

City of Berkeley, California

**Americans with Disabilities Act  
Title II Self-Evaluation Report**

July 2004

Bruckner Consultants LLC  
San Francisco, California

**City of Berkeley, California  
Americans with Disabilities Act  
Title II Self-Evaluation Report**

Prepared for  
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July 2004

The requirements of the Americans with Disabilities Act (ADA) of 1990 are subject to various and possibly contradictory legal interpretations. Bruckner Consultants LLC has used its reasonable professional efforts and judgment to interpret the statutory language of the ADA (P.L. 101-336), the regulations implementing Title I of the ADA (29 C.F.R. Parts 1630, 1602, and 1627), the regulations implementing Title II (28 C.F.R. Part 35), and *The ADA Title I and Title II Technical Assistance Manuals*, in drafting the City of Berkeley Title II Self-Evaluation Report. The information presented in the self-evaluation report is intended as guidance, and is neither a determination of the City of Berkeley's legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA. Bruckner Consultants LLC assumes no liability for the outcomes of decisions, contracts, commitments, or obligations made on the basis of this report.

**City of Berkeley, California  
Americans with Disabilities Act  
Title II Self-Evaluation Report**

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## **PART I: INTRODUCTION**

### **Purpose and Organization of this Report**

Title II of the Americans with Disabilities Act (ADA) prohibits public entities from discriminating or excluding people from programs, services, and activities on the basis of disability. The provisions of Title II apply to state or local governments, including cities, counties, state government departments, and special purpose districts.

Pursuant to one of the requirements described in Title II of the ADA, the City of Berkeley has undertaken a "self-evaluation" of its programs, activities and services to ensure that they are readily accessible to individuals with disabilities. The self-evaluation was conducted by Bruckner Consultants LLC of San Francisco. Data was gathered during the period from June 2003 through July 2004.

Numerous City materials, made available to the public in print format and via CoBWEB, the City of Berkeley web site, were carefully reviewed by the consultants. Materials examined included brochures, flyers, City Council and Commission meeting notices and agendas, applications, complaint forms, service request forms, job announcements and job applications. Also, department and program written policies and procedures, policy manuals, City of Berkeley Administrative Regulations, Berkeley Municipal Codes and Ordinances, personnel policies, and the City of Berkeley Commissioners' Manual, and a sample of City contracts and contract monitor reports were evaluated.

The resulting report contains the findings and recommendations regarding removal of non-structural barriers to participation by individuals with disabilities in the programs, activities and services offered by the City. Structural barriers to accessibility are described in the City of Berkeley ADA Title II Transition Plan which is being prepared by City staff.

This report is organized into four sections. The remainder of Part One includes a summary of ADA Title II regulations and the scope of the City of Berkeley ADA Title II self-evaluation, an enumeration of the tasks and activities that were completed in conducting this self-evaluation, and an overview of the input into the self-evaluation that was received from members of the Deaf and disability communities. (It should be noted that the use of the term "members of the Deaf and disability communities" in this report does not imply that Deaf and hard of hearing persons do not have the same rights as other

qualified individuals with disabilities under the ADA. In fact, they are entitled to the same rights as other persons with disabilities.)

Part Two presents the Citywide findings and recommendations which resulted from the self-evaluation. Part Three discusses the findings and recommendations which pertain to specific departments, and the programs, activities and services which are provided to the public by those departments.

Part Four contains extensive appendices. It includes lists of persons consulted during the self-evaluation process, and disability related City Administrative Requirements, Municipal Codes and Ordinances, and other City and departmental documents. The appendices also include resources that are provided to assist the City of Berkeley in its ADA compliance efforts.

The report has been designed in such a way that each department section can be read independently. This format has unavoidably resulted in some redundancy within the report.

An additional document, *The City of Berkeley ADA Title II Self-Evaluation Compliance Implementation Record*, has been prepared by the consultants. This record provides a tool for ongoing tracking of the actions taken to facilitate the City's compliance with ADA Title II requirements.

Activities conducted by the City which are not offered to the public, such as accounting services, were not subject to this review.

Public services which are operated by other government entities, such as BART, AC Transit, and the Berkeley-Albany Municipal Court, as well as public institutions, including UC Berkeley and the Berkeley Unified School District, which are not programs of the City of Berkeley, are outside the scope of this self-evaluation.

Furthermore, the Title III requirements of "public accommodations," for example, hotels, restaurants, hospitals, theaters, and other private businesses operating in Berkeley, are outside the scope of this report.

Any questions or concerns regarding the City of Berkeley ADA Title II Self-Evaluation or Transition Plan, or accessibility issues contained therein, should be addressed to the City of Berkeley ADA Compliance Coordinator. This report is available in alternate formats upon request.

## **Overview of the Americans with Disabilities Act and Title II Requirements for State and Local Governments**

The Americans with Disabilities Act (ADA) of 1990 is a comprehensive federal law which addresses the rights of people with disabilities. The five titles of the ADA prohibit discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Title II of the Americans with Disabilities Act protects "qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments," regardless of the government entity's size or receipt of funding (See U.S. Department of Justice, The Americans with Disabilities Act Title II Technical Assistance Manual II-1.0000, p. 1, 1993, 1994).

The requirements of Title II fall into four broad areas:

1. general nondiscrimination requirements
2. equally effective communication
3. program accessibility
4. employment

In addition, the ADA requires government entities to take several administrative steps to achieve compliance. These include: designating at least one employee to coordinate ADA compliance; developing an ADA grievance procedure; providing notice of ADA requirements to the public; developing a transition plan if structural changes are necessary for achieving program accessibility; and conducting a "self-evaluation" (28 C.F.R. Sections 35.105-35.107; 35.150).

### **Scope of a Title II Self-Evaluation and the Relationship to a Transition Plan**

(28 C.F.R. Section 35.105)

An Americans with Disabilities Title II self-evaluation is a public entity's assessment of its programs, activities and services, and its current policies and practices. The self-evaluation identifies and corrects the policies and practices of a public entity that are inconsistent with ADA requirements (U.S. Department of Justice, The ADA Title II Technical Assistance Manual, II-8.2000, p. 44).



The scope of the review includes not only formal written policies and procedures but also actual operating practices.

The U.S. Department of Justice advises that once a public entity has identified its policies and practices, it should analyze whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services.

