, he or she should submit a written request to the supervisor offering the job or to the Director of Human Resources or alternatively to the ADA Coordinator. Employees who require accommodations should submit written requests for reasonable accommodation to his or her immediate supervisor.

Requests for accommodation should contain a description of the nature and purpose of the accommodation being requested. If an applicant or employee is unsure of the type of accommodation required, that individual, the Director of Human Resources or alternatively to the ADA Coordinator and the individual's immediate supervisor and/or Department Head shall work collaboratively to design an accommodation.

C. If the disability is not apparent, the request for accommodation should be accompanied by supporting documentation from a health care professional. This documentation should state that the employee in question has a disability that substantially limits one or more major life activities that requires an accommodation.

Copies of requests for accommodation together with supporting documentation should be forwarded to the Human Resources or alternatively to the ADA Coordinator by the employee's supervisor. Medical records shall be stored in a separate location from personnel records. Medical records include but are not limited to: documentation of illness, injury, short or long-term disability, accommodation requests, doctor's letters and certificates, Family and Medical Leave Act documentation and insurance information. Access to medical records shall be provided on a "needs to know basis" with authorization from the Director of Human Resources or alternatively to the ADA

Coordinator or from the individual employee by written, signed release.

D. Supervisors/Department Heads may grant requests for accommodation, but may not deny them. Only the ADA Coordinator in concert with the Human Resources Director or City Manager may determine that a proposed accommodation constitutes an undue hardship. Qualified applicants and employees have the right to file a grievance upon denial of reasonable accommodation, using the City's ADA grievance procedure.

E. Employees requesting a reasonable accommodation will not be subject to retaliation for exercising their rights under the Americans with Disabilities Act.

Please use the attached **Accommodation Request Form** to request an accommodation.

5- ADA COORDINATOR

The ADA Coordinator will direct the City's compliance with the Americans with Disabilities Act. The ADA Coordinator shall receive and investigate grievances and requests for accommodations and assistance under said Act and as detailed in this Title.

The City of Boynton Beach's ADA Coordinator's responsibilities may include conducting the self-evaluation and developing the transition plan, handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a local resource to the City. The ADA Coordinator may also have responsibility for working with the City Council to ensure that new facilities or alterations to town facilities meet ADA requirements. In some cases, The ADA Coordinator may also receive complaints from the public and will work to resolve them.

6- ADA GRIEVANCE PROCEDURE

A. This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. Persons with disabilities or their authorized representatives, who believe that they have been discriminated against on the basis of disability in employment, or the provision of services, activities, programs, or benefits, are requested to use it to bring their complaints to the attention of the City.

B. The complaint should be submitted in writing or on audiotape to the ADA Coordinator. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of the City involved. The complaint should also include the name, address, and phone number of the person(s) bringing the complaint or their authorized representative(s). If assistance is needed to file or pursue the complaint, the ADA Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than sixty (60) calendar days after the alleged discriminatory incident to the ADA Coordinator.

C. Within fifteen (15) calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator will respond in writing, or if needed for effective communication, in an alternate format preferred by the complainant, such as large print, Braille, or audiotape. The response will explain the

position of the City and present options for substantive resolution of the complaint.

D. If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within fifteen (15) calendar days of its receipt to the City Manager, or his or her designee. Within fifteen (15) calendar days of the receipt of the appeal, the City manager, or his or her designee, will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within fifteen (15) calendar days of the meeting the City Manager, or his or her designee, will respond in writing or alternate format with a final resolution of the complaint.

E. Records of all complaints received by the ADA Coordinator and appeals will be kept on file for at least three (3) years.

7- EQUAL OPPORTUNITY POLICY

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the City's programs or activities. In providing its services, programs, and activities, the City will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, an offered benefit, service, or activity.
2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.
3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

8- REASONABLE MODIFICATION POLICY

A. The City will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

B. Requests for modifications should be made to program staff or the ADA Coordinator and can be presented verbally or in writing (please see Reasonable Modification

Request Form Attachment K). It is the responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion.

C. Final decisions regarding requests for modifications, that in the opinion of the ADA Coordinator may represent an undue burden or fundamental alteration, will be made by the City Manager in a timely fashion and no longer than ten (10) working days. Individuals seeking to contest a denial of a request for modification will be given the grievance procedure in format appropriate to their needs.

9- ELIGIBILITY AND SAFETY REQUIREMENTS ASSURANCE

A. It is the policy of the City that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed unless they are essential to the operation of the program or service. Eligibility requirements must be reviewed by the ADA Coordinator and program managers and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

B. Safety requirements will also be reviewed to ensure that they are necessary to the safe operation of programs, and that any decisions to limit the participation of a person with a disability related to safety concerns will be reviewed on a case basis to ensure that the decision is based on facts, not myths or stereotypes, and that all appropriate mitigating measures are taken to provide for maximum participation.

Staff will be informed of, and trained in any changes in eligibility and/or safety requirements that may arise.

10- SURCHARGES PROHIBITION POLICY

It is the policy of the City that surcharges will not be charged to persons with disabilities, their family members, or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

11- INTEGRATED SERVICES POLICY

It is the policy of the City that all services, programs, and activities are provided in the most integrated setting appropriate to the needs of participants with disabilities.

Persons with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet their needs are offered.

12- SIGNIFICANT ASSISTANCE POLICY

It is the policy of the City that programs receiving significant assistance, either financial or in-kind from the City, may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator and other personnel representing the City to inform organizations receiving assistance of this policy and to respond to any questions or, as appropriate, to refer questions to the ADA Coordinator regarding its meaning and application. It is also the Coordinator's responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the City Manager termination of assistance.

13- ACCESSIBLE TRANSPORTATION POLICY

It is the policy of the City that transportation services are accessible to and usable by participants in qualified City operated programs regardless of disability. Individuals requiring accessible transportation for qualified City operated programs should make their requests in writing or verbally to the program directors or alternatively to the ADA Coordinator. Requests should be made at least three (3) days in advance. Effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one (1) day before the date of the requested trip.

