



**AMERICANS  
WITH DISABILITIES ACT**

**POLICIES, PRACTICES  
& PROCEDURAL GUIDANCE  
FOR NASSAU COUNTY  
DEPARTMENTS, AGENCIES, AND  
ENTITIES**



<b>POLICY/PROCEDURE TITLE:</b> Nassau County Americans with Disabilities Act Policy County-wide Policy No. HHS-01	<b>DATE ISSUED:</b> January 20, 2005
<b>DEPARTMENT ISSUING:</b> Office for the Physically Challenged	

<b>POLICY:</b>	<p>The County of Nassau is committed to complying with the Americans with Disabilities Act (ADA), including all the provisions of Title II of the ADA, which protects the rights of the disabled to access state and local government services, programs and activities. Specifically, the County is committed to the following policy:</p> <p>No qualified disabled individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of Nassau County, or employment by Nassau County, or be subjected to discrimination by Nassau County in employment or in County public services, programs and/or activities including, but not limited to legislative meetings, informational materials, health and social services, employment, transportation, recreation and special events.</p>																										
<b>PURPOSE:</b>	<p>To ensure that all members of the public, including people with disabilities, are able to participate in and receive the benefits of Nassau County's services, programs and activities, including employment opportunities with Nassau County.</p>																										
<b>SCOPE:</b>	<p>All Nassau County Departments and Agencies</p>																										
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	<p># 2 Request for Accommodation Form # 3 ADA Accessible Meetings Notice</p>
<p><b>Laws and Regulations</b></p>	<ul style="list-style-type: none"> <li>• Americans with Disabilities Act, Title II (42 U.S.C. §12131 <i>et seq.</i>)</li> <li>• Department of Justice Regulations implementing Title II of the ADA (28 CFR Part 35)</li> <li>• Department of Justice Title II Technical Assistance Manual</li> <li>• ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) promulgated by the U.S. Architectural and Transportation Barriers Compliance Board</li> </ul>
<p><b>DEFINITIONS</b></p>	<p>County - County of Nassau</p> <p><b>Disabled Individual</b> - a person with a <i>“physical or mental impairment”</i> that substantially limits a <i>“major life activity”</i>, or <i>“has a record of such impairment”</i>, or <i>“is regarded as having such impairment”</i>. These definitional terms are further explained below.</p> <ul style="list-style-type: none"> <li>➤ <i>“Physical or mental impairment”</i> - (i) <i>Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss</i> affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) <i>Any mental or psychological disorder</i> such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.</li> <li>➤ <i>“Major Life Activities”</i> - include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.</li> <li>➤ <i>“Has a record of such an impairment”</i> - has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.</li> <li>➤ <i>“Is regarded as having an impairment”</i> - (i) Has a physical or mental <i>impairment that does not substantially limit major life activities</i> but that is treated by a public entity as constituting such a limitation; (ii) Has a physical or mental <i>impairment that substantially limits major life activities only as a result of the attitudes of others</i> toward such impairment; or (iii) Has no physical or mental impairments defined herein, but is treated as having such an impairment.</li> </ul> <p>The following are not disabilities:</p>

- i. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other *sexual behavior disorders*;
- ii. *Compulsive* gambling, kleptomania, or pyromania; and
- iii. Psychoactive *substance use disorders resulting from current illegal use of drugs*, provided, however, that a person may be protected under the ADA if he or she is *no longer using drugs* and is participating in or has successfully completed a supervised drug rehabilitation program; and, further, provided that, even *current drug users* have a right to access under the ADA to health services and services in connection with *drug rehabilitation*, but may be ejected from a rehabilitation program if they engage in illegal drug use while participating in the program.

**Qualified Disabled Individual** - individual who:

- *With respect to employment*, meets the skill, experience, education and other job-related requirements of a position held or desired, even if he or she meets such requirements only with a "*reasonable accommodation*" for his or her disability; or
- *With respect to County programs, services and activities*, meets the essential eligibility requirements for the services, programs and/or activities offered by Nassau County, even if he or she meets such requirements only with a "*reasonable accommodation*" for his or her disability.