The ADA requires that the public entity provide an opportunity for people with disabilities and other interested individuals and organizations to participate in the self-evaluation process by submitting comments. The Title II self-evaluation was to have been completed by January 26, 1993.

Public entities with 50 or more employees must keep the following self-evaluation documents on file and available for public inspection for at least three years: (1) a list of interested persons consulted about the self-evaluation; (2) a description of the areas examined and any problems identified; and (3) a description of any modifications made.

In addition to conducting a self-evaluation, public entities with 50 or more employees must also develop a transition plan when structural changes to existing facilities are necessary to make a program, service or activity accessible to people with disabilities.

The transition plan identify physical obstacles that limit program accessibility, describe in detail the methods that will be used to achieve program accessibility, and set out a schedule for making the structural changes that are needed. City of Berkeley staff in the Public Works Department are currently preparing the City's transition plan.

### **Conducting the City of Berkeley Self-Evaluation**

The City of Berkeley ADA Title II self-evaluation involved a comprehensive review of **51 departments, divisions, offices and units** comprising more than **100 distinct City programs and services** offered to the public.

**Ninety-five City staff** members, including department directors and deputy directors, division managers and superintendents, program coordinators, and other department and program staff, as well as three City Councilmembers and their aides, provided invaluable information. All of these individuals graciously contributed assistance to the consultants during the course of the self-evaluation.

In addition, **71 members of the public** provided written or verbal comments regarding their experiences using City services, and participating in City programs and activities. People who participated in the self-evaluation included individuals with disabilities, family members, and representatives of agencies that serve the disability and Deaf communities.

The ADA Title II Technical Assistance Manual identifies areas that need careful examination when conducting a self-evaluation (II-8.2000, pp. 44-46). This list served as the basis for the Scope of Services described in the City of Berkeley Self-Evaluation Request for Proposals, and guided the process utilized by the consultants in conducting the City's ADA Title II Self-Evaluation. The tasks and activities that were completed are described below.

#### Identifying City Programs, Activities and Services

In order to identify the programs, activities and services which the City offers to the public, and the facilities where these programs and services are offered, the consultants reviewed numerous City materials, including, but not limited to, the City of Berkeley Fiscal Years 2002 and 2003 Biennial Budget, numerous department and program organization charts, the City of Berkeley's Services Directory that is posted on CoBWEB, the City of Berkeley web site, and an extensive selection of department and services CoBWEB pages.

Furthermore, throughout the course of the self-evaluation, department and program staff were consulted in order to confirm the current organization and location of programs.

#### Surveying Department and Program Staff

A comprehensive self-evaluation questionnaire was developed and distributed to City of Berkeley Department directors and those staff who direct, supervise and/or provide City programs, activities or services to the public. Thirty-five department directors and program staff attended one of six ADA self-evaluation orientation and training sessions presented by the consultants in July 2003.

**Fifty-three questionnaires** were completed and returned to the consultants along with supporting documents that were requested (see "Reviewing City, Department and Program Documents," below). Follow-up interviews were also conducted with key department and program personnel. Refer to Appendix 4.1, for a list of staff who participated in the self-evaluation.

### Reviewing City, Department and Program Documents

Department and program written policies and procedures, department and program policy manuals, City of Berkeley Administrative Regulations, Berkeley Municipal Codes and Ordinances, personnel policies, and the City of Berkeley Commissioners' Manual were thoroughly reviewed. In addition, a sample of City contracts and contract monitor reports were evaluated.

Previously produced City of Berkeley ADA self-evaluation materials were also reviewed, including a proposed City of Berkeley ADA Self-Evaluation outline which was developed by Eric Dibner, a previous City of Berkeley ADA coordinator, and the draft of an earlier City of Berkeley Transition Plan prepared by Logan Hopper Associates.

### Reviewing Materials and Information Made Available to the Public

The scope of the self-evaluation included a review of a wide selection of materials and information that the City made available to the public via print format and CoBWEB. These included department and program brochures, flyers, and service descriptions; special event announcements; City Council and Commission meeting public notices; program and permit applications, complaint forms, and service request forms; and job announcements and job applications. Also, a limited sample of audiovisual materials that are shown by City departments to the public were viewed.

A comprehensive review of the accessibility of CoBWEB was also performed as part of this self-evaluation. This review was conducted by Ennis Web Design, a firm that specializes in web site accessibility assessment.

### Conducting Program Site Visits

During the course of conducting the self-evaluation, numerous program sites were visited, including: the City Council Chambers in Old City Hall; the Public Safety Building; Fire Station #2 and the Berkeley Fire Department Training Facility; the North, South, and West Berkeley Senior Centers; the Frances Albrier and Live Oak Inclusion Recreation Programs; the MLK Youth Alternatives Program; the Marina Administration Office, Shorebird Nature Center, and Adventure Playground; the Finance Customer Service Center; the Permit Service Center; Public Works Customer Service; the Public Health Clinic; the Public Health Nursing and Maternal, Child and Adolescent Health Programs; the Berkeley High School Health Center; the Black Infant Health Center; the

Adult Mental Health Clinic; Family Youth and Children’s Mental Health Services; the Homeless Locker Program; the Employment Programs; and the Central and Elmwood Branches of the Berkeley Public Library.

### Reviewing Employment Policies and Practices

The City’s employment policies and practices were carefully reviewed as part of the self-evaluation. An employment policies and practices questionnaire was developed and provided for the Human Resources Department. The completed questionnaire and all supporting documents provided by Human Resources staff were reviewed, and follow-up interviews were conducted with the Human Resources Acting Director and Equal Employment Officer. Some feedback was also provided informally by past employees and incumbents with disabilities.

### Analyzing the Data Compiled

All the data that was compiled was carefully analyzed in terms of the Title II requirements regarding general nondiscrimination, equally effective communication, program accessibility, and employment; the administrative requirements for public entities; and the areas that were identified by the U.S. Department of Justice as needing careful attention when conducting a self-evaluation (The ADA Title II Technical Assistance Manual, II-8.2000, pp. 44-46).

## **Disability and Deaf Community Input**

The ADA Title II regulations require that the public entity provide an opportunity for people with disabilities and other interested individuals or organizations to participate in the self-evaluation by submitting comments (28 C.F.R. Section 35.105).

