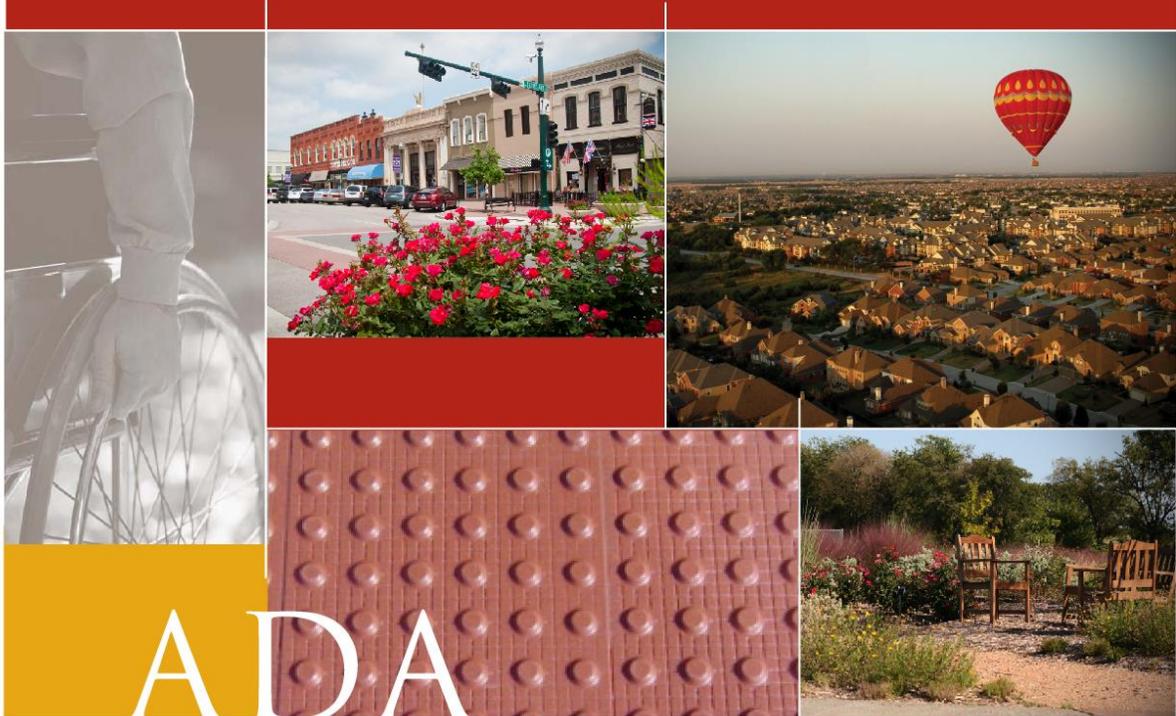


# CITY OF MCKINNEY



# ADA

## SELF EVALUATION AND TRANSITION PLAN



September  
2019 Update

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## Introduction

The Americans With Disability Act (ADA) is a comprehensive national civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The United States Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

The ADA requires all public entities to evaluate their programs, services and activities and modify any that do not meet ADA requirements. Public entities with 50 or more employees are also required to develop a transition plan detailing how and when non-compliant programs, services and activities will be brought into compliance with the ADA. In 2014, the City of McKinney conducted a self-evaluation. Based on the information gathered from that process, the City developed a new transition plan and published it in April, 2015. While the ADA does not specifically require public entities to provide updates to transition plans, they are encouraged to do so. The City takes a proactive stance in meeting the requirements of the ADA and this document is the second update to the 2015 Transition Plan.

## Requests for Accommodation or Modification

Twenty-three requests for services related to ADA issues were received by the ADA Coordinator from January 2017 through September 2019. Twenty-one of those requests were closed upon completion of the desired improvements. One was closed after determining the City already provides the required accommodation. The most complex request required reprogramming the City’s main phone number to accept voice prompts in addition to touch prompts. Other improvement made as a result of these requests included the installation of ADA compliant curb ramps, accessible parking and adaptive swings. When requests for Title III matters were received, correct Federal, State or local contact information was provided.

Although the City provides a formal ADA Non-Discrimination Policy and Grievance Procedure, no Grievance Forms were submitted during this two year period. Appendix A is the current version of the ADA Non-Discrimination Policy and Grievances Procedure.

During this same time period, the City improved accessibility in many of its City facilities (buildings and parks) and in the public Rights of Way (sidewalks and curb ramps). A detailed list of the items completed is shown in Appendix B.

## Off-Site Training for ADA Coordinator

The City’s ADA Coordinator annually attends continuing education courses to maintain her Texas Registered Accessibility Specialist (RAS) license. She also attended the Fall 2018 National Association of ADA Coordinators Conference and the 2019 National ADA Symposium to maintain her Professional Associate (PA) and American with Disabilities Act Coordinator (ADAC) credentials.

