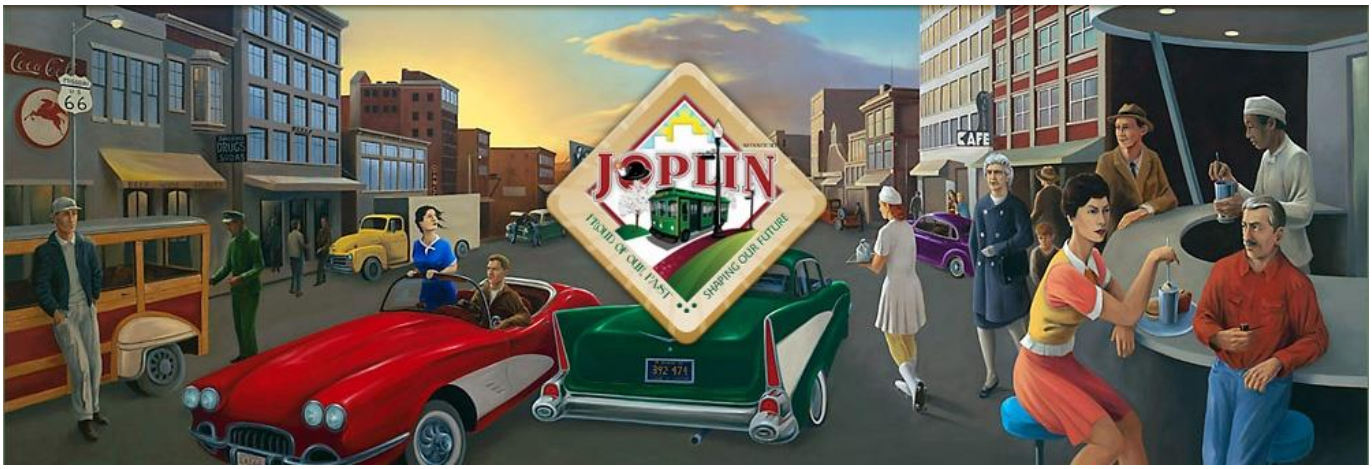


ADA Transition Plan and Evaluation for Americans with Disabilities Act

City of Joplin Missouri

Adopted: January 18, 1993

Updated: 1 January 2018

City ADA Coordinator: Dave Allgood

Prepared by Lynden Lawson (1 January 2018)

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EXECUTIVE SUMMARY

The information contained within the **City of Joplin's 2016 Americans with Disabilities Act Self-Evaluation and Transition Plan** represents the culmination of a couple years of assessment, evaluation and execution of this Transition Plan. The City of Joplin has adopted a Plan to comply with the PROWAG Infrastructure through assessments and continuing work to update infrastructure.

The Transition Plan resulting from Self-Evaluation provides a long-term vision for the future and a policy framework that will help achieve the mission of the city government to provide equity in service delivery for all citizens. This Transition Plan will also satisfy the requirements of the **Americans with Disabilities Act** for ensuring equal opportunity in local government and prohibits discrimination in access to jobs, public accommodations, government services, public transportation and telecommunications.

This Transition Plan solidifies the City of Joplin's commitment by the city Council and the City of Joplin Staff to integrate these principles and policies at a professional level of cooperative effort within the disabled community.

Objective of this plan is to ensure that the recommendations outlined within this Plan promote the City's Blue Print of the Future, each Department will need to have buy-in to the contents within and add value to overall plan of serving the Citizens of Joplin.

The City of Joplin has initiated some Goals and Principles to initiate this plan with flexibility and resiliency to accomplish the Policies set within.

The purposes of the City of Joplin's Transition Plan:

1. To assess City of Joplin Facilities and evaluate the standards within the ADA guidelines. Provide suggestions and guidance to overcome barriers, provide services that will be inclusive of people with disabilities.

2. To Provide Guidance to the City Manager and Council that will bring deliverables that can be acted on that will integrate programs within budgetary restraints.

3. To maximize the quality life of all citizens in the City of Joplin who visit city facilities and ensure that the city government is inclusive, and services are attainable.

4. Plan a Self-Assessment of all City Facilities and Infrastructure.

Summary of Self-Assessment

FACILITIES:

City Hall

Justice Center

PWC Administrative (Admin) building

Turkey Creek Wastewater Facility Admin Building

Shoal Creek Wastewater Facility Admin Building

Transit Office Building

Airport

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Policies

Staff Survey

Staff Training

Citizen Survey

TDD

Interpreter

City Website

ADA City Staff Committee

FEDERAL PROGRAM WEBSITES

National ADA Network

Prepared by Lynden Lawson (1 January 2018)

OVERVIEW

The City of Joplin is an important regional center in the southwest Missouri area. Each day the population in the city will swell from 50,000 nighttime to 270,000 daytime workers and shoppers that converge. Many of these people are residents of Kansas, Oklahoma and Arkansas who are coming to Joplin, Missouri to shop, attend a sporting event or enjoy the recreational parks and entertainment that we have to offer. Some of the people who live in Joplin and visit Joplin have a disability. The goal of the city is to be more inclusive of people with disabilities of the public facilities, recreational areas and sporting accommodations that the city offers.

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation and telecommunications. As required of all public entities with 50 or more employees, the ADA specifies a transition plan to be developed with the goal of removing barriers to equal access to local government. The City of Joplin has undertaken a comprehensive re-evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, programs, activities and facilities.