"**Reasonable accommodation**" means an adjustment to duties, performance methods, and/or service delivery to meet the individualized need of a qualified disabled individual. The provision of a reasonable accommodation in a specific situation removes barriers that prevent or limit the participation in employment, services, programs and/or activities. This may include:

- *reasonable modification*" to the County department's rules, policies or practices;
- *removal of* architectural, communication or transportation *barriers*; or
- *provision of auxiliary aids and services*, which includes
  1. Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with

	<p>hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;</p> <ol style="list-style-type: none"> <li>2. Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;</li> <li>3. Acquisition or modification of equipment or devices; and</li> <li>4. Other similar services and actions.</li> </ol>
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## I. COUNTY PROGRAMS, SERVICES OR ACTIVITIES

### A. INTRODUCTION

The Congress enacted the Americans With Disabilities Act ("ADA") in 1990 to protect individuals with disabilities against discrimination in employment (Title I), state and local government programs and services (Title II, Subtitle A), and transportation (Title II, Subtitle B), public accommodations (Title III), and telecommunications (Title IV). This Policy/Procedure sets forth Nassau County's plan for complying with the requirements of Title II. Title II provides:

"Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Nassau County is committed to ensuring that it vigorously complies with this mandate. To this end, this Policy/Procedure provides ways of apprising disabled individuals of their rights and establishes a clear, efficient and fair process for them to seek enforcement of those rights. Sometimes, a particular change or accommodation may be needed to ensure full and equal

participation in County services, programs and/or activities. Making a service, program or activity available or accessible can usually be achieved through a combination of common sense, creativity and dialogue between a County representative and the person with the disability and/or his or her representative.

The Request and Resolution Process set forth herein is designed to promote prompt and equitable resolution of requests for accommodations and complaints relating to the ability of individuals with disabilities to access services, programs and/or activities.

## B. REQUEST AND RESOLUTION PROCESS

Any qualified disabled individual or his or her representative who requests an accommodation or who believes that conditions prevent or have prevented him or her from full and equal participation in any service, program and/or activity of the County may file a request for accommodation describing the problem. The following chart sets forth the process for disabled individuals to submit such requests and for departments to resolve them.

<p><b>Request Initiation</b></p>	<ul style="list-style-type: none"> <li>• In situations where a qualified disabled individual anticipates being unable to participate in a service, program and/or activity that is about to occur due to disability, oral requests may be made initially to permit prompt action.</li> <li>• If the situation is not resolved following an oral request, a request should be filed in writing or, when necessary, in another format that accommodates the requestor's disability. While written requests need not be on any specific form, request forms may be obtained from the Nassau County Office for the Physically Challenged (hereinafter referred to as "OPC").</li> </ul>
<p><b>To Whom Should The Request Be Addressed?</b></p>	<ul style="list-style-type: none"> <li>• Requests concerning access to County services, programs, and/or activities should be addressed to the ADA Liaison for the department responsible for the program, service or activity at issue. (A list of ADA Liaisons for all County departments is attached to this policy.)</li> <li>• If the requestor cannot identify or contact the appropriate</li> </ul>

	<p>department or the designated ADA Liaison for that department, he/she should contact:</p> <p>Nassau County Office for the Physically Challenged  60 Charles Lindbergh Blvd.  Uniondale, NY 11553  (516) 227-8990 (Voice), 227-8989 (TDD),  (516) 227-8991 (Fax)</p>
<p><b>Included Information</b></p>	<p>All requests, in whatever form, should identify the following:</p> <ul style="list-style-type: none"> <li>• Name, address and phone number of person filing request;</li> <li>• Name, address and phone number of the qualified disabled individual needing the accommodation;</li> <li>• The disability the person has that is preventing that individual from participating in the service program or activity. The County reserves the right to request medical verification of the disability, the functional limitations the disability causes and the need for the accommodation. If medical documentation is required, the person requesting the accommodation must sign a medical records release form.</li> <li>• The service, program and/or activity which is not fully available or accessible;</li> <li>• The manner in which the service, program or activity is not available or accessible;</li> <li>• The reasonable accommodation being sought and/or the type of action believed to be necessary to make the service, program or activity available or accessible (Examples: removal of physical barriers, change in program policies or procedures, provision of auxiliary aides or services, discussion with County employees responsible for delivering services or other possible accommodations).</li> <li>• Any witnesses to the incident or condition;</li> <li>• Any time-sensitive deadlines should be noted.</li> <li>• Investigations shall afford all interested persons and their representatives, if any, an opportunity to submit materials relevant to the request.</li> </ul>
<p><b>Request Timeline</b></p>	<ul style="list-style-type: none"> <li>• If a request for an accommodation is occurring prior to the service, program and/or activity then the request should be made seven days prior to the need for the accommodation or as soon as the individual is made aware of the need for the accommodation.</li> <li>• If a qualified disabled individual has been unable to participate in the service, program and/or activity, s/he should report the condition to the County so that the County can</li> </ul>

