

Reasonable Modification Policy

Purpose

The purpose of the Reasonable Modification Policy is to ensure that Auglaize County Council On Aging offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

Scope

This policy applies to all safety-sensitive transportation vehicle operators, including full-time, part-time, and staff required to operate vehicles. For this policy, the term **reasonable modification** is interpreted consistent with the term "reasonable modifications" in the ADA Title II regulations at 28 CFR 35.130(b)(7), and not as defined for employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and implementing regulations at 29 CFR part 1630.

Policy Statement

Auglaize County Council On Aging is committed to providing equal access and opportunity to individuals with disabilities in all programs, services, and activities. Auglaize County Council On Aging recognizes that individuals with disabilities may need reasonable modifications to policies and procedures to obtain equally effective opportunities and benefits. Auglaize County Council On Aging will adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Auglaize County Council On Aging does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Auglaize County Council On Aging will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Auglaize County Council On Aging, or be subject to discrimination by Auglaize County Council On Aging.

Definition

A **reasonable modification** is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities.

Limitations

Auglaize County Council On Aging will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless one or more of the following apply:

- **Fundamental alteration:** Making the accommodation would fundamentally alter the nature of the public transportation service.

- **Direct threat:** Making the accommodation would create a direct threat to the health or safety of other passengers.
- **Not necessary:** The individual with a disability is able to fully use Auglaize County Council On Aging's service without the accommodation being made.
- **Undue burden:** Making the accommodation creates an undue financial burden on the transit system.

Eligibility Criteria

An individual is eligible to be considered for a reasonable modification if that individual has any one of the following:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such impairment; or
- Has been regarded as having such an impairment.

Requests for Reasonable Modification

Public Notice and Access

Auglaize County Council On Aging shall make information about how to contact the organization to request reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines.

Procedures for Requests

1. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
2. Individuals are not required to use the term "reasonable modification" when making a request. Personnel will determine if the request represents a reasonable modification and proceed accordingly.
3. Whenever feasible, requests should be made before Auglaize County Council On Aging is expected to provide the modified service.
4. Where a request cannot practicably be made and determined in advance (for example, because of a condition or barrier at the destination of a paratransit, demand response, or fixed-route trip of which the individual was unaware until arriving), operating personnel shall determine

whether the modification should be provided at the time of the request. Operating personnel may consult with management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request is made. The request can be submitted in any written format.

Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities who are unable to communicate their request in writing or upon request.

Interactive Process

When a request for accommodation is made, Auglaize County Council On Aging and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any, accommodation shall be provided. The parties must communicate about the request, the process for determining whether an accommodation will be provided, and potential accommodations. Communication is a priority throughout the entire process.

Time Frame for Processing Requests

Auglaize County Council On Aging will process requests for reasonable accommodation and provide accommodations, where appropriate, in as short a time frame as reasonably possible. Time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

Granting a Reasonable Modification Request

As soon as Auglaize County Council On Aging determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual in writing to maintain required information for reporting purposes. Upon request, alternative means of response will be provided.

When choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities or designated transportation services, Auglaize County Council On Aging shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to their needs.

Denial of Reasonable Modification Request

As soon as Auglaize County Council On Aging determines that a request will be denied, Auglaize

County Council On Aging will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- The specific reasons for the denial;
- Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- The opportunity to file a complaint relative to Auglaize County Council On Aging's decision on the request.

Complaint Process

Auglaize County Council On Aging maintains a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Auglaize County Council On Aging website and will be provided to any individual where the organization has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities who are unable to communicate their request in writing or upon request.

Any person who believes they have been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting Auglaize County Council On Aging's Reasonable Modification Complaint Form. Auglaize County Council On Aging investigates complaints received no more than 30 days after receipt and will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgment of receipt. If more information is needed to resolve the complaint, Auglaize County Council On Aging may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information.

If Auglaize County Council On Aging is not contacted by the complainant or does not receive the additional information within 30 business days, the organization may administratively close the complaint. A complaint may also be administratively closed if the complainant no longer wishes to pursue the case.

After investigation, Auglaize County Council On Aging will render a written decision to the complainant and issue either a **Letter of Finding** or a **Letter of Closure**:

- **Letter of Finding** — Summarizes the complaint, any interviews conducted, and explains actions to be taken to address the complaint.
- **Letter of Closure** — Explains why the complaint does not merit accommodation under the ADA and that the complaint will be closed.

If the complainant disagrees with the decision, they may appeal by filing notice of appeal within 30 days of the initial decision. In the event of an appeal, the complainant will be granted due process, including presenting additional evidence, appearing in person during an appeal hearing, and being represented by counsel.

Designated Employee

Auglaize County Council On Aging shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Transportation Coordinator

Auglaize County Council On Aging

P.O. Box 215

St. Marys, Ohio 45885

Phone: 419-394-8252

Record Retention

Auglaize County Council On Aging will maintain all records related to reasonable modification requests and denials for at least five (5) years.