For transportation around the city, not related to qualified City operated programs, the City has agreements with the County paratransit services. Individuals who need this type of transportation should contact the County paratransit office directly.

14- CONTRACTED SERVICES PROVIDER POLICY

It is the policy of the City that if services are provided under contracts, the City will set forth in the terms of the contract the obligations of the provider agency or agencies to operate in a manner consistent with the requirements of Title II of the ADA, and, furthermore, that the City will monitor the performance of the contractor in fulfilling this contractual obligation.

15- EFFECTIVE COMMUNICATION POLICY

A. It is the policy of the City that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities affect communication. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will be given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication is available.

B. Requests for auxiliary aids or services should be made verbally or in writing to program directors or to the ADA Coordinator. Unless otherwise specified, the City urges that requests be made at least ten (10) days in advance of the

occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice.

C. The person requesting the service will be notified as soon as possible if the City is unable to meet their request. In some circumstances, an appropriate alternative will be offered such as rescheduling. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communications procedures. The ADA Coordinator will be responsible for making final decisions related to undue financial and administrative burden or fundamental alteration in the nature of programs. Alternative options can be discussed with requestor.

16-ACCESSIBLE PRINT MATERIAL

Public documents such as City annual reports, promotional brochures, and other documents, such as tax bills, license applications and other printed information may need to be provided in an alternate accessible format to provide effective communication for individuals who are blind or visually impaired. Alternate formats may include materials in Braille, large print, files on computer disk that can be used in a personal computer, or an audiotape recording of the print document. Priority should be given to the type of format that has been requested unless the City determines that another format is effective or that providing the one requested would result in undue financial or administrative burdens or a fundamental alteration in the nature of the program. The City should publish a contact number for the public to request an accessible format or other auxiliary aid or service.

17- ALTERNATIVE FORMAT ASSURANCE AND PROCEDURES

A. All documents, publications, and materials used in City programs will be made available to persons with disabilities who need them in alternate formats. Procedures will be established to respond to requests for alternate formats including large print, audiotape, Braille, and computer diskettes in a timely fashion. Three (3) weeks' notice is generally required for the preparation of Braille materials. Reasonable efforts will be made to respond on shorter notice.

B. Large print, short audio tapes, and computer diskettes will be prepared by staff persons who have been identified by the ADA Coordinator and trained in the necessary skills and procedures. Preparation of long audiotapes will be purchased from a professional provider.

C. The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his/her preferred alternate format to the program director or the ADA Coordinator, either verbally or in writing ten (10) working days in advance of the event or activity for which the material is needed. Reasonable effort will be made to meet requests made less than ten (10) days before an event or activity.
2. The materials will be provided in the requested format at no additional charge.
3. Primary consideration will be given to the format preferred by the person making the

request, and the City will decide whether to provide the preferred format or an effective alternate format.

4. If a request cannot be met the person making the request will be informed as soon as possible but at least one (1) day in advance of the event or activity.

5. The City Manager will make the final decision regarding any request that may represent an undue financial or administrative burden.

18- INTERPRETER SERVICES POLICY

A. It is the policy of the City that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the City. Requests should be generally made at least twenty (20) working days in advance of the scheduled event or meeting, but reasonable effort will be made to meet requests made on shorter notice. Requests should be made either verbally, by TTY, or in writing to a Department Head or the ADA Coordinator. Within one (1) day of receipt of the request, the ADA Coordinator or other responsible employee will contact the provider to schedule the interpreter service.

B. In addition to using the provider, the City will maintain a list of names and phone numbers of at least three qualified freelance sign language interpreters working in the region. If informed that provider has not been successful in scheduling interpreters as requested, staff of the City will immediately attempt to contact and schedule a freelance interpreter.

C. If an interpreter cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication or the opportunity to postpone the meeting until such time as an interpreter can be scheduled.

19- ASSISTIVE LISTENING DEVICE ASSURANCE

A. Assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services, and activities of the City.

B. The procedure for requesting an assistive listening device is for the person needing the device, or his or her representative, to make the request verbally or in writing to the ADA Coordinator or other program director at least ten (10) days before the scheduled event or activity will take place. The ADA Coordinator or Program Director, or other responsible member of the staff will arrange for the listening device's use and will provide any necessary training or orientation to program staff. Reasonable effort will be made to meet requests made with less than ten (10) days' notice.

20-EFFECTIVE COMMUNICATION

The City of Boynton Beach will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services and

activities.

The City must take appropriate steps to ensure that communications with members of the public, job applicants, and participants with disabilities are as effective as communications with others unless it is an undue financial or administrative burden to do so or it would result in a fundamental alteration in the nature of its program or activity.

Achieving effective communication often requires that the City provides auxiliary aids and services. Examples of auxiliary aids and services include qualified sign language interpreters, assistive listening devices, open and closed captioning, note takers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Braille materials, materials on computer disk, and large print materials.

The City must provide appropriate auxiliary aids and services where they are necessary to achieve an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by or for the City. The City must give primary consideration to the type of auxiliary aid requested by a person with a disability.

However, the City may provide a different type of aid if it can show that it is an effective means of communication.

It is the policy of the City that staff training and other staff development activities provided by City personnel and volunteers include training on the use of a TTY, the operator relay service, and other equipment necessary to assure effective communication. The city personnel will also receive training in procedures and policies on receiving and handling requests for auxiliary aids and services and for ensuring that primary consideration is given to the type of service or format preferred by the person with disability. Training on effective communication will be given during orientation and at in-service programs.

21- TRAINING ASSURANCE

A vital component of any ADA implementation plan is the training that is provided for staff. While a thorough knowledge of the provisions of the ADA is important for some positions, training should center on service attitudes, communication skills, and internal policies and procedures. Patrons with disabilities can be drawn from ADA Advisory Groups and serve as effective trainers.

