



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

Accessibility

ADA Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Kingsport will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of the ADA Coordinator at (423) 229-9309 as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator at (423) 229-9309.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

ADA Coordinator:

George DeCroes, Human Resources Manager
City of Kingsport
301 Louis Street, Suite 303
Kingsport, TN 37660
Phone No.: (423) 229-9309
Fax No.: (423) 343-9788

City of Kingsport
Other Power-Driven Mobility Devices (OPDMD)
Guidance to Employees

Purpose

The purpose of this document is to comply with the Americans with Disabilities Act of 1990 as amended and provide city employees with guidance on the use of Other Power-Driven Mobility Devices in our facilities or when needed to participate in city programs, services, or activities.

Definitions ([U.S. DOJ Requirements on Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices](#))

Wheelchair – “a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.”

Other power-driven mobility device – “any mobility device powered by batteries, fuel, or other engines ... that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices...such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.”

People with disabilities may use manual or power wheelchairs or scooters, and manually-powered mobility aids such as walkers, crutches, and canes, if needed to participate in city programs, services and activities.

People with disabilities may use OPDMDs unless a particular type of device cannot be accommodated because of legitimate safety requirements. When the city does not allow a particular type of device, we will provide the service using alternative methods if possible, *e.g.*, provide services in an alternate location.

City of Kingsport employees will not ask people using OPDMDs about their disability.

Credible Assurance

Employees are allowed to ask the person using an OPDMD device to provide credible assurance that the device is being used because of a mobility disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, employees will accept this as a credible assurance. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability, employees will also accept this as credible assurance unless the person is observed doing something that contradicts this assurance. The fact that a person with a

disability is able to walk for a short distance does not necessarily contradict a verbal assurance.

In order to determine if a particular type of OPDMD can be used in our facilities or is needed to participate in city programs, services or activities the following five factors will be considered.

1. The type, size, weight, dimensions, and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. The facility's design and operational characteristics (*e.g.*, whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
4. Whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Employees will consider these assessment factors as related to an entire class of device type, not to how a person with a disability might operate the device.

All types of devices powered by fuel or combustion engines will be excluded from city indoor facilities for health and environmental reasons, but may be deemed acceptable in some outdoor city activities. Also, for safety reasons, larger electric devices such as golf cars will be excluded from indoor areas.

The city will allow smaller devices such as Segways in most circumstances. Each decision on use of OPDMD will be made on a case-by-case basis.

If the city allows use of an OPDMD it will require users to operate them at a safe speed and let them know if there are any areas where the devices cannot be used. If a device cannot be used the city will provide storage for the device if available.



Emergency Services – Guide

ADA: Effective Communications with Persons with Disabilities

The Americans with Disabilities Act (ADA) was passed into law in 1990 to ensure that people with disabilities are afforded the same rights and privileges as non-disabled individuals. The City of Kingsport is dedicated to ensuring that no qualified person with a disability be excluded from participating in, or denied the benefits of the programs, services, and activities provided by the city based on a disability.

Safety

Emergency service providers must be aware of their personal safety and the safety of the public. Be aware when contacting persons with disabilities, not to adopt a false sense of security. There are no “boiler plate” tactics to employ when contacting all persons with a disability, but this guide will provide some pointers and existing tactics.

Disability Etiquette

- Introduce yourself. Shake hands or touch the person on the arm or shoulder to welcome and acknowledge their presence. Treat people as you would like to be treated!
- Be yourself – everyone will feel more comfortable if you relax. Speak directly to that person – face to face. If the person is in a wheelchair, use a chair, in order to communicate at the person’s eye level.
- Be courteous, but not condescending. Offer assistance in a dignified manner with sensitivity and respect and realize that asking first is better than assuming help is needed.
- Words Set the Tone – So use Words with Dignity. Place the individual first – “a person with a disability.” Avoid words such as, “handicapped” or “cripple” which are not only inappropriate and outdated but, demeaning.

Medical Attention to Disabled Person

- Mobility devices should be transported along with individuals. In such instances, where the device is too large to transport with the individual the device can be transported by another agency or service provider. Contact Dispatch for assistance.
- People with disabilities should not normally be separated from their service animals even in places where pets are typically not allowed. Service animals shall be permitted to accompany their owners in ambulances, *etc.* unless the presence of the animal will disrupt emergency or urgent care or there is some basis for crew members to believe that the safety of the crew, the individual or others would be compromised by the presence of the service animal being transported with the individual being served. Acceptable alternative methods of transporting service animals to receiving facilities include family, friends, or law enforcement.
- Please consider documenting if the patient utilizes a service animal, and whether the animal was transported with or without the patient, the means used to transport, and describe the reason the animal was not transported with the patient.

Calling for Assistance

General Accessibility Concerns & Questions

ADA Coordinator, George DeCroes

Phone No.: (423) 229-9309, ADAcontact@KingsportTN.gov

Sign Language Interpreter

In compliance with the ADA, all Kingsport emergency service have access to Sign Language Interpreters 24 hours a day at **(800) 207-10424 PIN 56123**.

Language Line is available 24 hours a day for translation services in various languages including ASL via video phone at **(800) 207-1424 PIN 56123**.

