

Span, Inc.

**AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AND
SECTION 504 OF THE REHABILITATION ACT OF 1973
POLICY & PROCEDURES**

Adopted by Board May 25, 2022



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Introduction and Purpose: This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37, and 38). Span, Inc. operates transportation services on a demand response basis, maintains a multipurpose facility, and provides delivered and congregate meals. Span, Inc. complies with ADA/504 requirements with respect to such services.

Policy Statement: It is the policy of Span, Inc. to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA/504 regulations prevail. Span, Inc. provides quality transportation and meal services without discrimination to all persons including those with disabilities. Discrimination on the basis of disability against any person by Span, Inc. employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities;
2. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers regardless of mobility status;
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment;
4. allow unrestricted access to delivered or congregate meal services regardless of an individual's disability.

Applicability: This policy applies to all Span, Inc. employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by Span, Inc.

Definitions:

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

Demand Response Service: Operates along varying routes with a varying schedule to meet individuals' needs.

Mobility Device: A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also referred to as "mobility aid".

Securement Area or Station: A designated location for riders using wheelchairs, equipped with a securement system.

Securement Device, Equipment, or System: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Service Animal: Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability including, but not limited to: guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: 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.

General Guidance and Procedures for Implementing Policy

Recruitment and Employment: As stated in Span, Inc.'s personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA/504 in its recruitment, hiring, and continued employment practices.

Facility and Vehicle Accessibility: The Span, Inc. administrative facility and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37, & 38 and Section 504. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. Span, Inc. will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

Vehicle and Route Assignment: All demand response vehicles operated by Span, Inc. are accessible and persons with disabilities, including wheelchair users, can board any vehicle. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems will be maintained in operative condition. The preventative maintenance program of Span, Inc. provides for regular and frequent maintenance checks of these features as well as preventative maintenance as recommended by the equipment manufacturers.

Inoperative Lifts and Ramps: Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, Span, Inc. will apply the policy for a vehicle with an inoperative lift.

Wheelchair Accommodation: All accessible vehicles meet or exceed the requirements of 49 CFR Part 38. Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Span, Inc. will transport the device and its user.

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, Span, Inc. personnel are not permitted to operate a passenger's wheelchair. The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule, if necessary, and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pickup site. Only a properly trained driver can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

Wheelchair Securement: Span, Inc. requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Securement of wheelchairs is the responsibility of the driver. Seat belts and shoulder harnesses are required for all passengers. Seat belts will never be used in place of independent securement.

Passenger Assistance: Demand Response services will be provided on a door-to-door basis. The staff will not lift a passenger, leave a vehicle unattended or out of sight, enter a rider's home, care for service animals, operate a powered wheelchair, provide personal care attendant (PCA) service, administer medications, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than Span, Inc. can provide, the individual will be responsible for arranging for personal assistance. Staff will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance that can be provided by the driver and formally document this in a letter sent to the individual.

Accommodation of Other Mobility Devices: Mobility devices that are not wheelchairs, but which are primarily designed for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger and must be secured in a manner that does not interfere with the safe operation of the vehicle and the transport of other passengers.

Transfer to Fixed Seating: All passengers using wheelchairs have an option of transferring to fixed seating once aboard the vehicle. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

Service Animals: In compliance with 49 CFR Part 37, Span, Inc. allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a direct threat to the health or safety of other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine the safest location for passenger alighting. Only the driver will release a wheelchair from securement and operate the lift to return a passenger to ground level.

Transportation Staff Training: All drivers and staff are trained to proficiency in the use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts, ramps, securement systems, and other accessibility equipment.

Meals on Wheels Staff Training: All staff are trained regarding ADA/504 requirements and treat all persons with disabilities with respect and compassion.

Rider Information: All printed informational materials are made available in accessible formats upon request. For example, large print for individuals with impaired vision or audio for blind individuals. Electronic formats are also available.

Accessibility of Meals: Meals are delivered to eligible individuals' homes or places of residence. All congregate meal locations, none of which are under the control of Span, Inc., should adhere to ADA/504 regulations and be fully accessible to persons with disabilities. In the event that an accessibility issue is identified by or reported to staff, official notice will be made to the controlling entity for remediation. Documentation of the accessibility issue, the date, time, and method of notification, and any response from the controlling entity will be maintained for reporting and follow-up purposes.

Complaint Procedure: All complaints of discrimination on the basis of disability will be forwarded to the ADA/504 Coordinator and promptly and objectively investigated. The response to the complaint allegations will promptly be communicated to the complainant, including reasons for the response. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. Documentation of each complaint will be kept on file as prescribed by 49 CFR Part 27, which is one year.

Reasonable Modification of Policy: If a passenger with a disability requires modification of any Span, Inc. policy or practice to accommodate their disability to use the service, the passenger may request such a modification by contacting Transportation Manager. Span, Inc. will work with the individual to find an acceptable accommodation solution.

When a request for modification cannot practicably be made and determined in advance, operating personnel will make a determination of whether the modification should be provided at the time of the request. Operations personnel may consult with Executive Management before making a determination to grant or deny the request.

Requests for modification of policies and procedures may be denied only on one or more of the following grounds:

- Granting the request would fundamentally alter the nature of Span, Inc. services, programs, or activities;
- Granting the request would create a direct threat to the health or safety of others;
- Without the requested modification, the individual with a disability is able to fully utilize services, programs, or activities for their intended purpose.

If Span, Inc. denies a request for a reasonable modification, Span, Inc. shall take, to the maximum extent possible, other actions (that would not result in a direct threat or fundamental alteration of service) to ensure that the individual with a disability receives the services or benefits provided.