Americans with Disabilities Act

CITY OF NEW ORLEANS

Mitchell J. Landrieu, Mayor

The Mayor's Advisory Council for Citizens with Disabilities

CELEBRATING THE 23RD ANNIVERSARY OF THE SIGNING OF THE AMERICANS WITH DISABILITIES ACT ON JULY 26TH, 1990.

ADA Training Guide

Page McCranie, ADA Administrator
1300 Perdido Street #8E07
New Orleans, LA 70112
(Voice): 504-658-4020
711 LA Relay Service
ppmccranie@nola.gov

U.S. Department of Justice

This communiqué is available in alternative formats upon request.

Overview of Title II

Complying with Title II:

A public entity, the City of New Orleans in our case, is defined as any state or local government. Any department, agency, special purpose governmental district, or any other instrument of City government, must comply with the ADA. Further, activities that are covered by the law include the operation of all services and programs offered by the City. All aspects of the employment relationship are also protected from discrimination as well as government services carried out by contractors. The activities of local governing bodies, such as City Council, are also subject to laws prohibiting discrimination against qualified individuals. Public transportation, RTA, taxicabs and other forms of ground transportation are also forbidden to discriminate against persons with disabilities.

Disability Defined:

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; or
2. has a record or history of such as impairment; or
3. is perceived or regarded as having such an impairment.

The American with Disabilities Act

The ADA was signed into law by President Bush on July 26, 1990 and is by far the most comprehensive formulation of the rights of people with disabilities in the history of the United States. One in five of citizens in New Orleans has a disability. To appreciate its full impact, it is necessary to understand that virtually every individual and every family in the United States is touched one time or another by the experience of disability. The ADA's far reaching provisions for employment, state and local government, transportation, public accommodations and telecommunications therefore, have the potential to benefit almost everyone.

Title II of the ADA

The Title II regulations prohibit public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability in the City of New Orleans. As an employee of the City of New Orleans, it is critical that you know the law and abide by it. Adhering to the ADA in making your office accessible, your programs feasible for a wheelchair user, your meetings augmented by the use of a sign interpreter are a few of the ways that the City of New Orleans can insure that all citizens are able to participate in government as the law requires.

As a Public Servant, you may be the only contact that citizens, and our many guests, have with city government. Know the ADA, learn appropriate treatment for persons with disabilities. Know where accessible restrooms are in proximity to your office. Be flexible! Use clip boards if counters are too high for wheelchair users. Do not touch or pet service animals. See Ada.gov or Page McCranie, the city's ADA Administrator, 8E07, City Hall for consultation, training and advice.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:

PLEASE BE ADVISED THERE IS A COURTESY TELEPHONE AVAILABLE FOR 711 CALLS FOR PERSONS WITH HEARING OR SPEECH IMPAIRMENTS AT THE WELCOME DESK OF CITY HALL, 1ST (First) FIRST FLOOR, MAIN LOBBY.

Should you need further assistance, please contact the Front Desk in the Main Lobby or Page McCranie, ADA Administrator, (504)658-4020 (voice), 711 LA Relay Service, or email: ppmccranie@nola.gov

This communiqué is available in alternative formats upon request.

Notice under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of New Orleans (city) will not discriminate against any qualified individuals with disabilities because of a disability in the city's services, programs, or activities.

The city does not discriminate based on a disability in its hiring or employment practices. The city will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position. The city will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the city's business. The city will make an individualized assessment of whether a qualified individual with a disability meets the selection criteria for employment decisions. To the extent its selection criteria for employment decisions have the effect of disqualifying an individual because of disability; those criteria will be job related and consistent with business necessity.

The city will provide appropriate auxiliary aids and services, including qualified sign language interpreters and assistive listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight, or speech impairments, unless to do so would result in a fundamental alteration of its programs or an undue administrative or financial burden. A person who requires an accommodation or an auxiliary aid or service to participate in a city program, service, or activity, should contact the office of Page McCranie, the ADA Administrator, at 504-658-4020 (Voice) or 711 LA RELAY Services or by Email: ppmccranie@nola.gov as far in advance as possible but no later than 48 hours before the scheduled event.

The city will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who are wheelchair users.

City of New Orleans Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of a disability in employment practices and policies or the provision of services, activities, programs, or benefits by the City of New Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, telephone number of complaint and location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or/ his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Page McCranie, ADA Administrator
504-658-4020 (Voice) or TTY: 711 LA RELAY SERVICE
Or: ppmccranie@nola.gov
1300 Perdido Street, 8E07
New Orleans, Louisiana 70112

Within 15 calendar days after the receipt of the complaint, the ADA Administrator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Administrator will respond in writing, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the city and offer options for substantive resolution of the complaint.

