

Bensalem Township

ADA Compliance Policy

Staff

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Notice of Nondiscrimination

The Township of Bensalem (“Township”) does not discriminate against qualified individuals with disabilities in its services, programs, or activities and complies with Title II of the Americans Disabilities Act (“ADA”). The Township does not discriminate based on disability in hiring or employment practices and complies with all Equal Employment Opportunity Commission regulations under the ADA.

The Township provides effective communication and reasonable modifications for qualified persons with disabilities, so they can equally take part in Township programs, services and activities. Changes include alternative formats and case-by-case changes to programs, services or activities to ensure equal access. Effective communication and reasonable modifications are provided free of charge.

If alternative communication or modifications are needed for an event, allow as much time as possible, but at least five (5) business days prior to the event to process your request.

The ADA does not require the Township to take action that would impose an undue financial or administrative burden of fundamentally alter the nature of its programs or services.

Director of ADA Compliance Contact and statement:

The Township of Bensalem has designated the Director of Administration as the employee to coordinate the responsibilities related to the ADA. You may contact the Director of Administration using the following information:

Director of Administration
Bensalem Township
2400 Byberry Road
Bensalem, PA. 19020

<mailto:wcmorey@bensalempa.gov>
215-633-3602

Reasonable modifications requests can be entered at: <https://www.bensalempa.gov/ada.html>

Grievances can be entered at: <https://www.bensalempa.gov/ada.html>

Complaints of discrimination by a Township owned or operated program, service, or activity to persons with disabilities should be directed to the Director of Administration who as the ADA Coordinator is the responsible employee to oversee ADA Compliance.

Effective Communication Policy

This policy and procedure shall apply to all Bensalem Township entities*

Policy:

The American Disabilities Act (ADA) ensures civil rights protections to qualified people with disabilities*. Under Title II, the Township is required to ensure that their communications with people with disabilities are as effective as communication with others.

This policy upholds the commitment of the Township (Twp) to operate the policies, practices, procedures, services, buildings, and activities so that, when viewed in their entirety, they are accessible to and useable by qualified people with disabilities. The Township will provide aids and services* to facilitate effective communication, upon request, to ensure that qualified individuals with disabilities are able to participate in, benefit from, and are not subject to discrimination under Township programs.

Implementing Policy:

1. Residents may request aids and services to facilitate effective communication. The request must allow a person with a disability to participate in, and enjoy the benefits of programs, services, and activities in the same manner as residents who are not disabled. Residents may submit effective communication request to the Director of Administration.
2. The Township shall ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communication with others. The purpose of effective communication is to ensure that people with communication disabilities can receive information from, and convey information to, the Township.
3. The type of aid or service necessary to ensure effective communication will vary on case-by-case basis.
 - i. Consider the nature, length, and complexity of the communication.
 - ii. When more than one type of communication can meet the need, give primary consideration to the communication requested by the individual with a disability.
4. Departments shall provide appropriate aids and services free of charge.
5. The Township is responsible for providing interpreters. Residents are not required to bring someone to interpret for him or her.
6. The Township can rely on a companion to interpret only when the following are true:
 - i. There is an emergency involving imminent threat to safety or welfare.

- ii. The resident prefers that a companion interpret, *and* the companion agrees, *and* reliance on the companion is appropriate under the circumstances.
7. Information about the location of accessible services, activities, and facilities, must be available in a format that is accessible to people with disabilities. Accessible formats may include posting location in large print or posting information on a webpage.

Resident Requests for Reasonable Modifications

This policy and procedure shall apply to all Bensalem Township Entities

Policy:

Under Title II of the Americans with Disabilities Act (ADA), the Township is responsible for physical accessibility and program accessibility. Physical accessibility ensures that individuals can access the built environment and program accessibility ensures equal access to programs, services, activities, and information provided by the Township.

This policy upholds the commitment of the Township (Twp) to operate the policies, practices, procedures, services, buildings, and activities so that, when viewed in their entirety, they are accessible to and useable by qualified people with disabilities.

Implementing Procedure:

Under the Americans with Disabilities Act (ADA), qualified people with disabilities can request “reasonable modification’s*”, which are changes in the way the Township operates, to give people with disabilities equal opportunity to participate in township activities.

Reasonable modification requests must allow a qualified person with a disability to participate in, and enjoy the benefits of programs, services, and activities in the same manner as residents who are not disabled.

Step 1: Resident makes reasonable modification request

Residents may submit reasonable modification requests with the Director of Administration. If the resident makes the request via email, mail, phone, or in person, the employee should enter the information from the request into the modification form.