22- CITY OF BOYNTON BEACH'S POLICY REGARDING SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES

The City of Boynton Beach is committed to making reasonable modifications to its policies, practices, and procedures to permit the use of service animals by its guests with disabilities as defined, in Section 413.085, Florida Statutes. Service animals play an important role in ensuring the independence of individuals with disabilities, and it is therefore our policy to welcome any dog that is individually

trained to assist a person with a disability as defined in the Americans with Disabilities Act and Florida State Statute 413.085 (Please see Service Animal Policy Appendix M).

25. MAINTENANCE OF ACCESSIBLE FEATURES ON FACILITIES OWNED AND OPERATED BY THE CITY.

The City of Boynton Beach must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities -- including elevators and lifts, curb ramps at intersections, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs.

26. EXISTING FACILITIES: PROGRAM ACCESSIBILITY

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of title II of the ADA, the City will make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens. This requirement is called program accessibility. When a service, program, or activity is located in a building that is not accessible, The City can achieve program accessibility in several ways. It can:

- relocate the program or activity to an accessible facility
- provide the activity, service, or benefit in another manner that meets ADA requirements, or
- make modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, The City can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of on all of their facilities.

27-POLICY FOR TEMPORARY EVENTS

The City must meet the ADA requirements for both temporary and permanent services, programs, or activities coordinated by the city. Facilities and structures that are built or altered for temporary use must comply with the ADA Standards. In addition, the policies and operations for the event must meet the nondiscrimination requirements of the ADA. When planning temporary events such as a City festival or concert, the City should review ADA title II requirements and the ADA Standards.

The Standards can provide guidance to help event planners place temporary accessible parking spaces in appropriate locations, provide an accessible route throughout the site, and provide other accessible features for food service, toilet facilities (including accessible portable toilets), assembly area seating, public telephones, etc., where such elements or facilities are provided for the public. It

is very important to consider accessibility requirements when the event is in the planning stage so that accessible facilities can be identified and incorporated in a manner that does not require extensive construction or last-minute modifications.

28- CITY OF BOYNTON BEACH WEB SITE ACCESSIBILITY

The City shall establish a Web Accessibility Coordinator. This position will be responsible for ADA compliance as it relates to accessibility of the City's website.

THESE PROCEDURES IMPLEMENT CITY OF BOYNTON BEACH WEB ACCESSIBILITY POLICY.

1. All new or revised Web pages and other Web resources published, hosted or otherwise provided by the City must be in compliance with the World Wide Web standards defined in the Federal Rehabilitation Act Section 508, specifically subsections 1194.22 and subsection 1194.31.

Reasonable effort must be taken to ensure that legacy Web pages and resources are in compliance with these subsections of Federal Rehabilitation Act Section 508 no later than November 1, 2003. That effort must be documented. Legacy Web pages and resources will be considered those that are published prior to November 1, 2001.

Upon specific request, information on Web pages and resources is to be made available to any individual needing access to such content, by revision or otherwise. The unit responsible for the creation of the information on the Web is responsible for providing that access.

Upon specific request, information on Web pages and resources in archive status (e.g. no longer in use but subject to records retention plans) containing core administrative or public information, official records, and similar information) is to be made available/accessible to any individual needing access to such content, by revision or otherwise.

What constitutes a Web page or other Web resource is to be interpreted broadly, and for example, does not depend upon the type of client or host device, the type of software on the client or host devices, or the technical means by which the client and host communicate over the Web.

2. Web pages or resources specifically requested to be made accessible as part of a formal accommodation request shall be made accessible as soon as possible, or an equally effective alternative shall be provided. Equally effective means that it communicates the same information and provides the equivalent functions in as timely a fashion as does the Web page or resource.

3. For items 1 and 2 above, undue administrative or financial burdens may contribute to a determination that alternative formats be used to provide the information to individuals requiring use of the information. If compliance in specific instances appears to be impossible or an undue burden, the City Manager may grant exceptions.
4. Each Web site must contain an accessible link or a person to contact if users have trouble accessing content within the site. This would usually be the Web developer or publisher. The addition of a link or contact person is not sufficient, in and of itself, to comply with the World Wide Web Accessibility Policy.

1. PRIORITY OF IMPLEMENTATION

Priority should be given to creating accessible web pages and resources for core institutional information such as reports, online applications, forms or permits, and other type of documents which may include but are not limited to tax bills, permit applications, license applications, letters to council, job-opportunities, calendar of events and notices. Cities with large web sites and resources containing core institutional information should establish priorities for ensuring access to these according to the pages and resources being used or requested most often. For setting priorities to make Web pages and resources accessible, the following guidance is suggested:

-All new and revised web pages should be made accessible at the time of creation or revision.

-The top 20% of existing Web pages and resources most frequently used (e.g. that get the largest number of hits) should be placed in the first priority for review, and made accessible as indicated.

Pages and resources required for participation, funding, disability-related services and other key information or functions needed by people with disabilities, not already in the top 20%, should also be placed in the first priority. Each department or entity is responsible for determining the top 20% used and other first priority Web pages and resources.

-Any remaining pages and resources providing core institutional information or functions should be reviewed, and made accessible as indicated.

-All other Web pages and resources should be reviewed, and made accessible as indicated.

2. RECOMMENDED ASSESSMENT PROCEDURES

It is recommended that a variety of evaluation methods be used to test the accessibility of Web pages and resources, including automated testing, client and/or device testing, expert evaluation, and user testing.

3. EXCEPTION PROCEDURE

Narrowly tailored exceptions to this policy may be granted by the City of Boynton Beach's Information Technology Director in specific instances where compliance is not possible or would constitute an undue administrative or financial burden. To request an exception send an e-mail to Information Technology Director.

4. RESOURCES

Information about training, consulting, and technological tools can be found at the Federal Rehabilitation Act (Section 508) and W3C. The Federal Rehabilitation Act's Section 508 standards were established as the level of compliance required for institutions receiving federal funding. These standards, consistent with W3C's, provide achievable, well documented guidelines for implementation. The City's Web Accessibility Policy should therefore endorse compliance with the Federal Rehabilitation Act's Section 508 standards, specifically subsections 1194.1 through 1194.22 and 1194.31. Web sites may still be developed and presented using the W3C guidelines; the Section 508 standards establish the threshold or minimum for compliance. The policy also sets forth a method for identifying portions of current Web sites to be brought into compliance as a priority, based on number of "hits" or specific requests for access.