Participation by members of the disability and Deaf community was actively solicited throughout the self-evaluation process. A variety of approaches were taken to gather this critical community feedback:

- 4. via mailings and internet postings, informing more than 1500 disabled and Deaf people and community agency representatives about the self-evaluation and soliciting their input;
- 2. developing and distributing more than 250 print, Braille and e-mailed copies of a disability and Deaf community questionnaire;

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3. conducting three community meetings; and

4. making additional outreach presentations to underrepresented and hard to reach members of the Deaf and disability community.

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Announcements about the self-evaluation and the community meetings were mailed to more than 1200 clients of Berkeley Paratransit and Easy Does It (a City contractor providing emergency attendant, wheelchair repair and transportation services to Berkeley residents), as well as to participants in the City's Recreation Inclusion Program, and families of children served by the Berkeley Unified School District's Special Education Department and Special Education Department staff. Meeting announcements were also posted on the 382 member Berkeley-disabled listserv, and included in the North and South Berkeley Senior Center February 2004 newsletters.

More than **250 copies of questionnaires** were mailed, e-mailed and hand delivered to individuals with disabilities and disability and Deaf community agencies. To encourage responses, return stamped envelopes were provided with the questionnaires.

Assistance with these outreach efforts were provided by City staff, including, Don Brown, Disability Services Specialist, and the staff at the Public Works Department; the City of Berkeley Commission on Disability's Outreach Committee; Eugene Biggins, Housing Department; Al Lozano and Matthew Mock, Health and Human Services Department; and Patty Thomas, Parks, Recreation and Waterfront Department.

Two other approaches undertaken to solicit community comments involved conducting community meetings and making presentations at community agencies.

**Three community meetings** were held at the Senior Centers during January and February 2004. Two afternoon meetings were convened at the South and West Berkeley Senior Centers; an evening meeting was held at the North Berkeley Senior Center. A total of twenty-four people attended these community meetings and provided feedback to the consultants.

In addition, outreach efforts were made to underrepresented and hard to reach members of the Deaf and disability community. Follow-up calls and/or presentations were made to numerous community agencies, including MASC, the Multi-Agency Service Center (to people who are homeless), at the Coalition

for Alternatives in Mental Health Berkeley Drop-In Center, the Berkeley Place Deaf/Disability and Hearing Project, CIL Berkeley Deaf Services Program, the Computer Technologies Program, the East Bay Center for the Blind, and Vista College Disabled Student Programs and Services. Presentations were also made to 126 seniors in the noon meal programs at the City's three Senior Centers.

Refer to Appendix 4.2, *Disability and Deaf Community Participation in the Self-Evaluation Process* for a list of the community agencies, disability groups, and public institutions contacted, and the staff consulted with, during the course of the self-evaluation.

In all, a total of **71 members of the public** provided written or verbal comments regarding the City of Berkeley self-evaluation: people with a wide range of physical and mental impairments, family members, and representatives of agencies that serve the disability and Deaf community. **Forty people** completed a Self-Evaluation Disability and Deaf Community Questionnaire or submitted additional written comments. **Twenty-four people** attended community meetings held at the City's three Senior Centers. **Seven other individuals** provided additional verbal feedback to the consultants.

The verbal and written input that was provided by individuals with disabilities, family members, representatives of disability and Deaf community agencies, and other interested persons, was carefully considered and incorporated into the findings and recommendations of the self-evaluation. A detailed summary of the comments received from community members can also be found in Appendix 4.2.

### **Ensuring ADA Title II Compliance:**

An Ongoing Commitment by the City

Conducting the self-evaluation is one action that the City of Berkeley, as a public entity, has needed to undertake in its effort to ensure ADA compliance. The next steps involve careful review of the findings and recommendations described in the next two sections of the report, and the adoption of this Self-Evaluation Report by the Berkeley City Manager.

Most important, however, is the resolve of City of Berkeley staff to implement the recommendations and complete the actions that are

identified in this report and the accompanying City of Berkeley ADA Title II Self-Evaluation Implementation Record.

It is only through these efforts that the City of Berkeley will demonstrate its Ongoing commitment to ADA compliance and the fulfillment of the Title II mandate of nondiscrimination and equal opportunity for people with disabilities.

## **PART II: CITYWIDE FINDINGS AND RECOMMENDATIONS**

### **Background: The City of Berkeley and its Disability Community**

The City of Berkeley is located in the greater San Francisco Bay Area. It is the fourth most populated city in Alameda County, with a population of over 102,000, of which an estimated 17% are people with disabilities (*City of Berkeley FY 2002 and FY 2003 Adopted Budget*).

This City has a long history of attracting people with a range of disabilities to its community. It is the home of the nation's first independent living center, the Center for Independent Living Berkeley. It was the first city to install curb ramps.

Other actions undertaken by the City of Berkeley to make it more accessible for and friendly to people with disabilities include:

- Operating a Paratransit Service;
- Providing funding for emergency personal assistance and emergency transportation services;
- Establishing a City mandate that there be wheelchair accessible taxicabs;
- Installing Audible (also known as Accessible) Pedestrian Signals;
- Operating an Inclusion Recreation Program;
- Providing extensive health and mental health outreach services to people with AIDS, and homeless individuals who have mental health disabilities;
- Having two disability services specialists: one addressing concerns related to physical access and the built environment, the other addressing non-structural barriers to program accessibility, communication access, and policy development;
- Utilizing a "consumer centered policy development" approach when making recommendations regarding some disability-related issues (for example, when developing guidelines for installation of Audible Pedestrian Signals, which were adopted and are being utilized by the City's Office of Transportation); and
- Going beyond the requirements described in ADAAG and Title 24 when making decisions about accessibility and usability of City facilities (examples include: installing both hand operated accessible controls and foot sensitive/kick plates in elevators and for opening doors at the Civic Center Building and old City Hall and in the new elevator at 1947 Center Street).

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Conducting this ADA Title II self-evaluation is one part of the City of Berkeley's effort to promote equal opportunity for people in its Deaf and disability communities. (It should be noted that the use of the term "members of the Deaf and disability communities" in this report does not imply that Deaf and hard of hearing persons do not have the same rights as other qualified individuals with disabilities under the ADA. In fact, they are entitled to the same rights as other persons with disabilities.)

### **How the Findings and Recommendations are Presented**

The Citywide recommendations described below pertain to removal of non-structural barriers to participation by individuals with disabilities in the programs, activities and services offered by the City. They include recommendations concerning: Title II administrative responsibilities; requirements regarding general nondiscrimination, equally effective communication, program accessibility, and employment; and requirements related to four other Citywide issues.