If the response by the ADA Administrator does not satisfactorily resolve the issue, the complainant and /or his/her designee may appeal the decision of the ADA Administrator within 15 calendar days after the receipt of the response to the Mayor or his or her designee.

Within 15 days after receipt of the appeal. The Mayor or his or her designee will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting the Mayor or his or her designee will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Administrator appeals to the Mayor or his or her designee, and responses to the ADA Administrator and Mayor or his or her designee will be kept by the City of New Orleans for at least three years.

THE AMERICANS WITH DISABILITIES ACT
POLICY ON ACCESSIBILITY OF PROCEEDINGS HELD IN THE CITY OF NEW ORLEANS COURT BUILDINGS

The City of New Orleans, Louisiana, has adopted the following procedures so that services, programs, or activities that would otherwise be provided in an accessible location in the City court buildings are readily accessible to and usable by individuals with mobility disabilities. ("Accessible locations" and "inaccessible locations" include locations with accessible toilet rooms and locations without accessible toilet rooms respectively.)

PROCEEDINGS TO BE RELOCATED UPON 48 HOURS NOTICE

If an individual with a mobility impairment chooses or is required to attend a proceeding (i.e., party, juror, attorney, witness, spectator) that is held in an inaccessible location in a City court building, the proceeding will be relocated to an accessible location after the request to relocate the court proceeding is made to the Judicial Administrator at least forty-eight (48) hours prior to the scheduled commencement of the proceeding. If a party to a proceeding is represented by counsel and either has a need to request relocation of the proceeding, or requires the presence of a person at the proceeding who requests relocation, then the proceeding shall be relocated upon such request.

ACCESS TO PROCEEDINGS WITH LESS THAN 48 HOURS NOTICE

If a participant (e.g., party, juror, attorney, witness) with a mobility impairment is required to attend a proceeding that is held in an inaccessible location in a City court building, and forty-eight (48) hours notice has not been provided to the Judicial Administrator when requesting relocation of a court proceeding to an accessible location, the Judicial Administrator will make reasonable efforts to relocate and, if unsuccessful, the proceeding will be postponed until such proceeding can be relocated to an accessible location.

DUTIES OF THE JUDICIAL ADMINISTRATOR:

Once a request to relocate a proceeding to an accessible location is received, the Administrator will:

1. Contact the judge who will preside over the proceeding and inform the Court locations of the court building where court dockets or schedules are routinely posted, especially outside the door of each courtroom.

2. Contact the judge who was scheduled to preside over proceedings scheduled at the same time in the accessible courtroom so that he or she is informed of the relocation of both proceedings;

3. Contact parties, jurors, and attorneys who must be present at the proceedings to inform them of the new location; and,

4. Post written notice of the new location of the proceedings in conspicuous places.

The City of New Orleans

Mayor's Advisory Council for Citizens with Disabilities
Operating in concert with the Americans with Disabilities Act

Mitchell J. Landrieu
Mayor

Page McCranie
ADA Administrator

PUBLIC MEETING NOTICE
February 20, 2013

A regular meeting of the Mayor's Advisory Council for Citizens with Disabilities will be held on Wednesday, February 20, 2013, (the third Wednesday of every month) at The A. Philip Randolph RTA Facility, 2817 Canal Street at 10:00AM, 2nd floor, Board of Director's Meeting Room, New Orleans, Louisiana.

I. Call to Order. Introductions Ms. Hoover, Chairperson
II. Remarks: Previous MAC meeting.
III. Presentation by guests, Ms. Suzy Mason, Director, LA Green Corps. Also Ms. Chenita LeBlanc, NOLA Youth Works. These projects are focused on youth with disabilities.
IV. Unfinished business:
   a. Set agenda and priorities for 2013:
      Cost free H parking.
      Approval of the ADA DPW Transition Plan*
      Planning procedure for coordination with Fire Marshall, DPW Safety and Permits to eliminate confusion over ADA compliance.
      ADA training and updates: use of 711, service animals, website development.
      Transportation: Accessible taxis.
      Legislative support.
   b. Discussion: Settlement Agreement
   c. Report of the ADA Administrator.
   d. Report of the MAC Chair: Ms. Hoover.
V. New business: only heard with a positive vote of the MAC.
VI. Announcements.
VII. Adjournment.

***If you need a copy of the draft, please advise.**

This meeting is accessible to people with disabilities. Requests for additional accommodations to fully participate may be directed to the ADA Administrator, Page McCranie at 504-658-4020 (V) 711, LA Relay, or email at ppmccranie@nola.gov.

This communique is available in alternative formats upon request.

Communicating in Appropriate Language

To take some of the guesswork out of appropriate language when addressing people with disabilities, the following is prepared for your use.