Compliance with the Federal Rehabilitation Act's Section 508 standards should help the City achieve the goal of ensuring that individuals with disabilities have access to the increasing amount of Web-based material originating on our portal. There is a strong linkage between the required standards and the development of current technologies that support compliance with these standards.

The policy should support the City's effective use of emerging technologies in instruction; revised time-lines help make accessible the information residing on legacy pages. The success of the policy requires a continual coordination of programmatic needs, technology, and services. The policy will therefore be reviewed regularly to ensure its effectiveness in an environment of rapidly changing technology.

Where compliance is not possible or may require extraordinary measures, exceptions to this policy may be granted by Information Technology Director and/or City Manager.

The policies will be revised annually and modified as necessary to reflect any changes in law.

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

Employment: The City of Boynton Beach 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 Americans with Disabilities Act (ADA).

Effective Communication: The City of Boynton Beach 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 programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

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

Anyone who requires an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a City program, service, or activity, should contact the **City Manager's Office Of Accessibility, Julie Oldbury, at 561-742-6276; Florida Relay Service 711 or 1-800-955-8771 (TTY)** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City 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 City program, service, or activity is not accessible to persons with disabilities should be directed to the **City ADA Coordinator, Julie Oldbury, at 561-742-6276; Florida Relay Service 711 or 1-800-955-8771 (TTY). Email ADA@bbfl.us**

The City 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.

City of Boynton Beach
Reasonable Accommodation Request Procedures

This process must be completed in 30 Calendar days

- **REASONABLE ACCOMMODATION MEANS:**
 - A change, exception, or adjustment to a rule, policy, practice, or service.
 - This does not mean there is a black-and-white “we can’t enforce the rules.”
 - This means:
 - The existing rule is X.
 - What change, exception, or adjustment can the City make to accommodate the Applicant?
 - The change, exception, or adjustment = Y.
 - Y = Reasonable Accommodation.
- Each reasonable accommodation request must be evaluated based on the unique needs and requests of each Applicant.
- The City is required to follow Federal law, including the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).
- The FHA and ADA both state that the City (and all entities) must grant reasonable accommodations to persons with disabilities.
- Failure to follow the law and grant reasonable accommodations exposes the City to liability, which can be **millions** of dollars paid to the Applicant, individual, property owner, or business owner.
 - The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.
- The City may deny a request for a reasonable accommodation or modification if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation or modification.
- A request for a reasonable accommodation or modification may be denied if providing the accommodation or modification would impose an undue financial and

administrative burden on the city or it would fundamentally alter the nature of the City's program(s).

- The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors.
- If an undue burden or fundamental alteration exists, the City is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden and/or constitute a fundamental alteration of the City's programs.
- If the City denies a requested accommodation or modification, the City should discuss with the requestor whether there is an alternative accommodation or modification that would effectively address the requestor's disability-related needs without a fundamental alteration to the City's operations and without imposing an undue financial and administrative burden (this is called the ***interactive process***).
 - As part of this interactive process, the City should recognize that the individual requesting the accommodation or modification is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective to meet a disability-related need. These discussions often result in an effective accommodation or modification for the requestor that does not pose an undue financial and administrative burden for the City.

Workflow:

1. Request is made/received, staff gives the Applicant the Reasonable Accommodation Information Letter (RA1) with a copy of the Reasonable Accommodation Policy and immediately notifies Julie Oldbury, Director of Human Resources and Risk Management, by sending an email to ADA@bbfl.us

Email must include the following:

Applicant name/alternate name, email, phone number, address and request.

*Note, the 30-day response time begins when the individual makes the request. Timeliness with this first step is essential.

2. Julie Oldbury sends email notification to Applicant, acknowledging receipt of reasonable accommodation request and requests notification if any contact information changes while under review.
3. Julie Oldbury records RA request information on Tracking Document (Excel spreadsheet).
4. Julie Oldbury sends email notification to **all** City departments stating:

- A reasonable accommodation request has been made (do not attach request).
- Name/alternate name and address of request.
- That no City employee may take adverse action (or any action) against owner, tenant, business, or property while request is pending.

5. Julie Oldbury to identify departments to review request (“Reviewing Departments”):

- Planning and Zoning
- Fire
- Community Standards (Code)
- Building
- Recreation
- Utilities
- Police
- _____

6. Itemize each accommodation requested

- a. Identify which Reviewing Departments need to review each item on the list

7. Transmit the reasonable accommodation request to all Reviewing Departments for **simultaneous review**.

- a. This should not pass from one department to the next like an Agenda item or a Permit.
- b. Time is of the essence and all Reviewing Departments should be reviewing the request **simultaneously**.

8. All Reviewing Departments provide comment to Julie Oldbury within five (5) calendar days from date request received. IF ADDITIONAL INFORMATION is required, it must be requested from the RA requestor within 72-hours of the 5-day review period.

9. Julie Oldbury schedules a meeting with all Reviewing Departments to discuss comments and **finalize** decision on how accommodations will be made.

- a. This meeting should be held within five (5) calendar days from date the Reviewing Departments submit comments to Julie Oldbury.

10. Draft response to request

- a. Draft agreement if request will be **granted**, using Reasonable Accommodation Approval letter (RA3).
 - i. Itemized list of requests.
 1. Indicate whether each item was approved/denied.
 2. If approved, indicate accommodation that has been granted.

11. Schedule meeting with 1-2 staff members and Applicant to discuss response to request (Julie Oldbury and department staff meet with Applicant).

- a. Remember, the law requires an **interactive** process/discussion with the Applicant regarding possible accommodations.