These Citywide findings and recommendations have resulted from a synthesis of all department data and the input provided by individuals with disabilities, family members, representatives of disability and Deaf community agencies, and other interested persons.

For administrative convenience, the recommendations have been prioritized according to the following criteria.

**Priority #1:** An urgent or very important action, to be completed within one year to eighteen months from July 1, 2004. (The target date for completion would therefore be January 1, 2006.)

**Priority #2:** A very important or important action that will take a longer time to accomplish, to be completed within two to two-and-a-half years from July 1, 2004. (The target date for completion would therefore be January 1, 2007.)

**Priority #3:** Either a longer-term action that will take several years to complete because of financial considerations or staff time constraints, or an action of somewhat lesser importance, to be completed within four years from July 1, 2004. (The target date for completion would therefore be July 1, 2008.)

These criteria also apply to all of the departmental recommendations which are listed in Part Three of this report.

### **Administrative Requirements/Responsibilities**

(28 C.F.R. Sections 35.105-35.107)

The ADA Title II regulations set forth five administrative requirements and responsibilities. Findings and recommendations regarding the City's compliance with regard to three of the five administrative requirements are discussed below: establishing an ADA grievance procedure, providing notice of ADA requirements, and designating at least one employee to coordinate ADA compliance (referred to in the regulations as "the responsible employee").

The other two requirements, conducting a self-evaluation and developing a transition plan, were discussed earlier in this report.

#### *Establishing an ADA Grievance Procedure*

(28 C.F.R. Sections 35.107)

#### Finding

The City has an existing ADA grievance procedure (AR 1.13), but the information in this procedure, including the contact information for the individual or individuals responsible for receiving ADA complaints, is outdated.

#### Recommendations

- Update the existing ADA grievance procedure (AR 1.13) to include current contact information. Priority #1  
updated 9/6/2005, scheduled for another update this fall

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- Post the grievance procedure on CoBWEB. Priority #1  
Not done, does the city post AR's online?

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#### *Providing Notice of ADA Requirements (28 C.F.R. Section 35.106).*

#### Finding

The vast majority of programs do not post notice of persons' rights under the ADA and the City's compliance with ADA requirements at their program sites. Furthermore, this information is not consistently available in program literature.

## Recommendation

- Develop language to be posted at City program sites and to be contained in program literature and program CoBWEB pages which apprises the public of the rights and protections afforded by Title II of the ADA. Post and publicize this language as required. *Priority #1*

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*Designating at Least One Employee to Coordinate ADA Compliance*  
(28 C.F.R. Section 35.107)

## Finding

At the time of the self-evaluation, the City did not have a designated Citywide ADA Compliance Coordinator. The City had two Disability Services Specialists who constituted the staff of its Disability Compliance Program. The duties and responsibilities associated with each of the two positions were not clearly delineated; there was overlap and lack of designation of which individual should perform which ADA compliance tasks.

## Recommendations

- Designate a Citywide ADA Compliance Coordinator. *Priority #1*  
Done, Director of Public Works, as established in AR 1.13
- Clarify the tasks, duties and responsibilities devolving to each of the two Disability Services Specialists. *Priority #1*

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One Disability Services Specialist should oversee all issues related to structural barriers to program accessibility, and be responsible for ensuring that all new and remodeled City facilities are in compliance with ADAAG and Title 24 standards. This employee should coordinate implementation of the City of Berkeley ADA Title II Transition Plan.

The other Disability Services Specialist should be responsible for all non-structural aspects of program accessibility; ensuring equally effective communication; policy development and policy and procedural modifications required for ADA Title II compliance; and staff training regarding these issues. This employee should coordinate implementation of the City of Berkeley ADA Title II Self-Evaluation.

Not required, a recommendation

## **General Nondiscrimination Requirements**

(28 C.F.R. Section 35.130)

The basic nondiscrimination mandate of the ADA is broad. A number of specific areas are identified in the regulations, and include:

- providing equal opportunity of participation;
- delivering services and programs in the most integrated setting appropriate;
- assuring nondiscrimination in the selection of procurement contractors and in licensing and certification;
- removing eligibility criteria that screen out or tend to screen out people with disabilities, unless such criteria are necessary for the provision of the service, program or activity;
- not assessing a surcharge on people with disabilities to offset the costs associated with providing access and complying with the ADA; and
- making reasonable modification of policies, practices and procedures when necessary to avoid discrimination, unless doing so would fundamentally alter the nature of the service, program or activity.

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### Findings

A major finding of this self-evaluation is that several key Citywide nondiscrimination policies required by Title II of the ADA do not exist, even though staff in many departments believe that they do. Staff can experience considerable frustration when they search for needed guidance from policies which in fact have not been developed.

Another finding reached after reviewing 49 staff Title II self-evaluation questionnaires, is that the concept of modifying policies and procedures in order to ensure the equal participation of individuals with disabilities in programs, activities and services was not understood. Staff generally confused this concept with providing auxiliary aids or services, such as sign language interpreting, note taking or Brailleing.

An additional finding is that the City Attorney has developed several documents which, taken together, constitute a policy that generally permits the entry of service animals accompanying persons with disabilities into City buildings and facilities. However, staff knowledge about these documents and about this policy, as reflected in departmental questionnaire responses,

was somewhat inconsistent. Furthermore, some of the policy documents address compliance issues that pertain to Title III rather than Title II of the ADA.

### Recommendations

- Develop and implement the following ADA related policies and procedures. *Priority #1*

➤ A Citywide policy regarding the modification of policies or practices, if necessary to avoid discrimination against people with disabilities, unless doing so would fundamentally alter the nature of the service, program, or activity. (28 C.F.R. Section 35.130{b} {7}). Furthermore, it is important that both staff and the public are informed that staff will be prepared to make reasonable modifications in policies and practices to enable people with disabilities to participate in and benefit from City programs, activities, and services.

➤ A Citywide procedure for analyzing and determining, on a case-by-case basis, whether providing an auxiliary aid or service to a person with a disability, or modifying a program policy or procedure to allow a person with a disability to participate, would constitute a fundamental alteration to a program or an undue financial or administrative burden for the City (28 C.F.R. Sections 35.150{a} {3} and 35.164).

A public entity does not have to take any action that will result in a fundamental alteration in the nature of the program or activity or create undue financial and administrative burdens.