	avoid any similar situation in the future.
<b>Who Responds</b>	<ul style="list-style-type: none"> <li>• Upon receipt of a request, the departmental ADA Liaison will investigate the condition or situation.</li> <li>• The departmental ADA Liaison may seek the assistance of the Director of the Office of the Physically Challenged (“the Director”) in investigating and responding to the request.</li> <li>• After investigating the request, the ADA liaison will make a recommendation to the appropriate departmental Commissioner and/or Director or his/her designee.</li> </ul>
<b>Request Approval</b>	The response must be reviewed and approved by the appropriate departmental Commissioner and/or Director, or his/her designee prior to the response being sent to the requestor.
<b>Who Receives Copies of the Response</b>	<ul style="list-style-type: none"> <li>• The departmental ADA Liaison will provide a response in writing to the requestor. Upon request, the response will be in an alternative format accessible to the requestor.</li> <li>• A copy of the approved response should also be forwarded to the Director of the OPC to the appropriate departmental Commissioner and/or Director or his/her designee.</li> </ul>
<b>Accommodation Timeline</b>	If the request for an accommodation is approved, the department shall provide the accommodation without undue delay.

### C. RECONSIDERATION PROCESS

<b>Reconsideration</b>	<p>The requestor can request reconsideration for the original request if he or she is dissatisfied with the County’s response.</p> <ul style="list-style-type: none"> <li>• The request for reconsideration should be addressed to the Director of the OPC, in writing. An alternative format accessible to the requestor may also be used.</li> <li>• The requestor must seek reconsideration within ten (10) days of receipt of the County’s response to the original request.</li> <li>• The Director of the OPC will respond to any request for reconsideration within 15 business days of receiving the request.</li> <li>• The response to the reconsideration request must be approved by the department Commissioner and/or Director, or by his/her designee.</li> <li>• The response to any request for reconsideration shall be filed with the departmental Commissioner and/or Director or with his/her designee before it is sent to the requestor.</li> <li>• If the request is approved, the department shall provide the accommodation without undue delay.</li> </ul>
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<b>Records That Must Be Maintained</b>	The ADA Liaison shall maintain a file relating to each request and the response thereto. Records will be maintained pursuant to the County retention policies.
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## **II. EMPLOYMENT**

### **A. INTRODUCTION**

Nassau County will not discriminate against people with disabilities concerning any employment practices or terms, conditions, and privileges of employment. The County, in accordance with law, will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship.

### **B. REQUEST AND RESOLUTION PROCESS**

<b>Request Initiation</b>	The procedures set forth in the Nassau County Equal Employment Policy should be followed by any qualified disabled individual who seeks a reasonable accommodation with respect to his or her employment or the employment application process or desires to complain that he or she has suffered harassment or discrimination in his or her employment or in the employment application process.
<b>Nassau County Equal Employment Policy</b>	<ul style="list-style-type: none"> <li>• A copy of the Nassau County Equal Employment Policy may be obtained from the Departmental Equal Employment Officer and/or</li> <li>• The Director of Equal Employment Opportunity. Nassau County Department of Human Resources One West Street Mineola, New York 11501 (516) 571- 6176</li> </ul>

### III. POSTING AND DISTRIBUTION OF POLICY

This section of the County's Title II Policy/Procedure sets forth the steps that departments must take to educate the public and their staffs regarding the protections provided under Title II of the ADA.