12. Revise agreement if needed.

13. Final correspondence to Applicant regarding granting/denying request (by calendar day 20).

- a. If **granted**, enclose agreement for signature.
 - i. Receive signed agreement (if any) and close out the matter.
 - ii. Julie Oldbury records on Tracking Document (Excel spreadsheet) and sends email notification to **all** City departments stating that Reasonable Accommodation Request process has been concluded.
- b. If **denied**, enclose Reasonable Accommodation Request Denial letter (RA4a) and Application to Appeal Denial of Request for Reasonable accommodation form (RA4b).
 - i. Within 30 calendar days of receipt of the letter memorializing the denial, the requestor must submit the "Application to Appeal Denial of Request for Reasonable Accommodation" form to Julie Oldbury.
 - ii. Individuals who appeal the denial of their reasonable accommodation request will be provided a hearing with a Special Magistrate.
 - iii. Following the hearing, the Special Magistrate will either uphold the denial or require the City to grant the reasonable accommodation request.
 - iv. Receive signed agreement (if any) and close out the matter.

- v. Julie Oldbury records on Tracking Document (Excel spreadsheet) and sends email notification to all City departments stating that Reasonable Accommodation Request process has been concluded.

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Reasonable Accommodation Request Form

Today's date _____

Business name (if applicable) _____

Applicant name _____ On behalf of _____

Address _____

City, State, Zip code _____

Email _____ Phone number _____

Alternate contact name _____

Email _____ Phone number _____

Briefly describe your requested accommodation.

For Office use:

Request is made/received, staff gives the Applicant the Reasonable Accommodation Information Letter (RA1) with a copy of the Reasonable Accommodation Policy and immediately notifies Julie Oldbury, Director of Human Resources and Risk Management, by sending an email to ADA@bbfl.us.

City of Boynton Beach

Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City.

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

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

City Manager's Office of Accessibility
City of Boynton Beach
100 E. Ocean Avenue
Boynton Beach, Florida 33435
T. (561) 742-6267
F. (561) 742-6011
TTY: (800) 955-8771
E-Mail: ADA@bbfl.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 the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

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

Within 30 calendar days after receipt of the appeal, the City of Boynton Beach 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 of Boynton Beach 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 of Boynton Beach City Manager or his/her designee, and responses from these two offices will be retained by the City of Boynton Beach for at least three years.

Adopted: March 16, 2016

POLICY REGARDING SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES

The City of Boynton Beach is committed to making reasonable modifications in policies, practices, and procedures to permit the use of service animals by persons with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome on or in our city facilities and premises any dog that is individually trained to assist a person with a disability as defined in the Americans with Disabilities Act and Florida State Statute 413.085.

What is a Service Animal?

Service animals include any dog that is individually trained to do work or perform tasks for individuals with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding people who are blind or have low vision and retrieving dropped objects for them;
- Alerting people who are deaf or hard of hearing to sounds and the presence of others;
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop;
- Pulling wheelchairs;
- Alerting people with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall, reviving them, and performing other tasks that reduce the risk of disability-related injury;
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or waking him up, alerting a person with anxiety to the onset of panic attacks, orienting people with schizophrenia to reality, and helping people with intellectual or cognitive disabilities to locate misplaced items, find places, or follow daily routines; and
- Providing physical support and assisting people with physical disabilities with stability and balance.

Requirements with Regard to Service Animals:

Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If we can tell by looking, it is our policy not to make an individual feel unwelcome by asking questions. If we are unsure whether an animal meets the definition of a service animal, it is our policy to ask the individual only two questions at the point that the individual seeks entry to the city premises:

- ***Is this dog a service animal required because of a disability?***
- ***What work or task has the dog been trained to perform?***

If the individual says yes to the first question and explains the work or tasks that the animal is trained to perform, we will welcome the person and service animal into our premises without asking any additional questions about his or her service animal. We will not ask an individual questions about his or her disability. We will not ask an individual to show a license, certification, or special identification card as proof of their animal's training. We will not ask the individual with to have the dog demonstrate what it is trained to do. We must permit service animals to accompany individuals with disabilities to all areas of our property normally used by customers or other members of the public and will treat individuals with service animals with the same courtesy and respect that this city affords to all of our customers.

Note: Any trainer of a service animal, while engaged in the training of such an animal, has the same rights and privileges with respect to access to public facilities and the same liability for damage as an individual with a disability accompanied by a service animal.

Florida Statute 413.08 (4) states: Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, a public accommodation or, with regard to a public accommodation, otherwise interferes with the rights of an individual with a disability or the trainer of a service animal while engaged in the training of such an animal, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months.

Responsibilities:

Management of the city has the right to exclude a service animal from our premises if the dog is out of control and the handler does not take effective action to control it, or the dog is not housebroken. We will not exclude a particular service animal based on past experience with other animals or based on fear unrelated to an individual service animal's actual behavior. Each situation will be considered individually. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Only the Department Head or designee can decide to exclude a service animal

The ADA Coordinator must be notified within 24 hours of the exclusion of a service animal from a city facility. The department head will be responsible for documenting the date, time, location, why the service animal was excluded and any other pertinent details.



A Planning Guide For Making Temporary Events Accessible to People with Disabilities

VENDORS TAKING PART IN AN EVENT

EXHIBITS AND DISPLAYS

The ADA Standards do not cover the design of elements that are not part of or attached to a building. Thus, portable display tables, cases, shelves, or panels that are generally transported into temporary event space are not required to meet ADA Standards. However, under Titles II and III of the ADA, it is expected that participants will be able to experience full enjoyment of the event.

MAKING EXHIBITS AND DISPLAYS ACCESSIBLE

Locate display tables, cases, shelves, or panels next to an accessible route and have adequate space for a person using a wheelchair or scooter to pass behind other participants who have stopped to examine an object.

