



Adult Day Services ADA: Transportation Policy

POLICY

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the Easterseals policy to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the organization's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Beyond its legal obligations, Easterseals is committed to providing accommodations that will allow its employees with disabilities to contribute at the highest levels.

DEFINITIONS

As used in this ADA policy, the following terms have the indicated meaning:

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of

qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - The nature and cost of the accommodation.
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - The overall financial resources of the employer; the size, number, type and location of facilities.
 - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

APPROVED EQUIPMENT

Passengers will be transported, provided the lift and vehicle will physically accommodate them, unless doing so is inconsistent with legitimate safety requirements (e.g. the combined weight of the wheelchair/occupant exceeds that of the lift specifications). Additionally, Easterseals can accommodate mobility devices that meet the following minimum standards:

- Wheelchair means a mobility aid belonging to any class of three or more wheels, usable indoors, designed or modified for and used by individuals with mobility impairments, whether manually operated or powered.
- Walkers must be collapsible and able to be stored between seats or in the vehicle's trunk.
- The mobility device must be in good working order; with batteries charged, tires inflated, working brakes, footrests attached, and all parts secure. (49 CFR 37.3)

MOBILITY DEVICE BRAKES

When occupying a lift or securement area, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position. Again, this is not mandatory.

PORTABLE OXYGEN

Use Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. (49 CFR 37.167(h))

SECUREMENT POLICY

Operators will use front and rear tie-downs to secure mobility devices. Operators will secure mobility devices at the strongest parts of the device; however, the passenger can indicate the most optimal tie-down spot. The mobility device will be secured front facing unless otherwise requested by the passenger. Operators will assist passengers with securement systems, ramps, and seatbelts; however, operators cannot assist riders using power chairs or scooters with the operation of their equipment. Easterseals cannot not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system. 49 CFR 37.165

COMPLAINT FORM AND PROCEDURES

Any individual who believes that they have been subjected to unequal treatment or discrimination prohibited by the ADA may file a written complaint with Jonathan Horowitch, President & CEO of Easterseals. A formal complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant. A complaint form follows this policy. It can also be found on Easterseals website at www.e seal.org.



Title VI, ADA and EEO Complaint Form

Any individual may exercise their right to file a complaint if that person believes that they have been subjected to unequal treatment or discrimination in the receipt of benefits or services or in employment. Easterseals will make a concerted effort to resolve complaints at the lowest level possible.

Please complete this form to the best of your ability. If you need translation or other assistance, contact the human resources department. Please print if you are not completing this form electronically.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (mark all that apply):

Race Color Religion National Origin
Sex/Gender Sexual Orientation Gender Identity Age Disability Retaliation
Other, please specify:

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

How were you discriminated against? (Attach additional pages if more space is needed)

Where did the discrimination occur?

Dates and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name
Organization/Title
Work Telephone
Home Telephone

Name
Organization/Title
Work Telephone
Home Telephone

How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____
Status (pending, resolved, etc.) _____ Result, if known _____
Complaint number, if known _____

Do you have an attorney in this matter?

Name _____ Phone _____

Address _____ City _____ Zip _____

I affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

Complainant Name: _____

Signature: _____ Date _____

