

Community Action Program, Inc. of Western Indiana Mobility for Area Citizens (MAC Van) ADA Policies

It is the policy of Community Action Program, Inc. of Western Indiana (CAPWI) to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended, including all programs, services, activities, operations, and relationships with – and accommodations/modifications of - employees, client-customers, and the general public, including but not limited to those stated below.

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

All recipients must keep federally funded equipment and facilities in good operating condition. Recipients must have policies and procedures to maintain vehicles. Recipients must maintain, in operative condition, those features of facilities, vehicles, and other capital equipment that are required to make them accessible. ADA accessibility features must be repaired promptly if they are damaged or out of order. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

Specific transportation provisions of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended, include but are not limited to the following requirements:

Equivalent Service: As required by the ADA, CAPWI has a sufficient number of, or access to, wheelchair accessible vehicles in our fleet regardless of employment status to ensure that individuals needing an accessible vehicle have equivalent access to our transportation services as ambulatory individuals.

Maintenance of Accessible Features on Vehicles: As required by the ADA, the accessible features on our vehicles are maintained in operative condition so that individuals needing these features receive equivalent service to individuals not needing those features. Accessibility features are repaired promptly if they are damaged or out of order. Drivers are required to report lift and ramp failures promptly.

Transporting and Securing Wheelchairs: A wheelchair is 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. CAPWI will transport passengers with wheelchairs, even in circumstances when the wheelchair cannot be secured to the driver’s satisfaction, unless the wheelchair exceeds the size or weight capacity of the wheelchair lift or ramp.

Adequate Time for Vehicle Boarding and Disembarking: As required by the ADA, CAPWI provides adequate time for boarding and disembarking our vehicles for individuals with disabilities. Additionally, CAPWI permits individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to board and/or disembark the vehicle.

Use of Portable Oxygen/Respirator Equipment: As required by the ADA, individuals using our transportation service may bring respirator, portable oxygen equipment, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into our vehicles safely and without obstructing the aisle and/or blocking emergency exits. Passengers must secure the equipment by means such as carrying the equipment using a shoulder strap or securing the equipment to a wheelchair or a seat.

Service Animals: As required by the ADA, any guide dog, signal dogs, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision or alerting individuals with impaired hearing, have access to our vehicles. All service animals must be kept under the control of their owner at all times and abides by local animal safety regulations.

Training in Wheelchair Securement, Sensitivity to Passengers: As required by the ADA, CAPWI trains its personnel to operate vehicles and equipment safely, assist passengers properly, and treat individuals with disabilities who use the service in a respectful and courteous way. A "Certified Trainer" in Passenger Assistance Safety and Security (P.A.S.S.) provides training to personnel prior to being released to drive for CAPWI.

Driver Use Of, and Assistance With, Accessibility Equipment: As required by the ADA, CAPWI personnel make use of all available accessibility equipment when needed and provide a reasonable level of assistance to passengers as necessary and upon request with lifts, ramps, and securement devices.

ADA Complaints: CAPWI discrimination related customer service complaints, including those associated with ADA regulations, are reported to ADOT Civil Rights Office and complaint documentation is maintained on file for one year. ADA related service complaint logs are kept on file for five years, per USDOT regulations.

Complaint Procedure: Any individual, group of individuals or entity that believes they have been discriminated against on the basis of disability by the Community Action Program, Inc. of Western Indiana (MAC Van) may file an ADA complaint by completing and submitting the agency's ADA Complaint Form.

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can

file a complaint of retaliation following the same procedure for filing a discrimination complaint.

A complaint must be filed with the Community Action Program, Inc. of Western Indiana (MAC Van) no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued of the latest instance of the conduct.

Once the complaint is received, the Community Action Program, Inc. of Western Indiana (MAC Van) will review it to determine if our office has jurisdiction. A copy of each ADA complaint received will be forwarded to the Indiana Department of Transportation within ten (10) calendar days of receipt. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Community Action Program, Inc. of Western Indiana (MAC Van) has 45 days to investigate the complaint. If more information is needed to resolve the case, the Community Action Program, Inc. of Western Indiana (MAC Van) may contact the complainant requesting further information. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the Community Action Program, Inc. of Western Indiana (MAC Van) can administratively close the case.

After the investigator reviews the complaint, the agency will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a ADA violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision it must direct the appeal to the agency initially. The complainant has 7 days after the date of the closure letter or the letter of finding to do so. If there is outstanding concern, the appeal may be directed to the state DOT or FTA. The appeal process information will be included in the letter.

Agency Contact: Amanda Coffing, 765-793-4881 or acoffing@capwi.org

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