- Mount **free-standing display cases** between 36 and 39 inches high. Objects that are viewed from above should be no higher than 36 inches. Carefully placed mirrors can also bring otherwise obscured surfaces into view. If high display cases or bookcase style shelving are used, it may be necessary to take items out of cases or off high shelves so a person with a disability can view and study an object up close.
- Make sure the bottom deck of **wall-hung display cases or objects** is between 36 and 39 inches off the ground.
- Space limitations often dictate that items be exhibited on vertical bookcase style **display shelves**, putting many objects above the preferred viewing height of 36 to 39 inches. Try to place a representative sample of items in the preferred range and be prepared to bring items on high shelves to participants upon request.
- Provide enough space for a person to sufficiently back away from and closely approach the **display panel** to view items displayed.
- The height for **mounting flat images** (e.g. photographs, paintings, and maps) must allow both standing people and people who use wheelchairs to view the image comfortably.

LARGE OBJECTS

Large objects, or objects to be entered such as trucks, boats, or aircraft, pose unique problems to access. Some cannot be accessed without requiring significant modification of the object itself.

For many temporary events, the only practical solution is to provide a video "tour" of the object that provides an experience similar to that of actually physically entering the object. A representative model showing key features or a life-sized mock-up can also allow the participant to experience the key features of the object.

If there are numerous objects on display, such as at a boat or antique car exhibit, a representative selection could be made accessible or again, video "tours" could be provided.

In exhibit spaces with accessible mezzanine or viewing balconies such as coliseums, large objects can be strategically located so that parts of the object difficult to see from the main floor level can be viewed from an upper level.

EXHIBITS IN TRAILERS

Traveling carnivals and fairs may include exhibits entirely contained in trailers accessed by climbing a set of three to five steps. The content of the exhibit must be available to all participants, and vendors should provide a brochure of the exhibit for people who cannot enter. A preferable solution is to add a temporary/removable ramp or lift at the entrance. These modifications could become permanent parts of the equipment that travels from site to site to display the exhibit.

CREATING ACCESS FOR PEOPLE WITH SENSORY DISABILITIES

Visual Disabilities.

People with visual disabilities can understand much about objects on display if they have the opportunity to touch and handle the object in a way that allows them to perceive its weight, texture, shape, etc. Duplicate or example objects can be offered for this purpose. Relief maps with three-dimensionally project features, and scale models of large objects can also provide valuable information. If all people are allowed to touch these "tactile" exhibits, it makes the experience more educational and memorable for everyone attending the event.

Provide spoken narrative or an audio component to describe the content of two dimensional images. Staff members can also describe images for a specific participant or, if someone is explaining the exhibit to all participants, he or she can present a more detailed description so a person with a visual disability may acquire a full understanding.

Hearing Disabilities.

People with hearing disabilities must have access to the content of audio/visual presentations, such as slide shows and videos. Ideally, such presentations would have captions or subtitles of the audio component. Otherwise, the spoken word could be presented in a written script. Where only ambient sounds are used, this should be noted so participants with hearing loss know they are not missing a part of the exhibit.

Artwork, Crafts, and Other Wares for Sale:

The ability to see, reach, and study objects or images is key to selecting an item to purchase. Ideally, a person with a mobility disability should be able to move about the vendor's entire display space. Vendors should use the same guidelines as those used for exhibits and displays, discussed earlier in this chapter. Vendors may need to take items down from high shelving, bring small items closer to an individual, or carry an object completely out of the display space.

PARTICIPATING IN ACTIVITIES

Many temporary events have activities that require or encourage visitor participation, such as question and answer sessions, art activities, games, competitions, workshops, or impromptu speeches.

Inclusion is the emphasis for all activities. However, in some rare instances having separate divisions in an event will actually allow people with disabilities to participate in a more equal manner. For instance, in a

marathon competition having a wheelchair division separate from the men and women's divisions actually allows people with disabilities to participate with peers as other members of the community. However, many runners with braces or artificial limbs will want to compete in regular men and women's divisions. A flexible policy will allow participants with disabilities to choose the division in which they feel the most comfortable.

PHYSICAL ACCESSIBILITY

The level of access for people with mobility disabilities will vary with the nature of the activity. For example, an individual with a mobility disability may not be able to use a trampoline, but there still must be an accessible route to the location so the individual may accompany friends or supervise children.

Surfaces.

For activities that require a surface area, such as writing, painting, or model building, some tables or portions of counter tops must be accessible. The ADA Standards require that 5%, but never less than one of all fixed or built-in tables and seating, be accessible, with adequate knee space and at appropriate heights for people using wheelchairs or needing to sit.

For some situations, such as a potter's wheel or an arcade game, it may be possible to dedicate resources to make or acquire an accessible version to offer a representation of the experience. In some instances, assisting participants may be the only practical alternative.

EXHIBITS AND DISPLAYS WITH CONTROLS.

Interactive displays should have controls that are usable by all people, i.e., levers, loop handles, push buttons, and rocker switches. These usually require little force to operate and are common enough that operation is intuitive for most participants.

Toggle or "joy stick" type handles and trackballs are also easy to use by people with limited hand function. When it is not possible for all exhibits to have accessible controls, a few representative examples equipped with such controls should be provided to assure that a general sense of the experience is available for everyone.

ELIMINATING COMMUNICATIONS BARRIERS

Activities that require communication to participate should be conducted in a manner that allows participation by people with hearing, vision, or speech disabilities.

Hearing Disabilities.

For group discussions, workshops, or question-and-answer situations, all visitors must be able to understand the information presented and respond in as unrestricted manner as possible. Assistive listening devices should be available for people with limited hearing. The most useful are portable systems that allow flexibility for small group or classroom situations (see "Assistive Listening Systems," page 43). For many people with hearing loss, the use of sign language interpreters is essential for two-way communication to occur. While this may be impractical or costly for a single activity, it may be possible to have a pool of interpreters on hand for larger entertainment events that can be sent to activities as requested. There should be some scheduled accessible/interpreted performances that are advertised in advance. Individuals who are Deaf and requesting an interpreter are not required to pay for cost of the interpreter. To find qualified sign language interpreters in the Boynton Beach area, contact the City of Boynton Beach ADA Coordinator (561) 742-6241.

