

ERIE COUNTY, PENNSYLVANIA

ADA TRANSITION PLAN

JANUARY, 2011

Background

The Americans with Disabilities Act (ADA) is a comprehensive civil rights act that prohibits discrimination and ensures equal opportunity for persons with disabilities. In accordance with the requirements set forth by Title II of the ADA, this plan describes the process by which Erie County's policies, practices, programs, and facilities were evaluated, and describes how prioritization for accessibility improvements will occur. This plan further describes the process by which the County will continue to evaluate its programs and physical facilities and remain in compliance with ADA.

In October 2007, the County Executive, through the Department of Human Services, directed the establishment of an ADA Roundtable to discuss ways to expedite the development and implementation of the Transition Plan. This Roundtable is comprised of people with disabilities, employees of the Department of Human Services, Office of Vocational Rehabilitation, Erie County Human Relations Commission, Agencies representing people with disabilities, and the general public. The Department of Human Services was given the assignment to develop the transition plan for the Roundtable discussion, which includes a phased-in approach to complete the plan.

Three-Phase Process

The ADA Transition Plan process consists of three phases:

Phase I: Planning and Self-Evaluation Phase – The first phase involved planning and assessment, including the formation of the Roundtable, the facility and program inventory, and subsequent data collection.

Phase II: Recommendations and Prioritization – review of Phase I findings and the development of recommendations.

Phase III: Adoption and Implementation – Phase III includes the approval of the recommended actions by the Erie County Council and County Executive, and the start of the implementation Transition Plan.

During Phase I all County Departments completed the self-evaluation survey for their programs and facilities. The results are summarized as follows: (Insert Larry's report).

Phase II will focus on the development of programmatic recommendations for ensuring accessibility to County programs and facilities. The Roundtable will analyze the data collected in Phase I and develop recommendations to correct identified deficiencies in each of the four major areas.

During Phase III, upon approval of the ADA Transition Plan by the County, recommendations developed during Phase II to bring the County into compliance with the ADA will be implemented.

Legal Mandate

The American with Disabilities Act (ADA) was signed into law on July 26, 1990, and provides a comprehensive mandate of the rights of individuals with disabilities. The signing of the ADA into law was a momentous public policy initiative, because approximately 20% of all Americans (or about 54 million people) have some type of disability that affects their daily lives. The ADA has three titles that address information pertaining to employment and the accessibility of programs, services, and facilities.

Title II of the ADA covers public entities including Erie County Government and all its programs, services and activities. The regulations contained in Title II of the Americans with Disabilities Act prohibit public entities from discriminating against or excluding individuals with disabilities from programs, services, or activities on the basis of disability.

The provisions of Title II fall into four broad areas:

- 1) General non-discrimination
- 2) Equal effective communication
- 3) Employment
- 4) Program and facility accessibility

Equal opportunity must be provided through reasonable modification in policies, practices, or procedures; effective communication must be ensured through the provisions of auxiliary aids and services; nondiscriminatory employment practices are required; and programs must be made accessible through programmatic or architectural modifications.

Title II of the ADA requires that public entities take systemic steps to examine their programs and establish a plan for ensuring compliance with the law. Five action steps must be taken to bring a public entity into compliance with Title II regulations:

1. **Establishment of Disability Affairs Section and Position of ADA Coordinator:** The ADA requires a public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance. Section 35.107 (a)
2. **Issue Notice of ADA Requirement:** All public entities, regardless of size, must provide information to applicants, participants, beneficiaries, employees, and other interested parties regarding the rights and protections afforded by Title II of the ADA, including information about how the Title II requirements apply to its particular programs, services, and activities. This notice also serves to notify the public of the ADA Coordinator's contact information. Section 35.106
3. **Establishment of Grievance Procedures:** Public entities with fifty or more employees must adopt and publish grievance procedures providing for prompt and equitable resolution of grievances arising under Title II of the ADA. The purpose of this grievance is to provide a mechanism for the

resolution of discrimination issues at the County level, rather than requiring the complainant to resort to the federal complaint process. Section 35.107 (b)

4. **Conduct a Self-Evaluation:** A self-evaluation is a comprehensive review of the following four major areas: Section 35.105
 - a. Policies and Procedures – The self-evaluation involves thorough review of general policies and procedures to ensure non-discrimination.
 - b. Communications – The purpose of this survey is to assess the County’s ability to provide communication for individuals with disabilities that is as effective as the communication provided to individuals without disabilities.
 - c. Employment – The County 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).
 - d. Program and Facility Accessibility – Title II of the ADA prohibits public entities from excluding individuals with disabilities from programs, services, or activities because of inaccessible facilities. In order to ensure that our programs are accessible, when viewed in their entirety, we are required to conduct a facility access review.

5. **Develop a Transition Plan:** The ADA Transition Plan flows logically from the Self-Evaluation. If the self-evaluation for programs and facilities reveals that barriers cannot be removed through nonstructural program changes, Title II requires that public entities develop a transition plan. The regulation requires that, at a minimum, the transition plan:
 - a. List physical obstacles that limit the accessibility of the public entity’s programs, services, or activities to people with disabilities;
 - b. Describe the methods to be used to make the facilities accessible;
 - c. Provide cost estimates;
 - d. Provide a schedule for making the access modifications – a yearly schedule for making the modifications if the transition plan is more than one year long;
 - e. Name a person responsible for implementation of the transition plan.

The ADA does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden.

Phase I: Planning and Self-Evaluation