People with disabilities are just like everyone else. The thing that we most love to hear is indeed personal: it is our own name. Learn a person's name and use it!

What is In:	What is Out:
People with disabilities:	the handicapped the disabled
People who are deaf or hard of hearing:	the hearing impaired
People who are blind or have low vision:	the blind
Wheelchair users:	confined to a wheel chair wheelchair bound
People with cognitive disabilities:	the retarded, the mentally deficient
Disabled/disability	handicapped "the" anything*

*(These words are paraphrased from Disability Awareness Workshop/Tulane School of Medicine.)

Please remember that general rules of behavior always apply: Speak directly to the person with whom you are communicating, not a companion or attendant. Speak in a normal tone of voice unless otherwise advised. Offer assistance before assuming it is all right. Remember that people with disabilities are not suffering from, victims of, or afflicted by their disabilities. People with disabilities are not overcoming their disabilities so much as the barriers that society puts in front of them. People with disabilities make up the largest so-called minority group in the United States: 43,000,000! "Us", not them!

These "rules" are adapted from Access AmeriCorps, a collaborative project of the corporation for National Service and United Cerebral Palsy Associations, Inc.

1. Respect all assisting devices such as canes, wheelchairs, communications devices, breathing apparatus as personal, private space. Do not touch, lean on, "play with" or otherwise interfere with such implements unless given explicit permission.
2. Direct your communication to the person with a disability, not to a companion of that person.
3. Use "Person first" language! (Person with a disability not "the disabled".)

General Tips for Communicating with Persons Who Have Disabilities:

1. See the person who has the disability as a person, not as a disability.
2. Don't "talk down". Avoid responding to persons with disabilities out of "gratitude" for not having a disability yourself or one that is equally as noticeable as the person you are addressing.
3. Observe everyday etiquette: Don't assume you are privileged to use someone's first name unless you are given permission to do so.
4. Be considerate! It may take extra time for the person with a disability to say or do some things.
5. Ask before giving assistance.

Communicating with Persons Who Have A Hearing Loss:

1. Get the person's attention before speaking. Give visual clues that you are wishing to communicate by waving your hand or tap the person's shoulder or hand gently.
   Speak clearly and slowly. Shouting is not appropriate.
2. Be flexible in your language. If someone who is hard of hearing or deaf has trouble understanding you, try using alternative methods of communication. You may need to write your words to explain or question.
3. Look directly at the person to whom you are speaking. Maintain eye contact.
4. Provide a clear view of your face; do not place anything in your mouth when speaking.
5. When using an interpreter, use the words "I" and "you" rather than saying "Tell her/him..."
6. If you do not understand the person with a hearing loss, say so and seek other means of communicating.

For additional information:
National Institute on Deafness and Other Communications Disorders
Voice: (301) 402-0252 or fax: 9301) 402-0018 or see the www.nih@gov.nidcd
DEAF Action Center
Tele: 310-6869 or TTY: 525-6729

Communicating with Persons with Mental Illness:

1. Give the person with mental illness your attention and respect.
2. Take time in explaining things. Break ideas down into steps. Be prepared to demonstrate instructions.
3. Speak clearly. Ask the person with disabilities to respond. Listen carefully. Be patient.
4. Recognize that a person's perceived lack of interest may be just that: a perception on your part. In truth, it may be a symptom of their disability.
5. Be agreeable when appropriate. Be positive.

For additional information:
National Association for the Mentally Ill
Tele: (970) 524-7600
Help line: (800) 950-6269

Communicating with Persons with Hidden Disabilities:

1. Many persons who do not "appear" to have a disability, are disabled by cancer, diabetes, AIDS, epilepsy and other disabilities that cannot be seen.
2. If a person with a hidden disability needs an accommodation, it is their responsibility to let you know what accommodation is required.

For more information:
TRAC: Tele: (504) 280-5700
Fax: (504) 280-5707

Communicating with Persons Who Use Wheelchairs, Crutches or other Assisting Devices:

1. Respect any device as a part of a person's personal, private space.

2. Sit, squat or kneel if conversation continues for than a few minutes. Seek eyelevel contact to facilitate communication.

3. Ask a wheelchair occupant if he or she wants assistance before acting.

4. Access! Access! Access! Much like location, location, location, give directions that consider stairs, curbs or inclines when giving directions.

5. Again, refrain from using "wheelchair" bound. A wheelchair, like an automobile, is a personal assistance device that enables a person with a mobility impairment, mobility. Use the term "wheelchair user".

Information paraphrased from the National Easter Seal Society.