Vision Disabilities.

People with vision disabilities may need to be physically close to visually presented information, instructions, or activities, e.g. maps, artwork, photographs, etc. For those for whom this will be ineffective or who are blind, additional explanations may be necessary in order to convey essential themes and facts. As with exhibits, sample objects may be made available for participants to touch and feel.

Cognitive or Developmental Disabilities.

Keep instructions simple and presented in short sentences. Instructions for people with cognitive disabilities are more effective if participants must act after each direction. Presenters need to be patient and willing to integrate everybody into the activities as much as possible.

ASSEMBLY AREAS

Speeches, performances, and sports exhibitions involve a significant number of people gathered in a defined space. Assembly areas, whether in permanent indoor facilities or temporary outdoor settings, must be accessible, both in the design of facilities and in how the program is offered.

This section mainly addresses assembly areas without fixed seats, i.e., gymnasiums that rely on movable seating, large meeting rooms where furniture and stages must be brought in, and large open spaces where there may be no defined seating.

Wheelchair Seating Locations.

Assembly areas with fixed seating, e.g. theaters, stadiums, etc., must provide a range of built-in seating locations so people using wheelchairs can choose where to position themselves to view activities or performances. The number of wheelchair locations required is related to seating capacity and, with some exceptions, must be dispersed within conventional seating areas so patrons have a choice of ticket price. These goals also should be met or exceeded in assembly areas where moveable chairs are used for the temporary event. (See Table 2.)

Table 2: Number of Wheelchair Seating Locations Required in New Construction

Capacity of Seating in Assembly Areas	Number of Required Wheelchair Seating Locations
4 to 25	1
26 to 50	2
51 to 150	4
151 to 300	5
301 to 500	6
501 to 5000	6, plus 1 for each 150, or fraction thereof
5001 and over	36, plus 1 for each 200, of fraction thereof

"Classroom" Style Layouts.

Wheelchair seating locations must have additional space between the rows of tables for maneuvering space and for a person using a wheelchair to pull up under a table so others may pass behind.

"Theater" Style Layouts.

"Theater" style layouts are commonly used for temporary events. Chairs can be set up in the usual manner, except that clear floor space must be allocated for wheelchair seating locations. Chairs can be strategically eliminated along aisles and at the back or front of seating areas to create spaces so people using wheelchairs can park beside other participants without obstructing pedestrian traffic.

Open Areas.

Where there is no fixed or temporary seating and participants are expected to sit on the ground, the most level areas should be designated for accessible seating. These spaces should be held in reserve for a specified period of time before others may occupy those areas. Care must be taken in the placement of cables, supports, and other stage or electronic equipment so accessible routes can be maintained.

ACCESS TO PERFORMING AREAS

Access to performing areas is an issue when there are performers or presenters with disabilities or when members of the audience may be expected to come on stage and participate in the presentation.

Accessible Route to Performing Areas.

Where performing and viewing areas are at different levels, it may be possible to create a direct route between them using portable ramps or lifts (see "Changes in Ground and Floor Levels," page 33). Where the audience will not go up to the stage, access for a performer or presenter may be provided via an accessible route through a backstage or other support area not used by the general public. When audience participation is anticipated, such routes are not ideal because it requires people with disabilities to take a route segregated from other participants. However, in many older facilities this may be the only realistic alternative.

Speakers' Platform.

A common arrangement for many events is to have several speakers present together at a single table. A speakers' platform with a typical 30-inch wide and 72-inch long table should be a minimum of 8 feet wide by 16 feet long to allow enough maneuvering room for people using wheelchairs and space for a sign language interpreter. To prevent speakers from accidental falls, place platforms against a wall to eliminate one edge. Locate tables and/or install a curb to eliminate exposed drop-offs of platform edges.

Microphones.

Table microphones and lapel or lavalier mikes should be provided for people with mobility disabilities, especially people with limited use of their hands. It might be necessary to raise a mike by placing it on blocks or use a mike stand with a horizontal boom for people using wheelchairs.

ELIMINATING COMMUNICATIONS BARRIERS

Eliminating communication barriers to people with sensory disabilities is a fundamental part of making the entire program accessible.

ASSISTIVE LISTENING SYSTEMS

People with varying levels of hearing loss make up a large percentage of the population with disabilities. The ADA requires listening systems in assembly spaces where audible communications are integral to the use of the space and an audio amplification system is available. These listening systems pick up voice/music directly from the source and then direct it to the listener who can adjust the volume to their needs. Most listening systems eliminate or reduce background noise so people with special receivers or their own hearing aids can adjust the volume and hear the sound more clearly.

The minimum number of receivers needed is based on the seating capacity of the space (see table below). Receivers need only be available for the performance, so it may be possible to share the receivers between activities and presentations. An efficient system must be established to enable people to check-out and return receivers. Receivers must be provided at no cost to users, but individuals can be required to leave a valid ID or a minimal, returnable deposit to obtain a receiver.

The availability of the listening system should be indicated by signage using the international symbol of access for hearing loss (see "Accessibility Symbols" on page 13).

Table 3. Receivers for Assistive Listening Systems

Capacity of Seating in Assembly Area	Minimum Number of Required Receivers	Minimum Number of Required Receivers Required to be Hearing-aid Compatible
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats, or fraction thereof	2
201 to 500	2, plus 1 per 25 seats over 50 seats, or fraction thereof	1 per 4 receivers, or fraction thereof
501 to 1000	20, plus 1 per 33 seats over 500 seats, or fraction thereof	
1001 to 2000	35, plus 1 per 50 seats over 1000 seats, or fraction thereof	
2001 and over	55 plus 1 per 100 seats over 2000 seats, or fraction thereof	

There are three types of listening systems currently in use:

1. An audio loop system consists of an amplifier and a wire antenna embedded in the floor or walls or taped to the surface around a designated seating area. It sets up a magnetic field that can be picked up by some users with hearing aids or others wearing a telecoil equipped receiver and an ear piece. There is a new technology known as a 3-D mat that has much less spillover and is less susceptible to electromagnetic interference.
2. Infrared systems use light beams to transmit information to users wearing receivers with neckloops or headphones. Infrared systems offer confidential transmission, but, because infrared light is present in natural and artificial lighting, well-lit rooms sometimes produce interference. Infrared systems can be used in any seat in the facility, provided the seat has an unobstructed line of sight to the transmitter.
3. FM systems work similarly to the infrared but operate on FM radio frequencies, do not require an unobstructed line of sight, and are unaffected by sunlight. However, where there are multiple events, different frequencies will need to be used. The FM system collects sound from either a microphone or public address system and then uses a transmitter to send the signals to small receivers. Hearing aid users with "T" (telephone) switches on their hearing aids wear receivers with a neckloop listening attachment which generates a magnetic field picked up by the telecoils. Other users must wear receivers equipped with earphones and a volume control to hear the amplified sounds. FM systems are portable and very reliable.

PLACEMENT

If the listening system serves individual seats, it is recommended that those seats be located within a 50-foot viewing distance of the stage or play area. At this distance, viewers can distinguish facial expressions and pick up other small gestures which help them interpret the actions of performers.

A wide variety of options and variables must be considered in planning effective and manageable listening systems for people with hearing disabilities. Manufacturers, organizations of people with disabilities, and service providers are good sources for additional information and advice.

SIGN LANGUAGE INTERPRETERS

For many people with limited or no hearing, assistive listening devices are not adequate and a sign language interpreter is needed. Generally, an interpreter is located at the end of the speaker's table or on

a raised step directly behind the speaker. A wide contrasting solid background should be hung behind the interpreter to eliminate visual background clutter and make it easier to see interpreter hand positions. The interpreter should be well-lit and audience members with hearing disabilities must have an unobstructed view or be allowed to sit in front of the interpreter.

There are interpreters who are very good at mimicking the facial expressions and gestures of performers. Interpreter "actors" may work well for plays and stage productions to convey the full range of feelings and concepts inherent in an artistic performance. It may be possible that a selected performance of a particular work augmented with such interpreters could be scheduled and publicized ahead of time.

TEXT DISPLAY

Text display is another method of access for people with hearing disabilities. Spoken narrative, song lyrics, or character dialog can be displayed in a variety of ways, including overhead projection, use of electronic text display panels, captions or subtitles.

Computer-aided real-time reporting (CART) may be required in situations with no set dialogue. A stenographer types dialogue into a computer, which displays the text on a monitor or screen. At least one showing of videos, films, or slide presentations should be accompanied with captions or subtitles, and these should be publicized ahead of time.

AVAILABILITY OF SCRIPTS OR TEXT OF PERFORMANCE

A script of a performance can be made available so it can be read ahead of time or during the performance. While lacking a real time one-to-one relationship, this approach can be effective for complicated pieces of work, such as plays or operas. Where multiple works are staged, at least a representative performance should be offered with accompanying text.

AUDIO DESCRIPTIONS

Audio descriptions should be provided for performances that are mostly visual in nature or where key information is visually presented. Descriptions and explanations of visual elements could be recorded on audio cassettes and given out as requested. A one-to-one description could be provided where someone sits with a person who is blind and voices descriptions.

SEATING OPTIONS

Seating location will be helpful to many people with hearing and vision disabilities. Many people with limited vision can discern much in the way of color, shape, and movement if they can sit close to the performance. Likewise, people with hearing disabilities can effectively see the hand movements of sign language interpreters, displayed text, or the gestures of actors if they are close enough. Some seating in the front rows of assembly areas should be held in reserve for people with hearing and vision loss.

GAMES AND AMUSEMENT RIDES

Games are typically offered at most fairs, carnivals, and street festivals. Such activities, by their very nature, are participatory, and should have the same level of both physical and communication access as established for other kinds of participatory activities. Event sponsors and organizers should work with individual vendors to ensure the maximum degree of access. Some games require certain minimum levels of physical ability. For example, a game of ring toss or a turkey shoot requires the participant be able to see and be able to use one or both arms and hands. This game could not be modified to allow someone who could not see or use their arms to participate. However, games must be accessible to the maximum extent feasible.

High counters and railings that hold the participants back a prescribed distance from the game are common barriers. The mounting height of operable parts of equipment, e.g., water gun for a

marksmanship game, should be considered. Often such heights are chosen because they work well for standing adults. Vendors should consider making at least one of the stations accessible for people using wheelchairs or adults of short stature. Video and other arcade style games such as pinball function essentially like exhibits with controls (see "Exhibits and Displays with Controls," page 38).

Many carnival amusement rides are completely inaccessible to people with mobility disabilities and difficult to make accessible. Portable and mobile amusement rides at temporary events are exempt from ADA Standards, but there may be ways to improve access and facilitate participation in some cases (see Chapter 10 of the 2010 ADA Standards for guidance).

CONCESSIONS

Concessions offered by the event organizer and those offered by individual vendors should be accessible.

FOOD AND DRINK

Many of the ADA specifications for fixed facilities (restaurants, cafeterias, etc.) can be used in making temporary food service counters, trailers and tables accessible. The height of service counters must not exceed 36 inches. Food and drink offered from mobile trailers may need to install a low folding shelf. While other accommodations may still be needed when actually serving food, condiments and menus can be placed on this auxiliary shelf within easy reach. It also may be possible for event vendors to jointly provide a condiment table in or adjacent to nearby eating areas.

People with mobility disabilities should be able to reach each area provided for dining and should be able to pull up under at least five percent of the tables. There must be an accessible route to the area and adequate maneuvering space around and under tables.

Where there are no tables near eating areas, consider providing one or two and some chairs. Such a courtesy will be helpful for many people with conditions that affect balance or stamina and who have trouble eating while standing or traveling.

Taken from the ADA national Network "A Planning Guide For Making Temporary Events Accessible to People with Disabilities" Chapter 4, 2/18/16.