## On-Site Training provided by an Accessibility Consultant

Maintaining Access: A Title II Requirement (provided to Building Maintenance)

Public Rights of Way Training (provided to Streets crews)

## On-Site Training provided by ADA Coordinator

New Employee Orientation (held monthly): ADA Coordinator provides overview of City's obligations under the ADA

## Training webinars scheduled by ADA Coordinator and made available to City staff

U.S. Access Board: Final Rule Updated Section 508 Standards and Section 255 Guidelines

U.S. Access Board: Section 508 Best Refresh – ICT Final Standards and Guidelines

U.S. Access Board: Accessibility Guidelines for Transportation Vehicles

Pacific ADA Center: Emergency Management and Preparedness – Inclusion of Persons with Disabilities

Office of the Texas Governor Committee on People with Disabilities: Cultural Competency for Individuals who are Deaf or Hard of Hearing

Office of the Texas Governor Committee on People with Disabilities: Communication Access Strategies for People who are Hard of Hearing

Office of the Texas Governor Committee on People with Disabilities: Service Animals and Emotional Support Animals in Housing

Office of the Texas Governor Committee on People with Disabilities: Accessible Parking and Disabled Parking Placard Abuse

Office of the Texas Governor Committee on People with Disabilities: Accessible Parking Enforcement

Great Lakes ADA Center: Disability Harassment in the Workplace

U.S. Access Board: Surface Roughness and Rollability Research

U.S. Access Board: Accessible Exterior Routes and Surfaces

TransCen, Inc. and Mid-Atlantic ADA Center: Serving Customers with Disabilities: A Toolkit

Southwest ADA Center: Got Your Car Keys? Ready? Here We Go Again, Talking About Parking and the ADA

U.S. Access Board: Accessible Sidewalks, Shared Use Paths and Street Crossings

TransCen, Inc. and Mid-Atlantic ADA Center Promoting Independence and Access through Responsible Design:

- Part 1 Obligations and Sidewalk Basics
- Part 2 Safe and Accessible Intersections
- Part 3 Curbside Access
- Part 4 Ensuring Access on Public Right of Way Projects

Each department is responsible for having their staff watch Relay Texas (711) training videos.

As training is completed, department liaisons are responsible for entering their department's information into the City's ADA Training spreadsheet kept on the City's shared drive.

## Other

A portable vertical platform lift was purchased in 2018 and is housed at the McKinney Performing Arts Center. This allows the City to provide greater wheelchair accessibility during the City's temporary events.

During this Transition Plan Update cycle, the ADA Coordinator met with each department's ADA liaison. Findings from these meetings:

- Very few departments received any accommodation request, but all were addressed or are being addressed (see Introduction).
- A limited access Excel document has been created to manage incoming requests and complaints. Information is kept for a minimum of three years.
- Existing employees were reminded that the City has an ADA Coordinator and how to contact her. As new employees are hired, this information is shared at the monthly New Employee Orientation meetings.
- Information about keeping accessible paths, service counters and other areas of City facilities barrier free to the maximum extent possible were reviewed with the ADA liaisons.
- A guided review of the ADA Compliance page on the employee intranet was provided to the ADA liaisons. A wide variety of resources are provided such as Federal and State regulations and provider information for services such as Braille and sign language interpretation.
- The need for a small card that provides information such as ADA Coordinator contact information, allowable service animal questions, basic etiquette, and keeping facilities barrier free was identified and is in process.

The City's ADA Coordinator will continue working with all departments to help ensure accessibility is maintained or increased for all of the City's programs, services and activities. Appropriate information and resources will be provided to departments to help better serve all citizens. The ADA Coordinator will also continue working with all people who call in seeking accommodations or information.

# Appendix A

## AMERICANS WITH DISABILITIES ACT NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

### Non-Discrimination Policy

The City of McKinney is committed to ensuring that people with disabilities are able to take part in and benefit from the variety of public programs, services and activities offered by the City. The City of McKinney continues to modify its facilities, programs, policies and practices as necessary to ensure such access is provided.

### ADA Grievance Procedure

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008, the City of McKinney (City) does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs and activities.

Title II of the Americans with Disabilities Act requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of grievances. The purpose of this ADA grievance procedure is to resolve, as promptly as possible, any problems, grievances or conflicts related to the City's ADA compliance without the need for grievant to resort to other remedies under the law.

### ADA Grievance Procedure Questions and Answers

1. Who may file a grievance?

- You or your authorized representative may file an ADA grievance if you believe that:
- The City is not in compliance with the physical access requirements of the ADA Act related to public facilities, land, or rights of way; or
- You, or a specific class of individuals, have been denied access to participate in City programs, services or activities on the basis of disability; or
- You or a specific class of individuals, have been otherwise subjected to discrimination on the basis of disability by the City of McKinney; or
- The City has otherwise violated the ADA.

Current City of McKinney employees are to contact the Human Resources Department should they have ADA issues or concerns.

2. When should a grievance be filed?

Before filing a grievance, you may seek informal resolution by contacting the City's Designated ADA Coordinator:

Samantha Frison  
972-547-2694  
contact-adacompliance@mckinneytexas.org  
1515 S. College St.  
McKinney, TX 75069

If your informal concern is not resolved in a timely fashion, you may file a formal grievance under this procedure.

You are encouraged to file your grievance as soon as possible, but within 60 business days.