However, a public entity must be able to demonstrate that an action would result in a fundamental alteration or undue burden. This determination must be made by the head of the public entity or other senior official who has budgetary and spending authority or a staff person designated by that official. The reasons for this decision must be presented in writing. The determination that undue burdens would result must be based on consideration of all of the resources available for use in the program. (See *The ADA Title II Technical Assistance Manual*, II-5.1000, p. 23.)

If an action would result in such an alteration or such a burden, the public entity is still required to take any other action that would not result in such an alteration or such a burden in order to ensure that

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people with disabilities can participate in, or receive the benefits and services of, the program or activity.

- City Attorney's Office staff and the City's ADA Compliance Coordinator should consider collaboratively reviewing the City's service animal policy documents to streamline and clarify the policy for staff. *Priority #2*

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### Finding

Currently, staff in different departments generally have only a sketchy or piecemeal understanding of City policies and procedures in the area of disability and ADA compliance. It is important for the City to provide more centralized policy and procedural information and resources to staff, so that staff time can be used more efficiently and the public can be served more effectively. The ADA Compliance Coordinator can be of great assistance in the City's endeavor to provide a more centralized oversight of disability related issues.

For example, staff can be provided with updated policy and resource information in order to be able to respond in a timely and effective manner to disability related issues. It would involve an initial expenditure of staff time to compile policies and procedures and resource information for listing on a specific web page or in a booklet, but the end result would be of invaluable help to staff, and would provide for more efficient service delivery and more effective program participation for individuals with disabilities.

### Recommendations

- Consolidate the oversight of disability related policies and procedures for the City of Berkeley. *Priority #1*
- Develop a single source or resource for City staff to go to in order to access the City's disability related policies and procedures. For example, required policies and procedures could be developed (if necessary) and then compiled and listed on a specific web page with links to a main menu on iCoBWEB. *Priority #1*

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## Equally Effective Communication

(28 C.F.R. Sections 35.160-35.164)

Title II requires that public entities take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. Generally, this means doing something different to accommodate an individual's disability, particularly those individuals who have vision, hearing, speech and learning, and cognitive disabilities.

The U.S. Department of Justice provides examples of actions that may need to be taken to promote effective communication. This list includes:

- Providing auxiliary aids and services, equipment or devices such as qualified sign language interpreters, real time captioning, assistive listening devices, qualified readers, notetakers, assistance with locating items or completing forms, etc.
- Making print materials available in accessible alternate formats, such as large print, computer disk, CD, audio recordings, or Braille.
- Using text telephones (also known as TTYs or TDDs) and telephone relay services (such as the California Relay Service) to ensure telephone access for people who have hearing or speech disabilities.
- ♣ Providing closed or open captioning when television programs or audiotapes are produced by the public entity.
- Ensuring direct TTY access for emergency/911 telephone services.  
(The ADA Title II Technical Assistance Manual, II-7.1000-7.3400, pp.38-42)

In addition, public entities need to consider communication access as it pertains to signage (for example, directional signage at inaccessible entrances indicating where an accessible entrance is located, and signage regarding location of public TTYs) and the accessibility of the public websites which they operate.

### *Communication Access Policy and Procedure Development and Implementation*

#### Findings

The City's current Communication Access Policy (AR 1.12) is outdated in its designation of the City Clerk's Office as the entity responsible for handling requests and providing auxiliary aids and services, since the City Clerk's Office does not have staff time, pertinent expertise or access to the

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necessary equipment. This policy also does not provide for any centralized oversight of the accommodation process.

Funding for providing requested auxiliary aids and services currently originates with the specific City department receiving the request from the individual with a disability who wishes to participate in a department program, service or activity.

The current City procedure for posting notice of public meetings creates a pervasive barrier for persons with disabilities who need to request auxiliary aids and services in order to effectively communicate at these meetings. This finding applies to City Council meetings, Board and Commission meetings, and all other public meetings sponsored by City Departments.

Meeting notices often contain language which specifies that five days' notice is required in order to ensure that the requested auxiliary aids and services (such as a sign language interpreter or a Brailled meeting agenda, for example) will be available. However, the meeting notices themselves are routinely posted only three days before meetings. Therefore, persons with disabilities are not notified of the procedure for requesting the services they need until it is two days too late to do so.

Many comments that the consultants received from community members with disabilities concerned the City's inconsistency in providing auxiliary aids and services. Communication barriers for people who are blind or have vision impairments were reported, the most frequent being the unavailability of print materials in alternate formats. One individual wrote, "When I have asked various departments for various brochures and other material in alternative media, I have never received responses, let alone the requested materials. . . . It appears that the City lacks a coherent information access policy."

Communication barriers to accessibility and equal opportunity for people who are Deaf or hard of hearing was mentioned by seven community members. One issue that was repeatedly raised concerned the lack of sign language interpreters and inability of staff to sign. Another concerned TTY calls not answered or returned by staff.

The City has recently purchased and installed several new TTYs for use by City Departments. Currently, the City has provided TTYs for the City Center, the Finance Customer Service Center, the Mayor and City Council, the Permit



Service Center, and the Public Health Nurse of the Day Program. There also are TTYs in the City Clerk's Office, the Disability Compliance Program, and the Human Resources Department. The Fire and Police Departments share a Communications Center which has TTYs connected to both its 911 emergency line and a non-emergency telephone number which can be used to contact both departments. TTYs are also scheduled to be installed at the City's Senior Centers.

During the time the self-evaluation was being conducted, the consultants periodically tested the existing TTY lines and found that several of them were not working, or were not being answered. The TTYs for the City Clerk,

Human Resources, and Disability Compliance all had appropriately functioning outgoing TTY messages which invited callers to leave a message so that their calls could be returned. When the consultants left messages on these TTY lines, staff in these offices promptly returned their calls.

The Police and Fire Department non-emergency TTY line was directly answered by a staff member who used the TTY appropriately.

The TTY lines for the City Center, the Finance Customer Service Center, and Mayor and City Council appeared to have been disconnected. The Permit Service Center TTY line rang without being answered by staff, and the Public Health Nurse of the Day Program's TTY line was repeatedly busy. The consultants do not know if this TTY line was simply being used as auxiliary regular telephone line, or if many TTY calls were being received.

At the time of the self-evaluation, there was no Citywide policy or procedure for ensuring, via regular and periodic checking, that City TTYs are operable and that staff are appropriately using them.