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." At its passage, Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

The following document is comprised of two main parts. The first, or Self-Evaluation, describes the process developed to complete the evaluation of the City of Joplin's activities and provides policy and program recommendations. Self-evaluation for programmatic access identifies barriers in city government and makes recommendations to correct those policies and practices in the areas of:

1. Customer Service

2. Emergency Evaluation Procedures
3. Facilities
4. Notice Requirements and Information
5. Printed Information
6. Assessable Equipment and Devices
7. Program Eligibility and Admission
8. Public Meetings
9. Public Telephones and Communications
10. Special Events
11. Televised events
12. Transportation Services
13. The City of Joplin Website

The second part, known as the Transition Plan, is a living document which is to be used in the modification of facilities, activities and programs to ensure accessibility. This plan addresses the blue print for the future and what has been accomplished. It will provide issues discovered through the self-evaluation or by a hired consultant. This Transition Plan will give direction and set priorities of tasks to be accomplished by assessing recommendations provided by consultants, staff and citizens. An action stepped plan will be devised and implemented based on the comprehensive evaluation of current practices, guiding the planning and implementation of necessary program and facility modifications over time. Together, the ADA Self-Evaluation and Transition Plan are significant in that they establish the City's ongoing commitment to the development and maintenance of policies, programs and facilities that include all its citizenry.

The City of Joplin's 2018 ADA Self-Evaluation and Transition Plan are prepared in fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This document will assist the City in identifying current policy, program and physical barriers to accessibility and in developing barrier removal solutions that will facilitate

the opportunity of access to all individuals. According to Section II-8.3000 of the ADA's Title II Technical Assistance Manual.

The Plan must contain the following information:

1. List of barriers to Programs, Activities and Public Service Access
2. Identification of how the barrier will be removed
3. An established schedule for removal of barriers to be in compliance with Title II
4. Identification of the official responsible for the Plan's Implementation

1.1 Federal Accessibility Requirements

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which has become known as the civil rights act of persons with disabilities, states: *No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.* (Section 504) Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 of the Rehabilitation Act and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the employment nondiscrimination provisions of Title V of the Rehabilitation Act. This legislative mandate, therefore, prohibits the City of Joplin from either directly or indirectly (i.e. through contractual arrangements) of denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.

1.2 Defining Disability

The ADA utilizes a three-pronged definition of disability. For the purposes of coverage under the ADA, a person with a disability is defined as an individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of history of such an impairment; or
3. Is perceived or regarded as having such an impairment

The phrase '*major life activities*' means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The determination of whether or not an impairment substantially limits a major life activity is made on an individual basis and is not based on the existence of a condition or impairment but rather by its impact on the individual. A substantial impairment will be found when the conditions, manner, or duration under which a major life activity can be performed by the individual are limited when compared to most people. Whether conditions of a limited duration are defined as disabilities are be determined on a case by case basis depending upon the extent to which the condition limits a major life activity and the expected duration of the impairment. Generally, an injury such as a broken leg will not be considered a disability. However, a serious leg break where numerous surgeries and extensive rehabilitation will be necessary to regain normal function, and which substantially limits such major life activities as walking and caring for oneself will be considered a disability under Title II.

The second prong of the definition of disability under the ADA protects people who have a '*history*' or record of an impairment that substantially limits a major life activity. An individual is considered protected under this second prong when a disability has impacted a major life activity in the past, but that person has recovered from the impairment. Examples of individuals who have a history of impairment are persons who have histories of mental or emotional illness, drug addiction, alcoholism, heart disease, or cancer. This prong of the definition also protects those who have been misclassified as having and impairment. Examples include persons who have been erroneously diagnosed as mentally retarded or mentally ill. The third prong of the definition of disability protects people who are not, in fact, limited in any major life activity but are perceived or regarded as having a disability, sometimes because of myth, fear, or stereotype. Individuals within this last category are often wrongly excluded from participation in activities because of the unfounded beliefs of others.

1.3 Providing for Accessibility

This section provides an overview of physical and programmatic accessibility and the basic methods of providing access. There are two kinds of accessibility:

1. Program accessibility
2. Physical accessibility

Program accessibility includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or nonstructural methods. However, under Title II, physical modifications are necessary only when there is no other way to make the program accessible. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites. Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City may achieve program accessibility by several methods:

1. Structural methods such as altering an existing facility
2. Acquisition or redesign of equipment
3. Assignment of aides
4. Providing services at alternate accessible sites

Physical accessibility of facilities includes removing those barriers or obstacles that prevent or restrict use of a facility. The City of Joplin has an ongoing obligation to mitigate and eliminate barriers that prevent individuals with disabilities from programs and services because facilities are unusable or inaccessible to them. There is no ‘grandfather clause’ in the ADA that exempts older, publicly-owned facilities from covered under the ADA. However, ADA law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. The law allows entities confronted with limited financial resources to improve accessibility without excessive expense, also known as undue financial hardship.

In the years since the ADA took effect, the city's public facilities have become increasingly accessible from the Transit system, to the Airport to the Parks. Even though the city has made some strides over the years, more changes still need to be made, there is flexibility in deciding how to meet this obligation. The ADA says that structural changes can be made to provide access to programs located within a facility, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner.

Under Title II, structural changes are not required where other solutions to program access are feasible. A program will be viewed in its entirety for purposes of determining compliance with the program accessibility standard. This means that the City of Joplin is not necessarily required to make each of its facilities accessible when multiple facilities of similar type are available. However, where other solutions are not feasible, structural changes are required. When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards for Accessible Design, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the 2010 Standards to the maximum extent feasible. It is required that when choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity.

1.4 Elements of the Five ADA Titles

There are five sections, or Titles, of the ADA. Each title directly pertains to a different area in which persons with disabilities have legal rights:

Title I – Employment.

Title I of the Americans with Disabilities Act addresses the rights of individuals with disabilities in employment settings. According to the 1991 *Americans with Disabilities Act Handbook*, the purpose of Title I is to ensure that qualified individuals with disabilities are protected from discrimination based on disability in employment. If the individual is qualified for an employment opportunity, he or she cannot be denied that opportunity simply because he or

she has a disability and must therefore be given the same consideration for employment those individuals without disabilities are given.

A. Reasonable Accommodation –

(1) REASONABLE ACCOMMODATION. – The term 'reasonable accommodation may include –

(a) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(b) job restructuring, part-time or modified work schedules, 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.