Service Animals – Critical Issues

Service animals assist people with various disabilities some of which are apparent or invisible. Never touch a service animal or the person it assists without permission. Service animals are working so do not distract them as loss of their concentration could put their owners in danger. A service animal is not required to have any special certification.

- Per Tenn. Code Ann. § 62-7-112, it is illegal to interfere with the use of a service animal and to deny access to a disabled person because of a service animal in a public conveyance or accommodation.
- Handling service animal calls – determine if the animal is a service animal by asking if the animal is a pet or service animal. You should not ask a person about their disability, however; you can ask how the animal assists that person. Certification or other proof as a service animal is not required.
- Incident reports are suggested when persons are refused access to any local establishment, *etc.*

Arrest – Disabled Persons

- Disabled persons may be allowed to transport themselves from their device to the rear of the patrol car. Mobility devices may be transported along with individuals.
- Be aware that some disabled persons may not be able to sit in an erect position or have the upper body strength to transfer themselves. In such instances, alternative transportation can be requested to transport in their device via another agency or service provider. Contact Dispatch for assistance.
- Consider documenting if the arrestee utilizes a service animal, whether the animal was released to a third-party (by consent of arrestee only) or transported by animal services.

Deaf and Hard of Hearing

People who are deaf or hard of hearing will have varying degrees of hearing loss, different cultural identities, and a wide range of communication needs. Members of the American Deaf culture community share a common language, American Sign Language (ASL), which has its own grammar distinctly different from English. ASL is not universal, but rather, the most used language by individuals in the United States.

- For many, the correct term is Deaf. Others describe themselves as Hearing-Impaired, Hard of Hearing or deafened.
- **Never** use terms such as, deaf-mute, dumb, or handicapped.
- **Always ask** the individual directly which term is preferred.

Approaching Persons who are Deaf or Hard of Hearing

- **Get the persons' attention** with a wave or gentle tap on the shoulder.
- **Face the person**, maintain eye contact. Make sure there's adequate lighting.
- **Identify yourself** using visual cues. Point to your name tag and star.
- **To ask if the person is deaf**, point with one hand to your ear and mouth and then to the person.
- **Ask the person directly**, or in writing, for his or her preferred mode of communication.
- **If the person prefers to lip-read**, speak normally and ask if you can be understood.
- **Do not assume a lip-reader**, can understand everything only 30% of speech is discernable by lips.
- **Offer to communicate in writing** when necessary. Do not assume the person is fluent in English.
- **If the person prefers ASL**, call an interpreter.
- **Do not rely on family members or friends** to communicate. The law mandates the services of a qualified interpreter.

Vision Impairments

Some indications that a person may be blind or visually impaired could be the use of a white cane, guide dog or service animal, jerky motion of the eyes, positioning themselves close to material to read, or they may rock back and forth when standing. This behavior may appear to indicate intoxication; be sure to investigate the cause of this behavior prior to making any judgments.

- **Identify yourself** as an officer/firefighter. When interviewing persons with vision impairments it may be helpful to have them walk you through the incident or location.
- If you must assist, offer your arm and let the individual take it; do not lead or grab the person's arm, clothing or cane. **Avoid Exposing Your Gun Side.**
- **Check the person before touching** his/her person or service animal. The animal by nature and training is protective of their owner.
- **Do not shout**, but do give the individual verbal cues and explain if you are leaving, moving, *etc.*

Developmental Disabilities

A disability which originates before an individual attains age of 18 continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy, autism, and disabling conditions closely related to mental retardation.

- **Do not assume** people with **Developmental Disabilities** are "mentally ill."
- **Common behaviors** may include slow response times, difficulty speaking, understanding instructions, and ability to recall certain facts. **Be patient.**
- **Keep conversations simple.** Repeat questions or ask questions in different ways.
- Don't ask leading or yes/no questions.

Mobility Impairments

Lack of mobility may be caused by nervous system damage, muscular-skeletal injury, disease, aging, accident, or may be a result of an act of violence. Devices include wheelchairs, canes, motorized scooters, braces, and walkers.

Take a person with mobility impairment as you would anyone else. Do not take a condescending position and do not lean on their device (*i.e.* wheelchair).

In some situations it is more effective to communicate with the person at **eye level** but, do not pace yourself at a disadvantage. **Step back a few feet from the device to create a safety zone.**

STAFF TOOLKIT



Guide for the City of Kingsport Employees to Title II of the Americans with Disabilities Act (ADA) *Serving our Customers with Disabilities*

The Americans with Disabilities Act

On July 26, 1990, the Americans with Disabilities Act (“ADA”) was signed into law under the principal that this legislation would “let the shameful wall of exclusion finally come tumbling down.” ADA is one of the most important civil rights laws enacted since the Civil Rights Act of 1964, prohibiting discrimination against persons with disabilities. Under the ADA, city facilities, programs, services, and activities must be accessible to persons with disabilities.