3. What should the grievance include?

The grievance should be in writing and contain information about the grievance, submission date, name, address, telephone or cell phone number of grievant, location, date and description of the problem. A grievance form is available at the City for your convenience, but is not required to be used.

4. What if I need assistance filling out my grievance?

An alternate means of filing grievances, such as personal interviews or audio recording of the grievance, will be made available upon request for persons with disabilities.

5. What happens after I file my grievance?

After receiving your grievance, the ADA Coordinator will investigate within 15 business days. The investigation may include you and any other person(s) the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence submitted.

After completing the investigation, the investigator will review the factual information gathered. The ADA Coordinator will then issue a written response.

6. When will I receive a response?

The ADA Coordinator will provide a response within 15 business days.

7. Should I be concerned that a City officer or employee might retaliate against me if I file a grievance?

The City does not retaliate against any person for filing a grievance, and does not permit retaliation by its officers or employees. Please notify the ADA Coordinator of any perceived retaliation.

8. What can I do if I am not satisfied with the initial investigation?

If you are not satisfied with the findings of the investigation, you may submit an appeal to the City Manager within 15 business days of your receipt of the written response, stating the reasons for the appeal. An alternate means of filing an appeal, such as personal interviews or audio recording of the appeal, will be made available upon request for persons with disabilities.

Within 15 business days after receipt of the appeal, the City Manager, or his/her designee, will meet with the grievant to discuss a resolution. Within 15 business days after the meeting, the City Manager, or his/her designee, will respond with a final resolution.

You may file your appeal at the following address:

City of McKinney  
City Manager's Office  
222 N. Tennessee St.  
McKinney, TX 75069

If you are not satisfied with the results of the appeals, you may file a complaint with the appropriate agency or department of the State or Federal government. Contact the U.S. Department of Justice or the Texas Department of Licenses and Regulation for information about how to file a complaint with these agencies.

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of the grievance, the City encourages you to use this procedure in addition to any other available alternatives you may choose.

9. How long are grievances kept?

All grievances received by the ADA Coordinator and appeals received by the City Manager will be kept by the City of McKinney for at least three (3) years.

# Appendix B

## 2017 – 2019 ADA UPGRADES – SCOPE OF WORK COMPLETED

### Park Improvements

Replenishment of engineered wood fiber in all City maintained parks; approximately 36 play areas.

Al Ruschhaupt Phase II Park: installed adaptive swing, replaced artificial turf and engineered wood fiber due to flood damage

Ash Woods Park: installed adaptive swing

Aviator Park: installed adaptive swing

Bonnie Wenk Park (Phase 2): All Abilities playground opened

E. A. Randles Park: installed adaptive swing

Eubanks Park: Installed adaptive swing

Falcon Creek Park: installed adaptive swing

Senior Center Pool Park: removed and replaced 100 square feet of sidewalk on north side of the pool at the drive approach; removed and replaced curb ramp at drive approach

Towne Lake Park: replaced playground equipment; installed 285 square feet of concrete sidewalk, installed a landing and accessible ramp into the playground.

Winniford Park: replaced playground equipment; installed accessible ramp into play area

Whisenant Park: installed adaptive swing

### Facilities Improvements

City Hall Council Chambers: updated Audio Visual systems; added listening device system with four headsets available.

Two downtown public parking lots: Parking Lot 1 was renovated (8 accessible spaces and 194 parking spaces); the First United Methodist Church Parking Lot converted an empty lot to a new parking area (4 accessible spaces and 90 spaces).

HR, Utility Billing and Information Technology: have moved to new locations in historic downtown McKinney; interior finish-outs are substantially compliant.

Code and Housing and Community Development: moved to a new location north of historic downtown McKinney; interior finish-outs substantially compliant; improvements to accessible public-side parking were made.

Chestnut Commons Parking Garage: completed; substantially compliant; increased available parking in downtown McKinney including 10 new accessible parking spaces, two of which are van accessible.

Community Center: two restrooms renovated to current ADA standards; sidewalks and parking constructed to current ADA standards. Parking lot work updated two existing accessible parking spaces and added two additional accessible parking spaces.

Fire Station Nine: newly constructed fire station is substantially compliant.

Public Safety Support Building: newly constructed building is substantially compliant.

Public Works Restroom Projects: two areas of additional restrooms constructed to accommodate the growing workforce. All construction is substantially compliant.

Senior Center Exterior ADA Improvements: replacement of non-compliant sidewalks, ramps and curb ramps is underway. Additional handrails will be added in several areas and access aisles will be added to the electric vehicle charging station.

### Right of Way Improvements

CIP Projects: 8,489 linear feet of sidewalk and 96 ramps. These projects were managed by the Engineering Department and filled in missing or replaced non-compliant sidewalks and curb ramps.

Public Works City-Wide Repair and Replacement program: repaired 16,423 linear feet of sidewalks and installed 34 accessible curb ramps.

In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event.

Phone: (972) 547-2694 or email: [contact-adacompliance@mckinneytexas.org](mailto:contact-adacompliance@mckinneytexas.org)

Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

ADA grievances may also be directed to the ADA Coordinator or filed online at

<http://www.mckinneytexas.org/ada>