



# CITY OF MANITOWOC

WISCONSIN, USA  
[www.manitowoc.org](http://www.manitowoc.org)



## ADA Title II Policy

### INTRODUCTION

Title II of the American's with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. Therefore, this policy outlines the provisions of Title II of the ADA, and the rights and obligations of citizens and the City under federal and state law.

### POLICY

It is the policy of the City of Manitowoc to ensure that all citizens have an equal opportunity to participate in and receive the benefits of the services, programs, or activities of the City. This will be done in the most integrated setting appropriate to the needs of the qualified individual with a disability. Only where it is absolutely necessary will the City provide services, programs, or activities separately to persons with disabilities. No qualified individual with a disability shall, on the basis of said disability, be screened out of a service, program or activity. Nor, shall any individual be excluded from participation in or denied the benefits of said services, programs or activities, because of their disability.

The City is required to ensure all programs and activities are accessible, but are not required to make each and every facility accessible, as long as all programs are accessible. There are several means by which the City can make its programs readily accessible to and usable by disabled individuals, including:

- Redesigning equipment;
- Reassigning services or programs to alternative, accessible buildings;
- Assigning aides to beneficiaries;
- Providing auxiliary aids;
- Making home visits; or
- Altering existing facilities or building new facilities

The City is required to reasonably modify City-wide policies, practices or procedures to avoid discrimination. However, modifications may not be required where a particular modification would fundamentally alter the nature of the service, program or activity.

### *Reasonable Accommodation*

If a reasonable accommodation is necessary to participate in the services provided by the city, please contact the City Attorney, by writing at 900 Quay Street, Manitowoc, WI 54220 , phone at 920-686-6990, or email at [cityattorney@manitowoc.org](mailto:cityattorney@manitowoc.org). Every attempt will be made to accommodate the request.

### *Complaint Procedure*

The following procedure is intended to protect the rights of interested individuals to meet appropriate due process standards and to assure that the City complies with the Americans with Disabilities Act (ADA) and the implementation regulations.

If anyone utilizing the City's facilities, programs, services or activities believes they have been discriminated against on the basis of a disability in connection with access to any City facility or programs, services or activities, they have the right to file a complaint. Complaints should be addressed to: ADA Coordinator, c/o the City Attorney, by writing at 900 Quay Street, Manitowoc, WI 54220, or email at [cityattorney@manitowoc.org](mailto:cityattorney@manitowoc.org). The City Attorney has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing, utilizing the City's Americans with Disabilities Complaint/Assistance Form, contain the address of the person filing it, and briefly describe the alleged violation.
2. A complaint should be filed within 30 days of the alleged discrimination.
3. An investigation, as appropriate, shall follow a complaint filing. The investigation shall be conducted by ADA Coordinator and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written response to the complaint, and a description of the resolution, if any, shall be issued by ADA Coordinator to the complainant no later than 30 days after its filing.
5. The ADA Coordinator maintains records of all ADA complaints filed with the City.
6. The complainant can request a reconsideration of the case in instances where they are dissatisfied with the resolution. The request for reconsideration should be directed to the Mayor within 15 days from the date of the ADA Coordinator's decision. The Mayor will bring the reconsideration request to the next succeeding [Personnel Committee](#) meeting which is at least 7 days after receipt of the reconsideration request. The [Personnel Committee](#) shall act as the ADA committee, for review.
7. The right of an individual to a prompt and equitable resolution of the complaint filed with the City shall not be impaired by the individual's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency.

## **Self-Evaluation**

The City is required to conduct a self-evaluation, which includes a comprehensive review of current policies and practices (formal written policies and procedures and actual operating practices). Any policy or practice that does not comply with the requirements of Title II must be identified and modified to bring the policy or practice into compliance. As the City conducts its self-evaluation, individuals shall be provided the opportunity to submit comments pertaining to the City's effort.

The self-evaluation shall be kept on file in the City Clerk's office for a minimum of three years from the date of completion. The following must be kept on record: the individuals who participated in the self-evaluation, the areas examined, the problems discovered, and the changes made as a result.

Programs/departments conducting self-evaluations under this policy shall consider the following items:

- Identify all public programs, activities and services, review all policies and practices that govern the administration of these programs; and analyze whether the policies and practices adversely affect the full participation of individuals with disabilities;
- List any physical barriers that necessitate structural changes in the transition plan;
- Determine whether any policies or practices result in the exclusion or limited participation of individuals with disabilities;
- Consider whether communication with applicants, participants and members of the public with disabilities are as effective as with others;
- Review policies to ensure inclusion of provisions for readers for individuals with vision impairments, interpreters or other alternative communications for persons with hearing impairments and note takers for persons with manual impairments;
- Review emergency evacuation procedures to ensure the procedures account for persons with disabilities;
- Ensure all materials portray individuals with disabilities inoffensively;
- Consider whether historic preservation policies promote physical access for all;
- Ensure decisions about whether an accommodation will result in a fundamental alteration or undue burden made properly and expeditiously;
- Ensure public meetings are open to all;
- Ensure employment practices do not discriminate based on disability;
- Provide ADA training to staff and City officials;
- Review whether the limitation or denial of participation in programs based on drug usage discriminate against former drug users who have been successfully rehabilitated.

## **Transition Plan**

If structural modifications to facilities are identified either through the self-evaluation or otherwise as necessary in order to make a program, service, or activity accessible to people with disabilities, the City shall develop a facility transition plan, which must include:

- The physical barriers which limit access to and use of the programs, services, and activities for people with disabilities, including communications features which are structural in nature;
- A detailed description of how the City plans to make the facilities accessible;
- The schedule for barrier removal;
- A yearly schedule, if the transition plan is more than one year long; and
- The name of the individual who is responsible for implementing the transition plan;

The City is required to maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities, including doors, elevators, accessible routes to and through buildings, and compliant signage.

**Adoption Date:** May \_\_, 2018