



CITY OF GIG HARBOR – POLICIES AND PROCEDURES

TITLE: POLICY FOR COMPLIANCE REGARDING AMERICANS WITH DISABILITIES ACT OF 1990

POLICY MANUAL SECTION & NO.
A-25-04

EFFECTIVE DATE:
4/28/25

APPROVED:

PURPOSE

To reaffirm City of Gig Harbor's policy and practice that physical facilities, and programs, services and activities of City of Gig Harbor government are accessible to members of the public, including qualified individuals with disabilities.

DEFINITIONS

- "Qualified individual with disability": An individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in program or activities provided to the public by the City of Gig Harbor, with or without reasonable modifications to rules, policies, or practices, the removal of architectural or communication barriers, or the provision of auxiliary aids and services.
- Barrier-free design: Design that gives users the opportunity for movement without restriction. By using principles of barrier-free design, people with disabilities will be able to participate fully and avail themselves equally of the opportunities to benefit from City of Gig Harbor programs and services.
- Usability: Within facilities constructed or last altered prior to the passage of the ADA, some architectural elements may not meet current codes and requirements for accessibility. If a barrier to access by people with disabilities does not result, the facility is usable and complies with this policy. In other cases, though requirements of the applicable laws, codes, and regulations have been met, a barrier may exist to a qualified individual with a disability. In such cases, it may be necessary to modify the element in the facility to make the facility usable by qualified individuals with disabilities providing that such change and/or alteration do not result in an undue financial burden.
- Overall Program Accessibility: The ADA requires that programs as a whole be accessible to people with disabilities through means such as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities.
- Self-evaluation: The evaluation of policies, practices, and physical features to identify potential barriers to accessibility and corrective actions to reduce or eliminate those barriers.

- **Disability Transition Plan for Physical Facilities:** A written plan updated annually which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. By definition, a transition plan must contain:
 - Identify physical barriers that limit accessibility to city programs, activities and services;
 - Outline of the methods which will be used to remove the barriers and make the facility more accessible;
 - The schedule for the necessary steps to achieve improved compliance; and
 - The name of the management staff responsible for the plan's implementation.

POLICIES

1. In accordance with Title II of the ADA and its implementing regulations, Section 504, WAC 51-50 as currently exists or may hereafter be amended, and RCW 49.60 (collectively called the "disability non-discrimination laws"), no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied benefits of the services, programs, activities or physical facilities which the City of Gig Harbor provides to the public. City of Gig Harbor will make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability unless the City of Gig Harbor can demonstrate the modifications would result in a fundamental alteration of the service, program, or activity.
2. City of Gig Harbor departments shall comply with the provisions of the disability non-discrimination laws regarding access applicable to programs, activities, services, and physical facilities.
3. To the extent possible, City of Gig Harbor departments will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility must be ensured. In determining the site or location of a facility, City of Gig Harbor will not make selections that have the effect of excluding or discriminating against individuals with disabilities.
4. Physical facilities owned by City of Gig Harbor shall comply with the applicable regulations on barrier-free design and physical accessibility.
5. The construction and renovation of City facilities shall comply with applicable regulations on barrier-free design and physical accessibility.
6. Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.

7. Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.
8. All City of Gig Harbor offices and programs shall be accessible to users of TTYs (teletypewriters), either by having a TTY to provide direct TTY access or by using the Washington Relay Service.
9. City of Gig Harbor departments and offices shall provide written notice on all written documents and communications distributed to the public information on how to request alternate formats. At a minimum, information shall include the following: "For alternative formats, contact the City of Gig Harbor ADA Compliance office – 3510 Grandview Street, Gig Harbor, WA (253) 853-7613; Email: adacoordinator@GigHarborwa.gov."
10. Individuals with disabilities accompanied by service animals will be afforded access to all City of Gig Harbor facilities, programs, services, and activities as are open to other members of the public, unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, the City of Gig Harbor will afford access to individuals and their accompanying service animals-in-training will be subject to the conditions and limitations established by law and applicable to individuals with disabilities and their service animals.
11. The City of Gig Harbor will take appropriate steps to ensure communications with qualified individuals with disabilities are as effective as communications with others. The city will furnish appropriate auxiliary aids and services (e.g., assistive listening devices, sign language interpreters, Braille) to afford a qualified individual with a disability an equal opportunity to participate in and enjoy the benefits of the services, programs, activities, and physical facilities provided to the public by City of Gig Harbor. To give primary consideration to the preference of the qualified individual with a disability, the city will inquire as to the choice of auxiliary aid or service and will honor the expressed choices or requests of the qualified individual with a disability unless the city can demonstrate that another equally effective accommodation is available, or the city makes a written determination that the use of the means requested would result in a fundamental alteration of the service, program, and activity or in undue financial or administrative burden.
12. All city employees will receive information about ADA responsibilities including emergency procedures in dealing with those with disabilities at employee orientation and annual training as needed for updates.

13. The City of Gig Harbor has adopted procedures for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the City's provision of programs, services, and activities, and access to physical facilities.

RESPONSIBILITIES

The City of Gig Harbor is responsible for ensuring the city's compliance with disability non-discrimination laws regarding access. Under the law, the City of Gig Harbor is required to have at least one designated ADA coordinator. The Mayor has designated the City Clerk as the ADA Coordinator to facilitate the City's efforts to comply with disability non-discrimination laws regarding access.

Department heads and officials shall cooperate with the City of Gig Harbor ADA Coordinator and will ensure compliance with the requirements of disability non-discrimination laws regarding access, and with this policy and related procedures. Compliance-related activities include documenting:

- Defining disability accessibility accommodations made within their departments;
- Participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
- The preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and
- The coordination of budget approval to implement such plans.

The ADA Coordinator will coordinate training and technical assistance to City of Gig Harbor personnel on disability access issues.

The ADA Coordinator shall establish and implement internal grievance procedures to receive, investigate, resolve, and log formal and informal grievances from the public alleging non-compliance with disability non-discrimination laws regarding access. The City Administrator will serve as the point of appeal regarding ADA grievances.

The ADA Coordinator shall also develop such other policies and procedures necessary to improve accessibility of programs, services, activities, and physical facilities of City of Gig Harbor government.

ADA GRIEVANCES – COMPLAINT PROCEDURE

The grievance procedure established herein shall address concerns regarding Title II of the ADA as it applies to City of Gig Harbor department programs, services and activities. The grievances procedure may be used to file a complaint alleging a complaint regarding policies for the provision of services, activities, programs, or benefits provided by City of Gig Harbor or structural and parking accessibility issues on City owned or controlled property.

The complaint should be in writing and contain information regarding the alleged discrimination to include the name, address, phone number of the complainant and

location, date and description of the alleged incident. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities if necessary to enable them to submit a complaint.

The grievant and/or his/her designee should submit the complaint as soon as possible but no later than 30 calendar days after the alleged violation to:

ADA Coordinator

City of Gig Harbor
adacoordinator@gigharborwa.gov
3510 Grandview Street
Gig Harbor WA 98335
(253)853-7613

Within 30 calendar days after receipt of the complaint, the ADA Coordinator will investigate the complaint and meet/contact the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the ADA Coordinator will respond to the individual complainant in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of City of Gig Harbor and offer options for substantive resolution of the complaint.

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

Within 15 calendar days after receipt of the appeal, the City Administrator (or his/her designee) will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Administrator (or his/her designee) will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. The City Administrator (or his/her designee) may, when appropriate, utilize mediation to resolve complaints.

All written complaints received by the City Clerk, referrals to the ADA Coordinator, appeals to City Administrator (or his/her designee), and responses from the ADA Coordinator and City Administrator (or his/her designee) will be kept by City of Gig Harbor for at least three years.

Employment complaints shall be directed to the City of Gig Harbor Human Resource Department and investigated pursuant to Human Resource policies and applicable labor contracts. Any complaints involving employment issues that are submitted to the ADA Coordinator will be referred to the Human Resource Department for review and investigation.