B. Questions/Comments –

(1) Written job descriptions (detailed) are needed for each position classification. (ADA does not specifically state "detailed" written job description, these do "weigh heavy" in a court of law, should there be compliant filed with EEOC).

(2) What are the alternative methods for advertising a job position?

(3) What applicant and pre-employment status assistance does the City of Joplin offer?

(a) Readers

(b) Interpreters

(c) Physical accessibility to progressive interviews.

Title II – Public Services and Transportation.

Title II of the Americans with Disabilities Act addresses the right of access to public services by individuals with disabilities. According to the 1991 Americans with Disabilities Act Handbook, the purpose of Title II is to prohibit discrimination based on disability in all services, programs,

and activities provided or made available by local or state governments and their affiliate agencies. This is regardless of whether the public entity receives federal funding or how many employees it has. Examples of public services covered by the ADA include:

1. Municipalities
2. Public Transportation service
3. Government meetings
4. Public schools and universities
5. Recreation and state parks

This Title prohibits local governments from discrimination against disabled persons in their programs and activities and requires the development of a transition plan and self-evaluation of the City's present ADA compliance. The transition plan outlines City facilities which need renovations so that programs and services offered by the City are accessible. It must also address curb ramps which are required at every intersection in the City. The self-evaluation is a study of all programs, policies and procedures of the City to ensure that they are not discriminatory to the disabled.

Title II also requires bus and rail transportation to be accessible. The City of Joplin now provides bus transportation since the Transition Plan was first adopted in 1993.

The city does not provide rail transportation, this issue need not be addressed in this Transition Plan.

Title III – Public Accommodation.

This section of the ADA specifies that no individual shall be discriminated against based on disability in the full and equal enjoyment of public accommodations. In the past, only businesses and service agencies receiving federal monies were required to make their facilities

accessible to persons with disabilities. Title III, however, mandates the accessibility of all services, even those privately owned, and requires that all new places of public accommodation and commercial facilities be designed and constructed to be readily accessible to and usable by persons with disabilities. Examples of '*public accommodations*' include:

1. Public gathering places (restaurants, bars, movie theaters, etc.)
2. Places of lodging (hotels, motels, inns)
3. Retail stores
4. Social service centers

In providing goods and services, a public accommodation may not use eligibility requirements that exclude or segregate individuals with disabilities, unless the requirements are '*necessary*' for the operation of the public accommodation. Title III also requires public accommodations to make reasonable modifications to policies, practices, and procedures, unless those modifications would fundamentally alter the nature of the services provided by the public accommodation.

Title IV – Telecommunications.

Title IV of the ADA amends the Communications Act of 1934 to require that telephone companies provide telecommunication relay services. The relay services must provide speech-impaired or hearing-impaired individuals who use TDD's (Telecommunication Device for the Deaf) or other non-voice terminal devices opportunities for communication that are equivalent to those provided to other customers. Also covered under ADA Title IV are Closed and Open Captioning services.

This Title requires that the hearing impaired be able to access a City's 911 system via a telecommunications device for the deaf (TDD). It also requires that auditoriums with fifty (50) seats or more of fixed seating be equipped with devices to assist the hearing impaired.

The City of Joplin TDD line number is 417-625-4774 and this line is in the Human Resources Department on the First floor of City Hall.

Sound enhancements are available for Council Meetings and Council work sessions in the Council Chambers on the 5th floor of City Hall. The devices are in the Human Resources Department on the First Floor of City Hall and must be checked out using an ID card.

The communications center has purchased and implemented T-D-D's in the City's 911 system. The assisted listening devices in Memorial Hall will be implemented with the transition plan.

Title V – Miscellaneous Provisions.

As its name implies, this section of the ADA contains supplemental regulations that are not explicitly covered in other parts of the ADA. These topics include (but are not limited to):

1. **State Immunity:** This provision was necessary because in most states, individuals cannot sue state agencies or affiliates unless these entities agree to be 'sue-able'. By explicitly stating that states cannot claim immunity from ADA-related legal action, the ADA insures that individuals with disabilities maintain their right to sue any state agency in violation of ADA provisions, though no damages will be awarded. However, the federal government can sue the state and financial penalties can be assessed.

2. **Retaliation:** This provision protects individuals with disabilities who successfully sue company, government agency, or other entity subject to ADA regulation. They are prohibited from threatening, intimidating, coercing, or harassing anyone involved in a successful lawsuit, including those who may have testified on the disabled individual's behalf.

3. **Attorney's Fees:** In addition to damages, individuals with disabilities, under the discretion of the judge, can have their attorney's fees awarded as part of the settlement of a successful lawsuit under the ADA.

4. **Coverage of Congress:** Until recently, Congress invoked the right of adhering to Section 504 (1973 Rehabilitation Act) guidelines rather than adopt the new ADA guidelines. Presently, only the executive branch of the federal government adheres to the 1973 law; both the Judicial and Legislative branches of the federal government are covered by the ADA.

5. **Other Federal & State Laws:** Any other state or federal laws addressing individuals with disabilities can be used under the umbrella of the ADA. This way, if a federal or state law is developed that is stronger than the provisions outlined in the ADA, these new, stricter regulations can be incorporated into the existing ADA legislation to provide the maximum protection for individuals with disabilities.

The City of Joplin is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services delivery; any parts of Title III that may apply in partnerships between local government and public accommodations; any parts of Titles IV and V that apply to the City and its programs, services or facilities; and all requirements specified in the Department of Justice's 2010 ADA Standards for Accessible Design that apply to facilities and other physical holdings. Title II has the broadest impact on public entities because it makes applicable many of the requirements of the other ADA titles. Included in Title II are administrative requirements for all government entities regardless of size. Additionally, if a state or local government department or agency receives federal funds, it is covered by Section 504 of the Rehabilitation Act of 1973.

