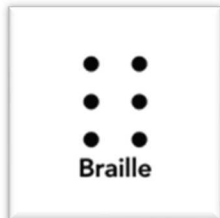


City of Henderson Americans with Disabilities Act (ADA) Section 504 of the Rehabilitation Act Facilities Transition Plan Update



TRANSITION PLAN



ADA/Section 504 -Transition Plan



Original Plan Adopted January 1997

Original Transition Plan Completed by

Chair

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This information is available in alternative formats upon request.

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ADA/SECTION 504 TRANSITION PLAN

Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, state and local government, public accommodation, transportation and communication.

The ADA is legislated through the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and administered in part through the 2010 ADA Standards for Accessible Design. This legislation mandates that qualified individuals with disabilities shall not be excluded from participation in, denied the benefits of or be subjected to discrimination under any program or activity. The ADA also provides employees with disabilities certain protections and requires employers to make reasonable accommodations for applicants and employees with disabilities.

The City of Henderson prepared and adopted a Transition Plan in 1997, and is available on the City's website, or by request to the ADA Coordinator. The Facilities ADA Transition Plan (**Appendix A**) and Parks ADA Transition Plan (**Appendix B**) are living documents updated separately from this plan, to identify physical barriers to accessibility and developing barrier removal solutions in all City facilities, services and programs. This section provides an overview of the requirements for developing the ADA Facilities Transition Plan and outlines the plan development process itself.

Purpose

It is the policy of the City of Henderson to comply with the ADA, the Fair Employment and Housing Act (FEHA), Section 504 of the Rehabilitation Act of 1973 and the comprehensive civil rights laws that prohibit discrimination against persons with disabilities. The City of Henderson will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, events, activities, facilities and public meetings.

In all City administered services, programs, events, activities, facilities and public meetings, the City of Henderson will strive to eliminate any barriers that prohibit persons with disabilities from participating or from having full access to facilities. If a service, program, event or activity is not fully accessible, the City will, to the best of its ability, relocate said service, program, event or activity to an accessible facility, or provide equal services at alternate accessible sites.

Americans with Disabilities Act (ADA)

The ADA is divided into five Titles: Title I – Employment; Title II – Public Services; Title III – Public Accommodations; Title IV – Telecommunications; and Title V – Miscellaneous Provisions, of which, Title II applies to the City of Henderson.

Title II – Public Services

Title II prohibits state and local governments from discriminating against individuals with disabilities and from excluding participation in or denying benefits of programs, services and activities to persons with a disability.

It also mandates that a public entity evaluate its current services, policies and practices to determine whether they are in compliance with the non-discrimination regulations of the ADA. A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by persons with disabilities and describe potential compliance solutions.

This title provides that the City must:

- Develop a grievance policy and procedure
- Designate an ADA Coordinator to oversee Title II compliance
- Perform and retain a self-evaluation for three years
- Develop a Transition Plan if structural changes are necessary for achieving program accessibility

Section 504

The Rehabilitation Act, Section 504 prohibits discrimination on the basis of disability in programs that receive Federal financial assistance. The regulation also includes reasonable accommodation for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities and accessible new construction and alterations.

Accessibility

Accessibility can be separated into two major categories:

- Program Accessibility
- Physical Accessibility

Physical Accessibility includes removing physical barriers, but also entails all of the policies, practices, and procedures that permit people with disabilities to access important information. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.

Program Accessibility requires that the programs, services and activities offered by an entity, when viewed in their entirety, are accessible to and usable by individuals with disabilities. The requirement for program accessibility ensures that people with disabilities are not excluded from programs, services and activities because facilities are inaccessible. It is not a strict requirement that all facilities be accessible. It allows a public entity to choose other methods to ensure program accessibility. These include relocating services within a facility, relocating services to an accessible facility, alteration of facilities, purchase or redesign of equipment, assignment of aides and bringing the program to the participant.

Discrimination

The Rehabilitation Act, Section 504 states “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives Federal financial assistance.

The City of Henderson’s non-discrimination policy is described under our ADA Notice (**Appendix C**).

Under Title II, prohibited discriminatory practices include, but are not limited to:

- Denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit or service being provided others
- Affording a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit or service that is not equal to that afforded others
- Providing a qualified individual with a disability with an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as that provided to others
- Providing different or separate aids, benefits or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits or services that are as effective as those provided to others
- Aiding or perpetuating discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the public entity’s program
- Denying a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards
- Otherwise limiting a qualified individual with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving the aid, benefit or service
- Denying a qualified individual with a disability the opportunity to participate in services, programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities

Undue Burden

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others or would represent an undue financial and administrative burden.

The following facts shall be considered in determining whether a program modification would create an undue burden:

- Nature and cost of the modification
- Financial resources of the City available to make the modification
- Impact the expense of the accommodation will have on the affected City operation
- Permanence of the alterations affecting the site

Grievance Procedures and Form

ADA/Section 504 complaints can be made by phone, by mail, by email or in person to the ADA Coordinator and in accordance with the City's Grievance Policy and Procedure (<https://cityofhenderson.com/global/accessibility/grievance-policy-and-procedure>). Access to our Americans with Disabilities Act Grievance form is also provided (**Appendix D**).

The action taken to resolve the complaint will be determined based on the complaint and the best solution to resolve the complaint. If the complaint is a request for services or modifications to facilities, the ADA Coordinator will forward the request to the appropriate department for handling.

The department, upon receipt of the ADA related accessibility request, will investigate and perform any modifications to the facility, service or program necessary that would not alter the facility, service or program.