The consultants also identified two City programs which do not have TTYs but have a serious need for them. These programs are Mental Health Crisis Services and the Recreation Inclusion Program. Because the Inclusion Program not only serves participants who are Deaf, but also has several Deaf staff, it needs two TTYs: one designated line, and one portable TTY. Please refer to the "Mental Health" and "Recreation" sections of Part Three, *Department Findings and Recommendations*, of this report, for a further discussion of the need for these TTYs. In addition, it is advisable for Disability Compliance staff in the Office of Transportation to have a TTY and designated TTY line.

The consultants recommend that the ADA Compliance Coordinator survey the degree of use by the Deaf community of various City programs and services, in order to identify those programs which most need to have dedicated TTY lines. This will facilitate the most effective utilization of the City's existing TTY resources.

Furthermore, once this survey has been completed, all City TTY lines are functioning, and all appropriate staff have been trained to use the TTYs, the City must ensure that updated TTY numbers are listed in all department and program literature, on department and program letterhead and CoBWEB pages, and in City and public telephone directories.

Assistive listening devices have also been purchased by the City to be made available to people with disabilities upon request. Several sections of this report include a discussion of the assistive equipment which is available at Berkeley Public Library branches, the City's Health and Human Services Employment Programs, and the Berkeley Senior Centers. For further details, refer to "Employment Programs" and "Senior Programs" in the *Health and Human Services Department* section of this report, the *Library* section, and "Recreation Division" in the *Parks, Recreation and Waterfront* section of this report.

At the time of the self-evaluation, assistive listening devices (ALDs) for people who are hard of hearing were available at each of the three Berkeley Senior Centers. According to Paul Church, four additional ALDs have also been provided to the Recreation Division of the Parks, Recreation and Waterfront Department for use at the Frances Albrier Community Center, the Martin Luther King, Jr. Youth Services Center, and the James Kenney and Live Oak Recreation Centers. However, community members do not know that these assistive listening devices are available, and many staff are not sufficiently familiar with how to operate and maintain their program's ALDs.

Additionally, no ALDs are made available on a Citywide basis for short-term use by various City departments for the meetings, interviews, presentations, classes, and other events which they sponsor. Providing at least one ALD to the City's Disability Compliance Program, which could be loaned to other departments on request, would help to meet this need.

Emergency evacuation is also a concern of Title II of the ADA. In the event of emergencies, both visual and audible alarms may be utilized, and procedures for providing evacuation assistance for people with various types of disabilities must be developed and employed by staff. Evacuation

procedures must also be effectively communicated to people with disabilities in emergencies.

Throughout most of this report, emergency evacuation procedures are discussed on a department by department basis. However, there are two City sites, the Civic Center Building at 2180 Milvia Street and the building containing City offices at 1947 Center Street, where the offices of many City departments share the same facilities. Emergency Action Plans (EAPs) either are being or have been developed for these two buildings on an interdepartmental basis by the City's Safety Officer, James Mason.

The Emergency Action Plan for 2180 Milvia Street is complete, and was reviewed by the consultants. The emergency evacuation procedures for 1947 Center Street are in the process of being developed by Mr. Mason, and will be ready for distribution to staff in late summer, 2004.

### Recommendations

- Develop a more coherent and cohesive Citywide policy and procedure for handling requests for auxiliary aids and services and other disability related accommodations, which will include a centralized overview of the process. *Priority #1*

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A procedure that would involve direct review of all auxiliary aid and service requests by the Disability Compliance Program, which could then authorize (by means of a form, for example) the relevant departments to arrange for the provision of the requested aid or service, would meet the current need for centralized overview. The ADA Compliance Coordinator can assist departments by providing department staff with an updated list of community resources or contractors who provide the needed services.

- Provide centralized funding for the provision of auxiliary aids and services as a budget item for the Disability Compliance Program, or another centralized City source. This may save valuable time in the process of accommodating members of the public who have disabilities. *Priority #2*

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- Post all meeting notices more than five days in advance of public meetings, or shorten the specified notice time required for requesting auxiliary aids and services to three days or less. If the request time for aids and services is shortened, the language on public meeting

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announcements that gives information about requesting auxiliary aids and services must also be modified to reflect the change in request time.

*Priority #1*

- Provide one TTY machine and dedicated phone line for the Mental Health Crisis Services and another for the Recreation Inclusion Program office. Provide a second portable TTY to the Recreation Division to be used by any programs having Deaf participants and/or staff. *Priority #1*
- The ADA Compliance Coordinator should survey the degree of use by the Deaf community of various City programs and services, in order to identify those programs which most need to have dedicated TTY lines. This will facilitate the most effective utilization of the City's existing TTY resources. *Priority #2*
- Ensure that updated TTY numbers are listed in all City department and program literature, on department and program letterhead and CoBWEB pages, and in City and public telephone directories. *Priority #1*
- Institute a Citywide procedure for quarterly checking of the operability of the City's TTY machines, and checking that the machines are being appropriately operated by staff. The ADA Compliance Coordinator can be responsible for conducting this periodic checking and for training staff in TTY use. *Priority #1*
- Provide at least one assistive listening device (ALD) to the Disability Compliance Program, to be loaned to other departments on request on an as-needed basis. Once this ALD is provided, the City's ADA Compliance Coordinator should inform all City departments of its availability, and the procedure to be followed to request it. *Priority #1*

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### *Providing Notice of the Availability of Auxiliary Aids and Services*

#### Findings

In general, City and department program literature rarely contains any information about ADA compliance and the availability of disability related accommodations. In particular, communication accessibility is a key ADA requirement. City sponsored programs, activities and services must provide auxiliary aids and services upon request, when necessary to afford equally

effective communication for applicants and participants who have disabilities. The City may require appropriate advance notice for these requests.

Notification that disability related accommodations and auxiliary aids and services are available must be included on public meeting announcements, City sponsored special event announcements, program application forms, brochures and flyers, and program CoBWEB pages. This notification should include contact information for requesting the services, and the amount of advance notice which the City requires in order to provide them.

The presentation of this information on program literature, application forms, event flyers, CoBWEB pages and meeting announcements is inconsistent. For example, City sponsored public meeting announcements often, but do not always, contain the information; program literature rarely includes it. Furthermore, the visual presentation of the information is inconsistent. It is not in the same location on all meeting announcements, and the font in which it is presented is not a sans serif font. It behooves the City to ensure that this information is consistently available to participants in all of its public programs, activities and services.