The administrative requirements specified by the ADA are:

1. Public Notice of the City's requirements under the ADA
2. Designation of at least one person who is responsible for overseeing ADA compliance
3. Development of and responsibility for an ADA grievance procedure
4. Completion and oversight of the City's ADA self-evaluation

A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions. The City of Joplin will conduct self-evaluations of all its programs and facilities. The City of Joplin Transition Plan will be retained and reproduced every three years, and the quarterly report will be updated with any new information.

1.5 City of Joplin's ADA Responsibilities

The City of Joplin has various responsibilities under Title II of the ADA. Title II is similar to Section 504 of the Rehabilitation Act of 1973 but differs in that Section 504 applies only to government agencies that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of disability, be discriminated against under any program or activity receiving federal financial assistance.

The ADA regulations state that intent not to apply lesser standards than are required under other federal, state or local laws; therefore, the law that is the most stringent has precedence.

Title II also mandates that City governments may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless it can be proven that such requirements are necessary for the mandatory provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward disabled residents. Nevertheless, if the public entity can demonstrate that a modification fundamentally would alter the nature of its service, it would not be required to make that modification. Title II also discusses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility or similar impairments to gain access to programs and activities provided by the City to make an appropriate reasonable accommodation.

1.6 Undue Burden

There are limits to a public entity's program access obligations. Under Title II of the ADA public entities are not required to take any action that would result in undue financial or administrative burden. Undue burden is defined in the ADA as an "*action requiring significant difficulty or expense*" when considering the nature and cost of the accommodation in relation to the size, resources and structure of the specific operation. Undue burden is determined on a case-by-case basis. The decision that an action would result in an undue burden must be made by the head of the entity or other senior official who has budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity. The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program.

The City of Joplin has an ongoing obligation to make programs and services accessible to people with disabilities. This means that if many access improvements are needed, and there are insufficient resources to accomplish them in a single year, they can be spread out over time. It also means that rising or falling revenues can affect whether an access improvement can be completed in a given year. What might have been an undue burden during an economic downturn could become possible when the economy improves and revenues increase. Similarly, some projects may be administratively burdensome to undertake in certain busy times of the year. These may be deferred for a time until staff schedules are more accommodating. Periodic review of the City's Transition Plan aids to reassess what steps may be taken to make programs and services accessible.

1.7 Fundamental Alteration

There are additional limits to a public entity's program access obligations. Under Title II of the

ADA, a public entity is not required to take any action that will result in a fundamental alteration to the program, service, or activity. If achievement of overall program accessibility fundamentally alters the program, or service, alternative means of achieving compliance must be sought to ensure that people with disabilities can participate in or receive the benefits of the program or activity.

If the City claims that any action would constitute a fundamental alteration to programs or services, the City would be required to demonstrate that such alteration would result. The decision that an action would constitute a fundamental alteration must be made by the City Administrator, or his or her designee, after considering all funds and alternatives available and must be accompanied by a written statement of the reasons for reaching that conclusion.

1.8 Hazardous Conditions and Direct Threats to Safety

A public entity does not have to take any action that it can demonstrate would cause or create a hazardous condition for the applicant or for other people. Presented as a variety of conditions, the City must strictly evaluate each potential accommodation for obstructions, tripping hazards, clearance widths, height restrictions, surfaces, maximum occupancies, egress and evacuation, and many other public safety issues that may not be clear to some. Determinations which fully explain the position of the City are keys to clear understanding by all parties. If an individual poses a direct threat to the health or safety of others, he or she is not considered a qualified individual with a disability. Based on reliable information, this individual may be excluded from a public entity’s program or service. A direct threat must be a significant risk to the health or safety of others that cannot be eliminated or reduced to safe levels through the provision of auxiliary aids and services or the reasonable modification of policies or practices. The determination of the existence of a direct threat must be based on objective factual evidence and not stereotypes or misconceptions about a person’s disability.

1.9 Physical Accessibility and the Provisions of Safe Harbor

Though structural changes are not required where other solutions are feasible, many of the most apparent changes in service provision require structural changes to eliminate barriers. The 2010 ADA Standards introduced the concept of "*safe harbor*", which allows facilities built prior to March 15, 2012 that comply with the 1991 ADA Standards to remain as-is until the structural feature is altered. For example, the 1991 Standards allowed 54 inches maximum for a side reach range, and the 2010 Standards lowered the side reach range to 48 inches maximum.

Items positioned at the 54-inch height would fall under safe harbor if built before March 2012 until the time of an alteration. The exception applies to elements that might otherwise have to be modified under: 1) the program access requirement for public entities; 2) the readily achievable barrier removal requirement for places of public accommodation; or 3) the path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

In addition to the exceptions, Title II regulations specify structural elements not previously included in the 1991 ADA Standards that do not fall under the safe harbor provision:

§ 35.150(b) (2)(ii) The safe harbor provided in § 35.150(b)(2)(i) does not apply to those elements in existing facilities that are subject to supplemental requirements (i.e., elements for which there are neither technical nor scoping specifications in the 1991 Standards). Elements in the 2010 Standards not eligible for the element-by-element safe harbor are identified as follows—

(A) Residential facilities dwelling units, sections 233 and 809.

(B) Amusement rides, sections 234 and 1002; 206.2.9; 216.12.

(C) Recreational boating facilities, sections 235 and 1003; 206.2.10.

(D) Exercise machines and equipment, sections 236 and 1004; 206.2.13.

(E) Fishing piers and platforms, sections 237 and 1005; 206.2.14.

(F) Golf facilities, sections 238 and 1006; 206.2.15.

(G) Miniature golf facilities, sections 239 and 1007; 206.2.16.

(H) Play areas, sections 240 and 1008; 206.2.17.

(I) Saunas and steam rooms, sections 241 and 612.

(J) Swimming pools, wading pools, and spas, sections 242 and 1009.

(K) Shooting facilities with firing positions, sections 243 and 1010.

(L) Miscellaneous.

(1) Team or player seating, section 221.2.1.4.

(2) Accessible route to bowling lanes, section. 206.2.11.