The City of Kingsport is dedicated to ensuring that no qualified person with a disability be excluded from participating in, or denied the benefits of, the programs, services and activities provided by the city based on a disability. There are more than 50 million Americans with disabilities – nearly 18% of our population estimates suggest. City employees are expected to be aware of and respectful of the various types of disabilities individuals may have. Disabilities may include the following: mobility, blindness and vision, deafness and hearing, speech and language, and mental and learning disabilities. Some disabling conditions are not readily apparent and some are invisible.

Accommodations for Individuals with Disabilities

The city is fully committed to providing access for individuals with disabilities and improvements to access have been and continue to be made. While it is not required that every area of every city facility be accessible, it is required that city programs and services be accessible. Periodically, department staff may receive requests for accommodations to allow individuals to participate in and benefit from city services. Staff should contact the ADA coordinator for available resources. When responding to a request or accommodation, city personnel are expected to respond graciously to requestors and to make a good faith effort to meet their needs, in a timely manner. This should include exploration of various alternatives, which may include:

- relocation of a program or activity;
- provision of services at alternative accessible sites;
- delivery of services;
- provision of auxiliary aides (e.g. readers, interpreters, mobility assistants, hearing devices);
- provision of information in an alternative format (e.g. audio tape, large print, braille conversion); and
- structural alterations.

Alternatives that integrate a participant with disabilities with other program participants are preferred. Although some additional costs may be incurred in accommodating the individual, these costs may not be passed on to the individual in the form of surcharges. Ideally, the chosen accommodation will be acceptable to the individual and feasible for the city. However, in some cases it may not be possible to

reasonably accommodate the individual. The city's obligation under Title II of the ADA must not cause undue financial and administrative burdens to the city or fundamental alterations in the nature of the program, service, or activity. These determinations are best made based on the judgment and knowledge of the department staff and the city ADA coordinator.

Any request and the departmental response should be documented using the Request for Accommodation form. Inabilities to provide an accommodation due to a determination of fundamental alteration or undue burden should be made in consultation with the city's ADA coordinator and include a written statement of the reasons for reaching that conclusion.

Disability Etiquette

To ensure full participation by all community members it is imperative that individuals with disabilities feel welcomed and respected. One way to make people with disabilities feel welcomed is by practicing disability etiquette.

- Introduce yourself. Shake hands or touch the person on the arm or shoulder to welcome and acknowledge their presence. Treat people as you would like to be treated!
- Be yourself – everyone will feel more comfortable if you relax. Speak directly to that person – face to face. If the person is in a wheelchair, use a chair, in order to communicate at the person's eye level.
- Be courteous, but not condescending. Offer assistance in a dignified manner with sensitivity and respect and realize that asking first is better than assuming help is needed.
- Words Set the Tone – So use Words with Dignity. Place the individual first – “a person with a disability.” Avoid words such as, “handicapped” or “cripple” which are not only inappropriate and outdated but, demeaning.
- Allow a person with visual impairments to take your shoulder or arm at or about the elbow. This will enable you to guide rather than lead the person.
- Service animals assist persons with various disabilities some of which are apparent and others invisible. Never touch a service animal or the person it assists without permission. Service animals are working hence; do not distract them as loss of their concentration could put their owners in danger. A service animal is not required to have any special certification.
- Remember not all disabilities are apparent. Respect an individual's needs and request whenever possible.

It's About Customer Service

Providing access to city programs and services to individuals with disabilities is not just about complying with the law. It is about providing good customer service and being responsive. It is realizing that a disability does not define the individual, but that each person is unique and deserves respect and consideration, regardless of whether or not that person has a disability.

If you have any questions or need information about available resources, contact the ADA coordinator:

George DeCroes, ADA Coordinator
301 Louis Street, Suite 303, Kingsport, TN 37660
Phone: (423) 229-9401 ext. 5 Fax: (423) 343-9788
Email: ADAcontact@KingsportTN.gov



CITY OF KINGSPORT

AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR
301 LOUIS STREET, SUITE 301
KINGSPORT, TN 37660
PHONE: (423) 229-9401 ext. 5 FAX: (423) 343-9788
EMAIL: ADAcontact@KingsportTN.gov

REQUEST FOR ACCOMMODATION OR BARRIER REMOVAL

Check One: ☐ Accommodation ☐ Barrier Removal

Name of
Complainant: _____
Last MI First

Address: _____
City: _____ State: _____ Zip: _____

Telephone No.: _____ Email: _____

Preferred Method of Contact: *(Check all that apply)*

☐ Voice Telephone ☐ TTY ☐ CRS ☐ Email ☐ US Mail ☐ Other: _____

Accommodation needed or location of barrier:

Brief statement of why the accommodation is needed or the barrier removed:

NOTE: Barrier removal requests are conducted and prioritized by the city with regard to budget and scheduled projects.

Date accommodation is needed: _____

Certification: I certify that I have a disability or medical condition that required reasonable accommodation, which will be met by acquiring the equipment, services or work adjustments described above.

Signature: _____ Date: _____

If person needed accommodation is not the individual completing this form, please provide:

Representative's Name: _____

Address: _____

Telephone No.: _____

For more information or assistance in completing the form, please contact the ADA Coordinator via (423) 229-9401 ext .5 or ADAcontact@kingsporttn.gov.

ADA Public Notice



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