<p><b>Nassau County's ADA Notice</b></p>	<p>The Office of the Physically Challenged has developed an official County "ADA Notice" that states that:</p> <ul style="list-style-type: none"> <li>• Disabled individuals who are qualified for a County service, program or activity shall not be denied access by reason of their disability; and</li> <li>• The County has a procedure for disabled individuals to request an accommodation to enable access to County services, programs or activities and provides the contact number for the County Office for the Physically Challenged and for the pertinent department's ADA liaison.</li> <li>• The Accessible Meetings Notice, which is appended hereto as Form #3, shall be included in all printed and/or other materials used to promote all services, programs and/or activities that the public is invited to attend.</li> </ul>
<p><b>Posting of County's ADA Notice</b></p>	<p>The official County ADA Notice shall be posted:</p> <ul style="list-style-type: none"> <li>• On the County's web site;</li> <li>• In any County office where the public comes for services, programs or activities;             <ul style="list-style-type: none"> <li>- Such notice should be placed centrally and conspicuously in any such office so that interested members of the public are readily able to find it and read it;</li> </ul> </li> <li>• At any other location under the jurisdiction of a County department or agency where the department or agency, in its sound discretion, has determined that having such notice would be beneficial; and</li> <li>• In all printed and/or other materials used to promote all services, programs and/or activities that the public is invited to attend.</li> </ul>
<p><b>Policy Copies Availability</b></p>	<p>A copy of this policy may be obtained from the pertinent department's ADA liaison and/or from the Office of the Physically Challenged, 60 Charles Lindbergh Blvd, Uniondale, New York 11553</p>

FORM #1

**THE COUNTY OF NASSAU IS COMMITTED TO COMPLYING  
WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

No qualified disabled individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of Nassau County, or be subjected to discrimination by Nassau County in its public services including, but not limited to legislative meetings, informational materials, health and social services, employment, transportation, recreation and special events.

Nassau County has established an Americans with Disability Policy. To obtain a copy of the policy or to request an accommodation or assistance due to a disability, please contact either the Departmental ADA liaison: \_\_\_\_\_ at \_\_\_\_\_;

OR

Office for the Physically Challenged, at 227-8990 (for persons with hearing limitations - TDD 227-8989)

COUNTY OF NASSAU  
ADA REQUEST FOR ACCOMMODATION FORM

Requests concerning access to County services, programs, and/or activities should be addressed to the ADA Liaison for the department responsible for the event, program, service or activity at issue. If the requestor cannot identify or contact the appropriate department or the designated ADA Liaison for that department, he/she should contact:

Nassau County Office for the Physically Challenged, 60 Charles Lindbergh Blvd., Uniondale, NY 11553 or by phone: (516) 227-8990 (Voice), 227-8989 (TDD), 227-8991 (Fax).

Any time-sensitive deadlines (list date): \_\_\_\_\_

1. Person filing request:

Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Address: \_\_\_\_\_

2. Qualified disabled individual needing the Accommodation: (If different)

Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Address: \_\_\_\_\_

3. State the disability the person has that is preventing that individual from participating in the service program or activity. The County reserves the right to request medical verification of the disability, the functional limitations the disability causes and the need for the accommodation. If medical documentation is required, the person requesting the accommodation must sign a medical records release form.

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4. The service, program and/or activity that is not fully available or accessible (list dates of events, service, program and/or activity):

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5. The manner in which the service, program or activity is not available or accessible:

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6. The reasonable accommodation being sought and/or the type of action believed to be necessary to make the service, program or activity available or accessible (Examples: removal of physical barriers, change in program policies or procedures, provision of auxiliary aides or services, discussion with County employees responsible for delivering services or other possible accommodations).

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7. Any witnesses to the incident or condition:

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Form #3

ACCESSIBLE MEETINGS NOTICE

THE NASSAU COUNTY \_\_\_\_\_  
(Agency Name)

IS COMMITTED TO MAKING ITS SERVICES, PROGRAMS, ACTIVITIES AND EVENTS ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. IF YOU NEED AN ACCOMMODATION OR ASSISTANCE DUE TO A DISABILITY, TO PARTICIPATE IN THE SERVICES, PROGRAMS, ACTIVITIES AND/ OR EVENTS IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT

\_\_\_\_\_ AT \_\_\_\_\_  
(ADA Departmental Liaison) (phone number)

OR

PHYSICALLY CHALLENGED, AT 227-8990

(FOR PERSONS WITH HEARING LIMITATIONS AT TDD 227-8989.)