If the modification required to complete the request is too costly, the item will be included in the Transition Plan along with the estimated cost and projected completion date. A modification can be determined to be an undue financial burden when it can be demonstrated that it will result in a fundamental alteration in the nature of its program or activity, or create a hazardous condition resulting in a direct threat to the participant or others. In such cases where a fundamental alteration meets the criteria of undue burden, the alteration will not be provided. But, consideration of all reasonable alterations must be exhausted and a detailed cost estimate must be made and kept on file.

ADA/504 Coordinator

The ADA and Section 504 requires an ADA/504 Coordinator be designated to oversee compliance with Title II and Section 504, and address ADA/504 concerns regarding accessibility in city programs, services and activities and be responsible for implementing the Transition Plan. The City's ADA/504 Coordinator is:

Adrian Stephens, ADA/504 Coordinator
City of Henderson
P.O. Box 95050
Henderson, NV 89005-5050

Email: ADA@cityofhenderson.com
Phone: (702)267-1709
Nevada Relay: 7-1-1

Self-Evaluation and Transition Plan

Self-Evaluation

The Self-Evaluation was completed in January 1997 and incorporated into the original Transition Plan (available on the City's website and by request) and identified barriers, the removal plan, and examined the current policies and practices. Through the Self-Evaluation, the City identified accessibility concerns where modifications were necessary at existing City facilities, programs and services to comply under the ADA.

Transition Plan

The Transition Plan, including appendices, sets forth the steps necessary to complete physical and other modifications of City facilities and programs, for which it is responsible, in order to achieve ADA required accessibility. The Plan includes the following:

- Identification of certain physical obstacles which limit accessibility
- Description and details of the methods which will be used to make the facilities accessible
- Schedule for taking the steps necessary to achieve compliance with the ADA
- Identification of the official responsible for implementation of the Plan

The ADA requires changes to the design and construction of some facilities in order to accommodate persons with disabilities. In some instances, it calls for modification to existing facilities that were considered compliant under existing requirements at time of construction. The City and its facilities have been significantly impacted and continue to strive to be accessible as a result of its first ADA Transition Plan in 1997, as well as this subsequent plan.

This Transition Plan is a compilation from City departments pertaining to ADA accessibility in their areas as well as site surveys completed by outside consultants. It is a continual process in identifying barriers that limit accessibility in city programs, services and activities, new construction projects and legal interpretation of the ADA as it occurs.

In 2012, the City and the Parks and Recreation Department started conducting physical audits of City Recreation facilities to identify facility barriers and identify recommendations for alteration in order to meet state and federal accessibility standards.

The facilities surveyed included:

- **Black Mountain Recreation Center (BMRC) and Aquatic Complex (BMAC)**
- **Downtown Recreation Center (DRC) and BMI Pool (DT-BMI Pool)**
- **Heritage Park Aquatic Complex (HPAF)**
- **Heritage Park Senior Facility (HPSF)**
- **Silver Springs Recreation Center and Pool (SSRC)**
- **Valley View Recreation Center (VVRC)**
- **Whitney Ranch Recreation Center (WRRC)**
- **Whitney Ranch Indoor Pool (WRIP) and Outdoor Pool (WROP)**

In 2013, the ADA Office staff started working with the Public Works, Parks and Recreation Department (since reorganized to Parks and Recreation Department), Park Planning Division, to ensure newly constructed park facilities were compliant with ADA 2010 Accessible Design Standards. This process has ensured future projects are being designed for accessibility.

ADA issues identified and resolutions outlined during design and construction are included in the construction specifications and housed within the Park Planning Division. Some of the parks to include accessibility design review include Tuscan Park, Cornerstone Park, Paradise Point Park and Inspirada Park.

Many parks designed prior to being included in the accessibility review process have since been reviewed for compliance. ADA accessibility issues have been identified, where applicable, and incorporated as a living document, Parks ADA Transition Plan (**Appendix B**):

Priorities for Barrier Removal within Facilities

The priorities for barrier removal within each facility are based on the criteria published in the ADA. Barriers are assigned, in order, the following levels of priority:

1. Items that provide accessibility to the main entrance of a facility
2. Items that improve or enhance access to program use areas
3. Items that improve access to amenities serving program areas
4. Areas or features that are not required to be modified because there are no public programs located in the facility or portion of the facility, or because there are other locations that provide access to the program
5. Barriers that are not addressed by ADA.

While the schedule of improvements provided in the Facilities ADA Transition Plan (**Appendix A**) and Parks ADA Transition Plan (**Appendix B**) set forth priorities for barrier removal, the City will also review its projects to identify when barriers to access can be addressed in conjunction with other maintenance efforts and capital improvement projects. By seizing opportunities to remove identified barriers in conjunction with other projects, the City will reduce total overhead costs and maximize the public benefit from resources allotted for barrier removal.

The City of Henderson reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in City programs and funding constraints and opportunities. It is the goal of this Transition Plan to provide access to the programs, activities, and services provided by the City. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

Effective Communication Procedures

The City of Henderson will take appropriate steps to ensure that all City of Henderson employees having contact with the public are made aware that persons with disabilities, including persons who are deaf or hard of hearing, blind or visually impaired, or who have other sensory or manual impairments, have an equal opportunity to participate in our services, activities, programs and other benefits.

In 2013 the City surveyed the Effective Communication procedures for the following locations:

- **Henderson Police Department**
- **Henderson Correctional Center**
- **City-Wide**

The survey results were documented into the Effective Communication Survey Results (**Appendix E**) document, which provided for TTYs at city facilities, assistive listening devices, signage training and development of Effective Communication Procedures (**Appendix F**).