### Recommendations

- Develop appropriate standard language which informs the public about the right to request, and the procedure for requesting, auxiliary aids and services and other disability related accommodations. *Priority #1*
- Ensure that this language is consistently included on all City and departmental public meeting and special event announcements, and on all program application forms, program literature, and program CoBWEB pages. *Priority #1*
- Consistently present information about requesting disability related accommodations and auxiliary aids and services in the same location on all meeting announcements, in a sans serif font and a large point size. *Priority #1*
- Post clearly visible signage at those City facilities which have assistive listening devices about the availability of this equipment. *Priority #1*

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## *Providing Information about the Accessibility of City Facilities*

### Findings

The ADA requires that public entities provide information about the availability and location of its accessible services, activities and facilities (28 C.F.R. Section 35.163).

Very few program print materials and CoBWEB pages reviewed by the consultants contained information about the wheelchair accessibility of the facility where the program, activity or service was being offered. One exception was the Parks, Recreation and Waterfront Department's "Index of Local Parks," which provided some information about the accessibility of the parks and their buildings.

Information regarding the accessibility of the meeting locations for Commissions and Boards was also inconsistently posted on meeting notices and agendas. Even though most, if not all, of these locations are accessible, members of the public may not know that they are accessible unless they are notified thereof.

### Recommendations

- Include information in print materials and on CoBWEB about the wheelchair accessibility of the facilities in which City programs, activities and services are offered. *Priority #1*
- Consistently include language which informs the public about the accessibility of the meeting site on Commission, Board, and departmental meeting notices which are made available in print form and posted on CoBWEB. *Priority #1*

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## *Providing Contact Information for Disability Related City Programs and Services*

### Findings

Providing effective communication includes affording an effective means for members of the public to receive information about the numerous disability related City programs, activities and services which are available.

From questionnaire and interview data gathered from both City staff and community members, the consultants found that public and staff knowledge about these City programs and services is very limited and inconsistent.

It is very difficult for staff and members of the public to access the Disability Compliance Program page on CoBWEB. There is no direct link on the City of Berkeley's CoBWEB home page to the Disability Compliance Program or to disability related services and resources.

The Disability Compliance Program has posted limited information on the CoBWEB page, "Disability-Related Resources." Contact information on the current version of this page is limited to telephone numbers. Except for a

link to the Commission on Disability's CoBWEB page, there are no internet links from the Disability Compliance Program CoBWEB pages to other disability related pages on CoBWEB.

Furthermore, the "Disability Related Resources" CoBWEB page needs to be expanded to include a full list of the City services and programs for people with disabilities which are available.

### Recommendations

- Add a "Disability" hyperlink to the navigational menu of the City's CoBWEB home page. This will facilitate linked access to the Disability Compliance Program CoBWEB page and other disability resource information. *Priority #1*
- Expand the Disability Compliance Program's "Disability Related Resources" CoBWEB page to include more information about, and internet links to, City programs and community resources. *Priority #1*

Disability related resources and services that should be posted and linked on CoBWEB can include, for example: Berkeley Public Library services for people with disabilities; Public Works' refuse collection curbside exemption available to elderly and disabled residents at no additional cost; procedures for requesting residential blue zone parking, and parking permits for personal assistants; the Recreation Inclusion Program; and accessible Social Service Transport Services available from Berkeley Mental Health. In addition, community services which are not City programs, such as Easy Does It and East Bay Paratransit, should also be

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listed and linked. Refer to Appendix 4.4, *List of City of Berkeley Disability Related Programs and Services*, for a compilation of resources identified by the consultants for posting on CoBWEB.

- Post the expanded “Disability-Related Resources” page on CoBWEB with internet links to appropriate City and community resources. *Priority #1*

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### *Staff Training Regarding Equally Effective Communication*

#### Findings

Staff questionnaire data revealed that the incidence of staff having received training in techniques of equally effective communication with people with disabilities was inconsistent. This may have been due to staff turnover, or to other factors. Also, the City has recently purchased several new TTYs. Staff familiarity with how to use these machines, as observed during program site visits, is minimal.

#### Recommendations

- Provide thorough training in TTY use to all staff who answer telephones for City programs which have TTY's. *Priority #1*
- Ensure that staff consistently receive training in techniques of equally effective communication, ADA compliance and disability awareness through the City's Core Course training requirement. *Priority #1*
- Train program staff in how to set up, operate, properly charge, and maintain any assistive listening devices utilized by their programs. *Priority #1*

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#### **Program Accessibility**

(28 C.F.R. Sections 35.149-151 and 35.133)

The standard against which programs and services are measured for the purpose of ADA compliance is one of overall program accessibility: is the program, service or activity, when viewed in its entirety, readily accessible to and usable by individuals with disabilities?



In many situations, providing access to facilities through structural methods, such as alteration of existing facilities or construction of new facilities, may be the most efficient method of providing program accessibility. However, program accessibility can also be achieved by non-structural methods such as acquisition or redesign of equipment, assignment of aides to assist people with disabilities, and provision of services at alternative, accessible sites (See U.S. Department of Justice, The ADA Title II Technical Assistance Manual, II-5.2000, pp. 22-23).

The program accessibility standard includes the requirement that the accessible features of facilities and equipment must be maintained in operable and working condition. For example, accessible entrances must be kept unlocked when facilities of a public entity are open for business, and boxes or other obstructions to accessible paths of travel must be removed.

Ramp and stairway handrails should be kept free of obstacles; assistive listening devices, wheelchair lifts, and elevators must be maintained in working order.

The program accessibility standard applies not only to facilities that a public entity owns, but also to buildings and facilities that it leases. The Title II regulations recommend, but do not require, that public entities try to lease accessible space which complies at a minimum with the requirements for leased buildings under the Architectural Barriers Act (See 36 C.F.R Section 1190.34).

Title II also requires that all new construction and alterations to existing facilities must be designed and constructed so that the facilities are readily accessible to and usable by people with disabilities. This means that public entities must comply with the ADA Accessibility Guidelines. In California, they must comply with Title 24 of the California Code of Regulations as well.

### Findings

One program facility visited during community site visits by the self-evaluation consultants, the Family, Children and Youth Services program of Berkeley Mental Health at 1925 Derby Street, was not accessible to people who use wheelchairs. It also appeared that a second facility, the Police Department Parking and Traffic Office at 3140 Martin Luther King, Jr. Way, was likely to have barriers to access. Members of the public do visit both of these sites to receive services from the Mental Health Division of the Health and Human Services Department and the Police Department.