For additional information contact:

Resources for Independent Living
Tele: (504) 522-195Fax: (504) 522-1954

Communicating with Persons Who Have Low Vision or Blindness:

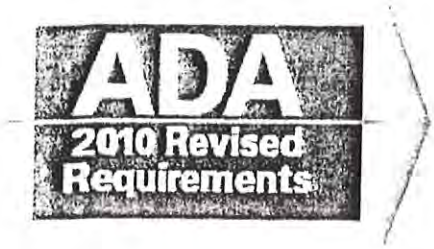
1. Make your presence known. Introduce yourself and others who may be with you.
2. Speak directly to the person with the vision impairment. Do not raise your voice.
3. Let the person know when you are ending a conversation or moving away.
4. Do not avoid words like look, see or watch. These words are a part of daily language.
5. Ask if assistance is required before giving aid.
6. Offer seating by placing the person's hand on the back or arm of a chair or seat.
7. Don't pet a guide dog. Walk on the side of the person away from the dog.
8. Offer Braille, large print or cassette materials upon request.

For more information:

Lighthouse for the Blind:
Tele: (504) 899-4501
Fax: (504)895-4162

TRAC:
Tele: (504) 280-5700
Fax: (504) 280-5707

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term "service animal" and the service animal provisions in the Department's new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How "Service Animal" Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

To receive e-mail notifications when new ADA information is available,

visit the ADA Website's home page and click the link near the top of the middle column.

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)

to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011

PDF Version of this Document

Return to ADA Home Page

last updated: July 12, 2011

ADA Office Review

Date: _____

Sign off: _____

City of New Orleans

Americans with Disabilities Act (ADA)
New Program Audit Checklist: SITE ACCESS

Department: _____ Program: _____

Person Completing Checklist: _____ Phone: _____

1. Exterior

	Yes	No	N/A
a. Is there nearby accessible parking?			
b. Path of travel: Is there a route that does not require the use of stairs?			
Is the route stable, firm , flat, level, and slip-resistant?			
Is the route at least 36" wide?			
c. Is there an accessible route from public transportation? (i.e., curb ramps at intersections)			
d. Is there an accessible entrance?			

2. Interior

a. Are there accessible support facilities? (i.e., restrooms, drinking fountains, telephones)			
b. Storage shelving, display units (fixed or built-in): Is there clear floor space? (30" x 48" - either forward or parallel)			
Is the maximum reach range 48" forward or 54" side (parallel)?			
c. Seats, tables, counters, work spaces (minimum of 5% or at least 1) Are there spaces for wheelchair seating distributed throughout?			
Is there a clear floor space of 30" x 48"?			
Is knee clearance a minimum of 27" high, 30" wide, and 19" deep?			
Is the height of the tables or counters 28"-34" above finished floor?			
Are aisles a minimum of 36" wide?			
d. Is there a 5-foot circle or t-shaped space for turning a wheelchair completely?			
e. Is the carpeting low-pile, tightly woven, and securely attached along edges?			
f. Vending machine(s): Is the route accessible?			
Is there a 30" x 48" clear space in front of machine?			
Is the highest operable part 54"?			

MAKE COMMENTS ON REVERSE SIDE

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City of New Orleans
ADA Transition Plan Update

Program Audit Checklist for: PROGRAM or DEPARTMENT or JURISDICTION

Person Completing Checklist: _____ Phone: _____

Title: _____ Department: _____

I. ADA COORDINATOR/COMPLIANCE OFFICER	Yes	No	N/A
A. Has an ADA Coordinator been designated?			
If yes, who? Phone:			
B. Is Coordinator's name, address, and phone number known by all employees?			
C. Is Coordinator's name, address, and phone number publicized to the public?			

II. POLICIES AND PROCEDURES			
A. Are there established emergency evacuation procedures for persons with a disability?			
B. Have written policies and procedures, and current practices for each program, service, and/or activity been reviewed to ensure nondiscrimination on the basis of disability? (Example: A public park may not require that a person with a disability bring a personal assistant in order to participate in a recreational program.)			
C. Has a plan been developed to make reasonable modifications to appropriate policies? (Note: A modification is not required if it would fundamentally alter the nature of the program.)			
D. Has a procedure been developed to provide for written justification for any exclusionary or limiting policy for which no reasonable accommodation is possible?			
E. Has a procedure been developed for documenting decisions to approve and/or deny reasonable accommodation requests, including the cost for an accommodation?			
F. Is information available to employees and the public about which facilities are accessible?			
G. Is there a section in the employee evaluation form that allows for comments to be made regarding the employee's sensitivity/commitment to non-discrimination?			

Comments:

III. PROGRAMS/SERVICES/ACTIVITIES ACCESSIBILITY			
A. Are fees charged the same for both disabled and non-disabled individuals?			
B. Are programs, services, and activities administered in the most integrated setting possible?			
C. Have program eligibility requirements been reviewed to ensure that they do not screen C. out or impose unnecessary requirements on persons, or a class of persons, with disabilities?			