(3) Accessible route in court sports facilities, section 206.2.12.

In 2012, the City of Joplin adopted the 2012 edition of the International Building Code (IBC). The International Code Council's ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities Standard is a nationally recognized standard of technical requirements for making buildings accessible. In addition, the ICC A117.1-2009 is referenced in the 2012 IBC.

It is the International Code Council's goal to meet or exceed the accessibility requirements found in the ADA Guidelines. The 2009 edition of the Standard is the latest example of the A117.1 committee's effort to continue developing a standard that is compatible with the Fair Housing Accessibility Guidelines (FHAG), the Architectural Barriers Act Accessibility Guidelines (ABA AG) and the Americans with Disabilities Act (ADA).

2. Title II Requirements of the ADA

Access to civic life by people with disabilities is a fundamental goal of the ADA. To ensure this goal is met, Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities. This section details the administrative requirements of publicized notice, naming of a responsible official and establishment of grievance procedures made by the ADA of those municipalities with 50 or more employees to aid in this mission.

1. Designation of at least one person who is responsible for overseeing ADA compliance
2. Public Notice of the City's requirements under the ADA
3. Development of and responsibility for an ADA grievance procedure

2.1 ADA Coordinator

The City of Joplin has assigned the Director of Human Resources as the ADA Coordinator and designated oversight of compliance to an individual. This position is responsible for ensuring that all programs, services and activities of the City of Joplin are accessible to and usable by individuals with disabilities. In accordance with federal statute, [28 CFR § 35.107(a)], the City must provide the ADA Coordinator's name, office address, and telephone number to all interested individuals. The City's ADA Coordinator is:

Dave Allgood

City of Joplin

602 S. Main Street

Joplin, MO 64801

(417) 624-0820 ext. 210

dallgood@joplinmo.org

To request an ADA accommodation or file an ADA Request for Reasonable Accommodation in city administered services, programs or activities contact the ADA Coordinator and follow the established procedures outlined in Section 2.3 of this document.

2.2 Public Notice

All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR § 35.106]. The City of Joplin's *Public Notice Under the Americans with Disabilities Act* is in keeping with the letter and spirit of the ADA legislation (see Appendix A).

Included in the Notice are brief statements about disability nondiscrimination in areas of employment, effective communication, making reasonable modifications to policies and programs, not placing surcharges on modifications or auxiliary aids and services, and filing grievances. Importantly, the Public Notice informs the reader of how to begin the procedure of filing a Request for Reasonable Accommodation and where to find additional information about the same.

In addition, a nondiscrimination notice is utilized more broadly in other City of Joplin publications, applications and employment materials. For instance, a statement announcing, "*The City of Joplin is an equal opportunity employer and does not discriminate based on race, color, religion, sex, national origin, age, disability or genetic information*," is included on the Employment Opportunities page of the city's website. Found on the Compliance with the Americans with Disabilities Act webpage may be found, *"The City of Joplin does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The City does not discriminate based on disability in its hiring or employment practices. Questions, concerns, complaints or requests for additional information may be forwarded to the City's ADA Coordinator, listed above."*

"The City of Joplin intends to abide by all laws, which prohibit discrimination against employees, prospective employees, or applicants for employment by reason of any protected status under

the law. We ask all employees to assist us in achieving this goal of nondiscrimination. This requires all of us to adopt and use a proper attitude toward all individuals regardless of any person's race, color, religion, national origin, veteran status, age, gender, disability, or other protected status under the law…Employees are not to be discriminated against on the basis of race, color, religion, national origin, veteran status, age, gender, disability, use of leave protected by the Family and Medical Leave Act or other protected status."

Lastly, individuals of the general public are encouraged to use an established procedure to seek assistance in participation with public meetings, including City Council meetings, with the following statement included on the leading page of every agenda announcement: *"In* City of Joplin, MO - ADA Self-Evaluation and updated Transition Plan – January 2018 *accordance with ADA guidelines, if you need special accommodations to attend any city meeting, please notify the City Clerk's Office at (417) 624-0820 x-220 at least two days prior to the scheduled meeting."*

Because of the importance placed upon the Public Notice in informing all city staff and the general public, it is highly recommended that the displaying of the Public Notice be more uniformly enforced throughout the organization. City departments are required to post the

Notice in areas where the general public may see it upon arrival to specific buildings or area of public entry. Similarly, the Notice should be placed in prominent locations within employee only areas. In initial building surveys conducted in early 2016, it was rare to find the postings.

Lastly, it is recommended that statements about the obligation to provide notification of nondiscrimination policies relative to people with disabilities be included in materials disseminated to members of the public. The City may fulfill this requirement by including appropriate inserts in existing materials and publications that contain general information disseminated to staff and members of the public.

2.3 Filing an ADA Request for Reasonable Accommodation

In accordance with ADA guidelines, the City of Joplin has adopted a formal grievance procedure for the removal of a barrier to those with disabilities, known as The Request for Reasonable Accommodation Procedure (see Appendix B). Meant to provide for prompt and equitable

resolution of complaints, this procedure is available for any individual who wishes to file a complaint alleging discrimination based on their disability in the provision of services, activities, programs and facility access by the City. Under federal law, the availability and use of this Request for Reasonable Accommodation Procedure via submission of the city's form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Nor is use of this Request for Reasonable Accommodation procedure a prerequisite to the pursuit of other remedies.

Title II does not describe what ADA grievance procedures must include. However, the

Department of Justice has developed a model grievance procedure that includes recommendations of:

1. Description of how and where a complaint under Title II may be filed with the government entity;
2. Statement notifying potential complainants of what alternative means of filing will be available to people with disabilities who require such an alternative;
3. Description of the time frames and processes to be followed by the complainant and the government entity;
4. Information on how to appeal an adverse decision;
5. Statement of how long complaint files will be retained.

In addition to displaying the Request for Reasonable Accommodation form on the Compliance with the Americans with Disabilities Act webpage, the City of Joplin's website makes use of a centralized complaint handling system for the purposes of centralization and accountability.