The following information must be collected:

- Name and contact information of person who needs the modification
- Name of the program, service, activity, or location of request

- Description of modification being requested.

If additional information is needed, the Township may request only that information necessary to confirm the need for the modification.

Step 2: Township to process the request

After receiving all information for the request, the Township will respond to resident to acknowledge receipt of the request. The Township Director of Building and Planning should work with the Director of Administration to evaluate requests.

In general, the Township will approve requests so long as they meet the following criteria:

- There is a disability-related need
- The request is reasonable and would not pose an undue burden

If the Township does not intend to approve request, the Township shall consult with the Solicitor to determine the next steps.

Step 3: Township responds to resident

The Township will respond to the resident as soon as possible, but no later than fifteen (15) business days. The response will acknowledge the request, inform the person of the outcome of the request, and provide notice that the resident has a right to appeal a decision, if so desired. The response shall include the name and contact information of the Director of Administration. Responses will be documented in writing. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal.

If the request cannot be completed within fifteen (15) business days, the Director of Building and Planning shall contact the resident and the Director of Administration to show the need for the delay and establish a reasonable date for completion.

Step 4: Department notifies the Director of Administration of request completion

After completing the request, the Director of Building and Planning must inform the Director of Administration that the request has been completed.

If the modification request is approved, but the request is to be completed at a later date, the Director of Building and Planning shall contact the resident and the Director of Administration to indicate the projected date of completion.

The Director of Building and Planning shall track the 1) requests received, 2) outcome, and 3) responses to requests.

Grievance and Appeal Policy

This policy and procedure shall apply to all Bensalem Township entities*

Under the Americans with Disabilities Act (ADA), qualified people with disabilities can submit a grievance if they feel that have been discriminated against based on disability. Township employees who believe the Township has violated their rights under the ADA should contact their Department Director or the Director of Administration. This document outlines the grievance appeal policy and procedures.

Resident submits Grievance:

Resident has 14 days from perceived discrimination to make a complaint.

While the township has an online form for grievances, residents may submit requests directly with departments. If the resident makes the request via email, mail, phone, or in person, the employee should enter the information from the request into the ADA-grievance form.

The following information must be collected from the requestor:

- Name and contact information
- Description and date of complaint
- Description of suggested relief

If further information is required, the Director of Administration will request the information. Once all the information is received, the Director of Administration will oversee the process and work with the department to resolve the request.

Grievance Process:

Step 1: DA will meet with the resident within 15 business days from receiving the request to determine possible resolutions to the grievance.

After receiving the request, the will schedule a meeting with the resident within 15 business days to determine if the department can reach a mutually agreeable resolution. Meetings can be in person, electronic, (skype, email, etc.) or phone.

Step 2: Township will create a written response to the grievance within 45 business days from the date of the request for the resident.

Response from the Township will be documented in writing. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal.

If the written response refers to activities to take place in the future, the Director of Administration inform the resident when the activities have been fully implemented.

If the department is unable to propose a mutually acceptable resolution to a grievance, the Director of Administration will consult with the Law Department on potential denials or unresolved requests, when necessary.

Step 3: Resident has 10 business days from the date on the letter from the Department to request an appeal

Requests for appeals should be directed to the Director of Administration. If the resident does not request an appeal, the decision is final on the 15th business day after the date on the letter

Appeal Process:

Step 1: The Director of Administration will meet with the resident within 15 business days from receiving the appeal to determine possible resolutions to the grievance.

The Director of Administration will schedule a meeting with the resident within 15 business days to determine if the Township can reach a mutually agreeable resolution. Meetings can be in person, electronic (skype, email, etc.) or phone. The Director of Administration will work closely with the Law Department and the Township Department when processing grievance requests.

Step 2: Director of Administration will create a written response to the grievance within 45 business days from the date of the appeal from the resident.

Responses will be documented in writing. Use of Grievance Response template is encouraged. Responses must be communicated in an alternative format, if requested. The response must indicate a right to appeal. If the written response refers to activities to take place in the future, the Director of Administration will track and inform the resident when the activities have been fully implemented.

If the department is unable to propose a mutually acceptable resolution to a grievance, the department must seek review from the Law Department.

Timelines

The time frames in the above procedure shall be maintained unless there are unusual or unforeseen circumstances. The Township will respond as quickly as possible and will act without undue delay.

Written Responses

Responses from the Township will be in writing and communicated in an alternative format, if requested.

If the written response refers to activities to take place in the future, the Department or Director of Administration will inform the resident when the activities have been fully implemented. All complaints will be retained by the Township of Bensalem for at least three (3) years.

