

Whatcom Council of Governments (WCOG)

ADA Policy

(as amended 05-08-2019)

General Policy

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires that persons with disabilities receive services equal to those available to all Americans.

It is the policy of Whatcom Council of Governments (WCOG) that, when viewed in their entirety, services, programs, facilities, and communications provided by WCOG, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. 49. CFR 37.105

1. Approved Equipment

Whatcom Council of Governments' facilities will accommodate the use of personal mobility devices such as wheelchairs, scooters, and walkers.

- *Wheelchair* means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.
- Equipment must be in good working order, with batteries charged, tires inflated, footrests attached, and all parts secure. (49 CFR 37.3)

2. Mobility Device Brakes

When occupying an elevator, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position. Again, this is not mandatory.

3. Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. (49 CFR 37.167(h))

4. Personal Care Attendants

A Personal Care Attendant (PCA) may accompany clients with disabilities into WCOG facilities. A PCA is someone who travels with, and helps, a rider who is not able to travel alone. You must provide your own PCA if you need one.

5. Service Animals

A service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. In order to utilize WCOG facilities:

- The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately.
- Birds, reptiles, amphibians, rodents, and cats must be kept in an enclosed carrier/container.
- The animal must remain at your feet or on your lap.
- The animal must not be aggressive toward people or other animals. (49 CFR 37.167 (d))

6. Suspension of Access to Facilities

A client's privileges may be suspended for any of the following infractions in any WCOG facility:

- Smoking or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area).
- Discarding or dumping litter in places other than the recognized receptacles.
- Consuming alcoholic beverages or in possession of alcoholic beverages.
- Loud, raucous, unruly, harmful, or harassing behavior.
- Engaging in other conduct that is inconsistent with the intended purpose of the facility. (RCW 9.91.025)

7. Reasonable Accommodation and Employment

WCOG will not deny employment opportunities to an otherwise qualified individual with a disability because that individual requires reasonable accommodations to facilitate or continue employment, unless the accommodations would impose an undue hardship on the department.

8. Notification of Policy

WCOG will notify the public of the ADA policy on the website.

9. Complaint Process

WCOG is committed to providing safe and accessible services for the community. WCOG has established a Customer Service and Grievance Policy and customers wishing to file a complaint and/or obtain a copy of the policy may contact WCOG at (360) 676-6974, or in person at WCOG's administration office located at 314 E. Champion Street, Bellingham WA. (RCW 46.07b).

10. Direct Threat

If a person is violent, seriously disruptive, or engaging in illegal conduct, WCOG may refuse to allow the individual to participate in WCOG programs. A person who poses a significant risk to others may be excluded from a program if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)

Behaviors that may cause immediate exclusion from participation include:

- Destruction of public property
- Doing violence to others or to oneself
- Behavior that is seriously unruly, seriously disruptive, threatening, or frightening to others
- Behavior that interferes with the safe conduct of the program
- Violations of service animal policy by failing to control one's service animal
- Engaging in illegal conduct.
- Other conduct judged by WCOG to represent an actual or potential threat to the health, safety or wellbeing of oneself, other participants, and/or WCOG personnel.

Participants excluded from participating in a program due to a direct threat have the ability to request an administrative appeal through WCOG's Complaint Policy by contacting the WCOG Executive Director at 360-676-6974.

11. Modifications of Policies and Practices

Individuals with disabilities may request modifications be made to WCOG's policies and procedures applicable to its transportation services by contacting the WCOG Executive Director in the following ways:

1. US Mail: Feedback can be mailed to the WCOG Executive Director at 314 E. Champion Street, Bellingham, WA 98225
2. Phone: Public can contact the WCOG Executive Director at 360-676-6974. This line is available 24 hours a day, seven days per week.
3. E-mail: Public can contact the WCOG Executive Director by e-mail at wcog@wcog.org.
4. Fax: Public can send written feedback by fax to 360-738-6232.

Individuals requesting modifications shall describe what they need in order to participate in the program.

Individuals requesting modifications are not required to use the term "reasonable modification" when making a request.

Whenever feasible, requests for modifications shall be made and determined in advance, before the WCOG is expected to provide the modified service, for example, during the registration process for a WCOG program or through the WCOG's complaint process.

Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the location of the program or a trip of which the individual with a disability was unaware until arriving), WCOG staff shall make a

determination of whether the modification should be provided at the time of the request. Staff may consult with the WCOG Executive Director before making a determination to grant or deny the request.

Requests for modification of a WCOG's policies and practices may be denied only on one or more of the following grounds:

- (1) Granting the request would fundamentally alter the nature of the WCOG's program or activities;
- (2) Granting the request would create a direct threat to the health or safety of others;
- (3) Without the requested modification, the individual with a disability is able to fully use the WCOG's programs for their intended purpose.

In any case in which a WCOG denies a request for a reasonable modification, WCOG shall take, to the maximum extent possible, any other actions (that would not result in a direct threat or fundamental alteration) to ensure that an individual with a disability can participate in the program.