Any individual may access the identical fillable pdf form on the Form Center webpage, submitting the form upon completion. Using this method, notifications are sent both to the City Clerk's office and the ADA Coordinator's office to help ensure receipt of any reasonable request and a timely response.

The ADA Request for Reasonable Accommodation process is a complaint driven process. Therefore, the most important person in this process is the person who files the request. What may prove to be an effective accommodation for one person may not be for someone else. Further, the timeline and environmental circumstances will be unique to each case. Anonymous requests and complaints are not taken by the city because of this need for interaction and cooperative effort toward resolution of the individual case. To aid in discovering a prompt and equitable resolution, Requests for Reasonable Accommodation must be made within 180 days of the date of the alleged discrimination unless extended for good cause.

It is recommended that department directors aid in ensuring all employees understand the procedural steps of the Requests for Reasonable Accommodation process. It is understood that in some instances the member of staff may not fully know how to advise a member of the public to proceed. It should be relayed that in such cases, the staff member may always refer the citizen to their immediate supervisor or departmental director.

2.4 Consideration of Reasonable Accommodation

Within fifteen (15) calendar days after receipt of the concern or grievance, staff will contact the complainant to discuss the concern or grievance and the possible resolutions. After thoroughly investigating the concern, staff will respond within thirty (30) calendar days of receipt of the concern or grievance to the appropriate parties using an accessible format to the complainant to discuss the concern or grievance, explaining the position of the City of Joplin and offer options for resolution of the concern or grievance.

In addition to the accessible format utilized for the response, the notice of determination shall be in writing and sent to the applicant by certified mail, return receipt requested. All determinations shall state the grounds for determination, and shall give notice of the right to appeal, including stating the right to request reasonable accommodation during the appeals process.

If reasonably necessary to reach a determination on the request for reasonable accommodation, staff may, prior to the end of the above maximum thirty (30) calendar day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) calendar days after the date of the request for additional information to provide the requested information. In the event a request for

additional information is made, the thirty (30) calendar days period to issue a written determination shall be stayed. Staff shall issue a determination using the format described above within thirty (30) calendar days after receipt of the additional information. If the applicant fails to provide the requested additional information within the fifteen (15) calendar days period, staff shall issue a written determination within thirty (30) calendar days after expiration of the fifteen (15) calendar days period.

While a Request for Reasonable Accommodation or appeal of a denial of said application is pending before the City, the City will not enforce disciplinary action in relation to the specific Request for Reasonable Accommodation unless to prevent an issue of public safety.

All concerns or grievances received by the ADA Coordinator or designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City of Joplin for at least three years.

2.5 Consideration of Appeals for Accommodation

Within thirty (30) calendar days after the date staff mails a written determination to the applicant, the applicant requesting reasonable accommodation may appeal the adverse determination. An applicant may request reasonable accommodation during the appeal procedure. All appeals shall contain the applicant's statement of the grounds for the appeal. If an individual applicant requests assistance in appealing a determination, the City of Joplin will provide the assistance necessary to ensure that the appeal process is accessible to the applicant. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.

3. Methodologies Used for Evaluating Public Buildings and Spaces

For the past several years, the City began the evaluation of its policies, programs and procedures to determine current levels of service and the extent to which it policies and programs created barrier to accessibility for persons with disabilities. Reviews of departmental operations and documents provided information on the nature of the programs within purview, forms used to facilitate application and participation, methods used to advertise each program's services and activities, types of equipment and materials used, the level of staff training, and any special modifications provided. There have been improvements at the City of Joplin regarding ADA improvements.

Publication of the updated Transition Plan were made by January 1, 2018. All follow-on updates will be made to the quarterly reports, until the Transition Plan is once again updated in January 2021. The Transition Plan will be added to the City's Website.

The Transition Plan may be requested through a pdf version through email.

After the ADA Transition Plan is adopted, a copy should remain available for public viewing through the city website and for budgeting reference. As part of the project's overall public participation activities, it is recommended that administration and ADA coordinator maintain a continuing outreach component to inform the public of the progress made under the ADA Transition Plan.

3.1 Public Outreach and Input

The ADA states that a public entity is required to enable interested persons to participate in the development of the Transition Plan by submitting comments and making specific recommendations to City council and administration.

The ADA Committee was informed of the updating of the Transition Plan for the City of Joplin. The city initiated an aggressive program to outline what items needed to be done to complete the Transition Plan on ADA accessibility issues in city provided services. This is an on-going effort and surveys will be sent out to citizens asking for their opinions and thoughts of the ADA accessibility for city services.

The Public Works Department is still collecting information regarding PROWAG inside the city limits. One third of the city was assessed after the tornado in 2011 and ADA improvements have already been realized. These are being collected and put in Appendix (***), to ensure accountability of the projects. There is a RFQ going out later in the year for the assessment of the other two-thirds of the city. This assessment will solidify the rest of the curb ramps and sidewalks needed and will be put into planning sectors to reach the city's goal by the year 2040.

Self-assessments of all facilities and building will completed in the final quarter of the fiscal year and may extend into the first quarter of fiscal year 2019.

After self-assessments are completed, an inspection by the ADA coordinator of facilities will take place in the 2nd and 3rd quarters of fiscal year 2019. This inspection will include buildings, Parks and Recreation sports complexes to ensure ADA accessibility.

In the 3rd quarter of Fiscal Year 2018, the ADA Coordinator declared a forthcoming review of city administered programs, policies and procedures. It was also announced at this meeting that the City's ADA compliance plans included forming a citizen-based team to aid in the self-evaluation process. The ADA Coordinator will use the ADA Committee in conducting a survey and give advice for improvement. The Committee was formed for the following purposes:

1. Lend different perspectives in identifying barriers to fully accessible government
2. Aid in the prioritization of barriers discovered during self-evaluation
3. Aid in listing criteria by which barriers were identified
4. Participate in future barrier identification
5. Serve as an additional conduit of communication between the general public and city staff

6. Lend professional and practical knowledge to the process of transition planning
7. To lend diversity in culture and service needs to the process of transition planning
8. Lend perspective and to aid staff in interpreting the public need
9. Provide early review of draft versions of this document

The ADA Committee have helped to make the City of Joplin a stronger and more diverse community for all who live here.