Definitions and Additional Information:

Aids and Services:

Aids and Services may include materials, in alternative format such as large print, braille, additional time or assistance to complete an application, written notes rather than spoken conversation, or a sign language interpreter. These examples are not meant to be an exhaustive list.

Individual with a disability for the purposes of a modification:

The ADA defines a person with a disability as a person who has physical or mental impairment that substantially limits one or more major life activities.

When determining disability consider the following:

- i. Does the person have an impairment?
Physical impairments affect bodily systems such as nerves, muscles, and immune system. Mental impairments include emotional or mental illness, behavioral disorders, and autism. Physical and mental impairments often overlap. For example, an injury can affect the brain, spinal cord and nervous system, which can influence emotional regulation and learning.
- ii. Does the impairment substantially limit major life activities?
An impairment is only a disability if it causes a limitation to a major life activity. Major life activities are activities essential to daily life such as walking, breathing, learning, and many others. An impairment is “substantially limiting” if the person cannot perform the major life activity the way an average person can. The “substantially limits” standard is not to be overly restrictive.

The ADA Amendments Act of 2008 requires that the definition of disability be interpreted broadly and should not require extensive analysis.

Reasonable modification- Review

“Reasonable” in the phrase “reasonable modification”:

Reasonable means that there is a connection between the request and the disability.

Examples:

A person who is blind may request someone to read a document while at an appointment with a Township employee.

A person who is deaf or hard of hearing may ask for a sign language interpreter or assistive listening device.

A person with a mobility disability may ask for a meeting to be held in an accessible location.

These examples are not meant to be an exhaustive list of examples.

A request may not be reasonable if the request can be met in a different, but equally effective, manner. The Township will consider the resident's preference when determining which modification is reasonable.

The Township does not provide individually prescribed devices or services that are not available to other, non-disabled, people.

For example:

Joel is not able to remove the snow from his sidewalk due to his disability; therefore, he asked the Township to shovel the snow. Because the Township does not provide this service for any resident, the Township will not provide the service as modification.

This example is not meant to be an exhaustive list.

“Modification” in the phrase “reasonable modification”:

A modification is a change in the way the Township currently operates that is necessary for a qualified person with a disability to have an equal opportunity to participate in civic activities.

“Qualified” in the phrase “Qualified” Individual with a disability:

For participation in programs, services and activities of the Township, a person is qualified if they meet the eligibility requirements of the program, service or activity.

Record Retention:

All information related to disability requests is confidential.

The Township will provide a copy of any written correspondence related to reasonable modification requests to the Director of Administration under the PA Right to Know Law

Requests to access disability related documents or information from entities not related to the Township shall be made to the Director of ADA Compliance.

Documents will be maintained in accordance with the record retention schedule.

Undue Burden:

The ADA does not require any action that would result in a fundamental alteration to the nature of the program or activity, would create a direct threat, or would cause an undue financial or administrative burden.

Additional information:

- i. Undue burden: If removing a barrier would be burdensome, then the department will consider if access or services can be provided in another form.
- ii. Direct Threat: Must be based on real, rather than perceived, threat and consider if the threat can be eliminated.

ADA Reasonable Accommodation form

Is this request related to a disability? Yes No

Request Information

What is your request?

- Wheelchair or mobility access
- Sign language interpretation
- Written material in large print
- Written material in braille
- Reader
- Accommodation for City employee at place of employment
- Other

Where is the change needed? _____

The name of the Township program, service, or activity where you need a change

If you have an address where the incident took place, please provide it here

Street Address _____

Street Address line 2 _____

City _____ State _____ Postal/Zip Code _____

Your Information

Name

First Name _____ Last Name _____

Email address _____

Home Address

Street Address _____

Street Address line 2 _____

City _____ State _____ Postal/Zip Code _____

Phone Number/TTP

() _____ - _____

ADA Grievance form

Is this request related to a disability? Yes No

Incident Information

When did the incident happen?

MM-DD-YYYY

You have 14 days to report a grievance

Where did the incident take place? _____

The name of the Township program, service, or activity where you need a change

If you have an address where the incident took place, please provide it here

Street Address _____

Street Address line 2 _____

City _____ State _____ Postal/Zip Code _____

Tell us about the incident and your concerns

What outcome are you seeking?

Have you already filed a grievance for this issue?

Yes No

Was anyone with you when the incident occurred?

Yes No

Provide any other information related to your request

ADA Grievance Form

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Your Information

Name

First Name _____ Last Name _____

Email address _____

Home Address

Street Address _____

Street Address line 2 _____

City _____ State _____ Postal/Zip Code _____

Phone Number/TTP

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