In addition to the City of Joplin Self-Assessment the City will also utilize two surveys to solicit public response. Using solicited questionnaires, the City may gain knowledge and feedback from the public on a variety of disability and access issues. These questionnaires will ask about the participant's history with disability barriers, accommodations requested of the City, awareness of city provided services and programs, witnessed inadequacies in city provided services and programs, and priorities in city services and programs.

The questionnaires will be collected by the ADA Coordinator and the results will be compared with the priorities originally assessed by city administration and staff.

As people turn to the internet as their primary source of information regarding city-provided services, programs, activities, and facilities, the City of Joplin's website will assume an increased importance as a communications tool in respects to ADA. With the goal of making government accessible in terms of hours of operation and range of options, the City should strive to make its website as accessible as it can be for all visitors, striving for maximum usability. Every effort should be made to encourage individuals to offer feedback and suggestions to improve the website's architecture and organization to make it easier to navigate and more intuitive.

Finally, though there have been initial postings, the City should consider providing links to

ADA laws, promulgated regulations and disability-related national websites. The same might be true of providing links to disability information pertaining to certain demographic segments, diagnoses, and age groups. As census data reveals, in the last three decades the number of

Americans who are disabled and/or receiving disability related assistance has grown exponentially. Information pertaining to age related disabilities, veteran's disability affairs, medical disability due to lifestyle, mental and developmental disability in children, and disabling injuries may be of interest to Joplin's residents in the coming years. Compiling this information allows for education of the public and facilitates the exchange of information with the growing disabled community.

Utilizing the city website can provide a one-stop portal for issues and communications related to the ADA. Another effective method for improving communication between the City and residents will be to publish ADA compliance updates to the Transition Plan. These should identify information such as: structural barrier removals and upgrades to accessibility, dollars spent by funding source for increased accessibility, updates on funding availability and any efforts taken by the City to secure additional funding, efforts toward community outreach, a summary of requests/complaints received and how those requests/complaints were resolved, evaluation of the targeted goals of the previous year, establishment of targets for the upcoming year, recent property acquisitions, and other information as to the long term progress of the ADA program.

3.2 Consumer Surveys of Accessibility

The City of Joplin will conduct two surveys in 2018 to aid in determining the priorities of Joplin citizens and ensuring that all barriers to access by people with disabilities have been identified for removal. The two methods utilized, in-person and electronic, are commonplace and widely accepted for the purposes of community-wide service analysis. While pros and cons are associated with any method of general assessment, taking commonsense precautions to prevent bias largely eliminate coarse infringements on validity. A key part of creating exceptional surveys is in the proper usage of both open-ended and closed-ended questions. These questionnaires are being developed to send out in the 3rd quarter of Fiscal Year 2018. The City will assume that for the purposes of these assessments, the submissions that are received represent free and honest answers.

3.3 Program Accessibility

Equal opportunity is a fundamental purpose of the ADA. Title II of the ADA explicitly speaks to preventing disability discrimination in state and local government service delivery. It applies to all program, services or activities of public entities, from adoption of codes and policies to zoning regulations. People with disabilities must not be treated in a different or inferior manner. Historically it was common practice for some government service agencies to provide separate programs for people with disabilities and deny them the right to participate in the programs provided to everyone else. Regulatory agencies and case law have since expressly stated that programs, activities, and services must be provided to people with disabilities in integrated settings. The ADA neither requires nor prohibits programs specifically for people with disabilities. But, when a public entity offers a special program as an alternative, individuals with disabilities have the right to choose whether to participate in the special program or in the regular program.

A public entity may not impose eligibility criteria that screen out or tend to screen out individuals with disabilities unless the criteria are necessary for the provision of the service, program, or activity being offered. Nor may a public entity provide for programs that are in inaccessible areas resulting in exclusion. In providing program access, city governments are not required to take any action that would result in a fundamental alteration to the nature of the service, program, or activity in question or that would result in undue financial and administrative burdens. Careful consideration must be made, therefore, to determine how each service, program or activity may be delivered. For example, city governments can move public meetings to accessible buildings and can relocate services for individuals with disabilities to accessible levels or parts of buildings. When choosing between possible methods of program accessibility, however, public entities must give priority to the choices that offer services, programs, and activities in the most integrated setting appropriate. The process of self-evaluation enables local governments to pinpoint the facilities, programs and services that must be modified or relocated to ensure ADA compliance before they have become obstacles to some citizens.

3.4 Communications

The ADA requires the City of Joplin to ensure effective communication between the City and those citizens it serves. This requirement not only pertains to written documents and notifications that emanate from the government to citizens, but also includes the provision of

necessary auxiliary aids and services so that individuals with disabilities can participate in civic life. Communication may be defined as effective when all meaning and understanding is relayed to

the recipient in a concise yet complete manner. Moreover, it is a sharing process whereby the receiver comprehends the information or idea that the sender intends to convey. In local government service delivery, effective communication is especially important as decisions affecting the life of the entire community are at stake. Shared ideas that impact future community development, limited budgets and inclusiveness require all stakeholders to remain informed and involved.

3.4.1 Applications, Permitting and Payment Methods

Through formal interview and informal conversations with various departmental directors and staff, a profile of program forms and methods used to advertise each program's services and activities were produced. A review of the data suggests reliance upon standardized paper forms and applications. Although an acceptable format for many of the city's residents, it must be anticipated that some will require large print documents, documents with contrasting color schemes, or other alternatives. It is recommended that staff be informed on how to produce documents upon request using applicable office equipment.

3.4.2 Messages and Written Communication

The ADA requires local governments to communicate effectively with customers with vision, hearing, and speech disabilities.

3.4.3 Preventing Discrimination in Oral Communications

Title II of the Americans with Disabilities Act (ADA) provides that "*no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefit of*

the services, programs, or activities of a public entity, or be subjected to discrimination by any such

entity" [42 U.S.C. 12132.]. The ADA authorizes the Department of Justice (DOJ) to enforce compliance with these mandates. To this effort, the DOJ may review established policies and guidelines of the entity, searching for legitimate effort to curb disability discrimination in the entity's interactions with the public.

life.

Review of Joplin's Fire and Police Departments revealed areas where clear policies and guidelines were:

A. Produce statements of equal service delivery expectations for those with disabilities.
B. Educating police and fire personnel:
C. Specific requirements of the ADA.
D. Various auxiliary aids and services that are used to communicate with the deaf, deaf/blind, and hard of hearing.
E. Various types of communications tools and devices are appropriate.
F. How perceived non-compliance may be nothing more than unheard or misunderstood orders to comply.
G. How some disabilities appear like intoxication.
H. How to recognize 'invisible' disabilities (those that are not clear).
I. Prevalence, appearance, recognition and response to epileptic seizures.
J. Encouraging first responders to provide regular feedback on their contact with the

4. Physical Accessibility

Overall, the City of Joplin faces an organization-wide challenge in ensuring access to all of its programs, services, and activities which may be offered within a city-owned facility or space. Like many cities in the State of Missouri, Joplin has several aging office buildings and other facilities that pose barriers to residents and city employees with disabilities.

Obtain residential water and sewer service or pay a utility bill at the City Hall;

Obtain a street closure permit at the Public Works Department;

Apply for a building, plumbing, or electrical permit at Community Development;

Inquire of a utility location at the Public Works Department;

Participate in a City Council or Planning and Zoning meeting;

Bring a child to Summer Recreation Day Camp or Toddler Tumbling;

Find readily available disabled parking when visiting a pavilion at one of the City parks;

Find an accessible route to picnic and playground facilities;

Enjoy full access to some of the monthly and annual events in parks and on Main Street.

4.1 Municipal Buildings

All municipal buildings will be self-assessed in 2018 as part of the City of Joplin's ADA Self-Assessment Program to identify and evaluate issues. The ADA Checklist for Existing Facilities, which is

produced by the Institute for Human Centered Design. This document, which may be accessed online at http://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf, will form the foundation of a large majority of the inspections conducted because of its applicability to the usage of the structures most commonly found within the City inventory.

Evaluations will be conducted by the Facility Maintenance Personnel in accordance with their duties and assistance from Departments within the City of Joplin.

A comprehensive inspection of parking lots will also be conducted utilizing the City's Traffic Engineer and Sign and Signal Shop Personnel.

A map of all evaluated buildings is included as Appendix E.

4.1.1 City Hall

4.1.2 Public Works

4.1.3 Community Development

4.1.4 Activities Building

4.1.5 Senior Center

The Senior Center is a new structure that will have all accommodations built into it during FY-2018.

4.1.6 Fire Station 1

4.1.7 Fire Station 2

4.1.8 Police Building

4.1.9 Community Center

4.1.10 Joplin Aquatic Center

4.1.11 Health Department Animal Control Building

4.2 Polling Places

The ADA provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments ("public entities") ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting, including the physical attributes of polling places. Voting at one's polling place allows voters the chance to interact with neighbors and candidates outside the polling place, and to ask questions of or receive assistance from trained pollworkers inside the polling place. Simply put, voting in person at a local polling place is the quintessential American voting experience.

The ADA's regulations and the ADA Standards for Accessible Design set out what makes a facility accessible and should be used to determine the accessibility of any facility being considered for use as a polling place. The 2016 ADA Checklist for Polling Places provides guidance to election officials for determining whether a polling place has the basic accessibility features needed by most voters with disabilities or can be made accessible on Election Day using temporary solutions to remove barriers. The updated Checklist is patterned upon the 2010 ADA Standards for Accessible Design and contains references to specific sections of the 2010 Standards for each element.

5. Parks and Playgrounds

6. Transition Plan for Barrier Removal

It is the intention of the City of Joplin's Transition Plan that allows for actions to eliminate barriers that have been identified, yet still in place. The Transition Plan will identify items that are not ADA compliant and will include anticipated completion dates. Following the adoption of this Transition Plan, the document will be updated on an annual basis at a minimum. This method is an effort to ensure that the

disabled citizens of the City of Joplin are provided equal access to the city's programs, services and activities. The ADA Transition Plan, along with this entire document, will be made available upon request and will remain available on the city's website for general review. The City of Joplin reserves the right to modify barrier removal priorities to allow flexibility in accommodating community requests, petitions for reasonable accommodations, changes in city programs, administrative and funding opportunities and constraints. Interim measures will be explored and implemented to provide programmatic access to the

public pending the implementation of physical barrier removal projects.

Prioritization Criteria for Barrier Removal

7. Appendices

Appendix A - Public 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 Joplin, Missouri** will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities.

Employment*:* The City of Joplin 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 ADA.

Effective Communication*:* The City of Joplin will generally, upon request, provide appropriate aids and services leading to effective communication for persons with disabilities, so they can participate equally in the City's programs, services and activities.

Modifications to Policies and Procedures*:*

The City of Joplin will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. For example, individuals with service animals are welcomed in City of Joplin offices, even where pets are generally prohibited. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Joplin should contact the ADA Coordinator: Dave Allgood 417-624-0820 x-210 as soon as possible but no later than forty-eight (48) hours before a public meeting or five (5) days before any other type of scheduled event.

Appendix B - Request for Reasonable Accommodation Procedure

DISCRIMINATION COMMENT, CONCERN OR COMPLAINT FORM

Instructions: Please fill out this form completely, in ink or type. Sign and return to the address at the bottom of Page 2.