The accessible parking space at Fire Station #6, located in the parking lot behind the station, is not close to the main accessible entrance. It is reached via a ramped, gated pathway. Staff keep these gates unlocked during times when public meetings and community classes are held.

Maintenance of the accessible features of City facilities (including elevators, clear pathways, and stair handrails, for example) are generally discussed on a department by department basis in Part Three of this report.

However, in the case of the City facilities at 2180 Milvia Street and 1947 Center Street, which both house offices of many City departments, maintenance procedures were reviewed with Stan Norton, Facilities Maintenance Superintendent in the Public Works Department, for each building as a whole. In both facilities, regularly scheduled procedures for checking the operability of elevators, automatic doors, and other accessibility features were in place. Elevators were being checked daily and door openers received regular maintenance.

In addition, barriers to access also exist for people with asthma, multiple chemical sensitivities, environmental illnesses, allergies, and other respiratory problems.

During the course of conducting the self-evaluation, the consultants received input from a half dozen community members who reported that they often were unable to participate in City programs and use City facilities because the presence of certain chemicals in City facilities is toxic for them. The causes that they cited include: toxic materials used in building products, fluorescent lights, poor indoor air circulation, synthetic fragrances in personal care products worn by staff and members of the public, people smoking near entrances to City buildings, the chemicals used for cleaning restrooms in City parks, and the use of air freshener dispensers/deodorizers in restrooms in City facilities. Refer to Appendix 4.2, *Disability and Deaf Community Participation in the Self-Evaluation*, for a summary of all the feedback received.

The Public Works Department Facilities Division is responsible for the maintenance of many of the facilities where City programs and services are held. Parks, Recreation and Waterfront, Health and Human Services, and the Fire Department conduct their own maintenance, either utilizing their own staff or outside vendors. Generally, these Departments utilize the same cleaning products as Public Works.

The consultants discussed the barriers to access related to facilities maintenance with Stan Norton, and with Roland Anolin, Senior Building Maintenance Supervisor in the Parks, Recreation and Waterfront Department. In conversations and e-mail correspondence with Mr. Norton, he provided the following information about the cleaning products used by both City janitorial staff and contractors.

Facilities Maintenance staff have evaluated products from different companies, including Rochester Midland, Naturally Yours, Sierra Environmental, and S.C. Johnson. Staff only order products that are "green friendly" and are made of natural substances. They do not use ammonia, chlorine, fluorocarbons, products containing caustic chemicals, or restroom deodorizers.

Janitors are using those products that Facilities Maintenance considers to be "environmentally safe and most effective for their purpose as well as least offensive regarding the 'smell sensitivity' concern." Currently, products used include: Ivory hand soap, Glance Window Cleaner, Triad III Disinfectant, and Stride Citrus Neutral Cleaner. Facilities Maintenance staff will be evaluating furniture polishes and floor products in the future.

In addition to barriers to access that some people experience because of building maintenance cleaning products, the synthetic fragrances found in personal care products worn by staff and members of the public may also create barriers.

Most meeting notices reviewed by the consultants contained the request that attendees "please refrain from wearing scented products to public meetings." However, many of the meeting agendas posted on CoBWEB fail to include this request. Furthermore, no explanation is provided for why this request is being made.

One person active in the multiple chemical sensitivity/environmental illness (MCS/EI) community reported to the consultants that Berkeley was ahead of most cities when, in the mid-1990s, it began to address the accessibility needs of people who have MCS/EI.

The U.S. Access Board, the Federal agency responsible for developing accessibility standards, has convened a panel on improving indoor air quality. New data and resources may be available to community members and City staff in their future efforts to address this issue.

## Recommendations

- Relocate the Family, Children and Youth Services program of Berkeley Mental Health (currently at 1925 Derby Street) to an accessible facility. *Priority #1*
- Conduct an accessibility review of the Berkeley Police Department's Traffic Bureau Parking Enforcement Office (currently located at 3140 Martin Luther King, Jr. Way). *Priority #1*
- Consider providing an on-street disability parking space near the main entrance of the Fire Department's Training Facility (Fire Station #6) at 997 Cedar Street. *Priority #3*
- Continue to provide people who have asthma, multiple chemical sensitivities, environmental illnesses, allergies, and other respiratory problems with an opportunity to have their access needs addressed by the Commission on Disability and the Disability Compliance Program. Access issues that might be addressed include those which pertain to indoor air circulation, the cleaning products used for facilities maintenance, the scented products worn by staff and members of the public, and procedures to limit smoking near entrances to City buildings. *Priority #1*
- Consider revising the current statement on meeting announcements, "Please refrain from wearing scented products at public meetings," so that members of the public understand the reason for this request. A revised statement might read: "Please refrain from wearing scented products to this meeting so that people who have chemical sensitivities may attend. Thank you." *Priority #3*

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## Employment Policies and Practices

(28 C.F.R. Sections 35.140 and 29 C.F.R. Sections 1630.1-1630.16)

Title II prohibits all public entities from discriminating against qualified individuals with disabilities in their employment policies and practices. Title II references Title I of the ADA and Section 504 of the Rehabilitation Act of 1973 for specific requirements regarding nondiscrimination in employment. Covered activities include the application process, testing, interviewing, hiring, assignments, evaluation, discipline, medical examination, compensation, promotion, on-the-job training, layoff/recall, termination, leave, and benefits.

Employers are required to make reasonable accommodations to the known disability of qualified applicants and employees with disabilities.

### *Employment Related Findings and Recommendations for Human Resources*

#### Findings

In conducting the self-evaluation, the consultants found that most ADA required policies and practices pertaining to all aspects of the employment process have been put in place by the Department of Human Resources. The Department has also provided for communication accessibility through having a working text telephone (TTY/TDD) line of its own.

Despite the fact that policies and practices required by the ADA have been put in place, there are a few areas where proactive development of policies and practices is recommended.

The processes of developing job descriptions and analyzing essential job functions (which are crucial to determining employee eligibility for specific positions and eligibility for reasonable accommodations) currently begin with class specifications, rather than with detailed individual job descriptions. Class specifications, which are routinely used in employee recruitment, are not the same as detailed descriptions of specific individual positions. This can cause significant difficulties in a variety of situations.

For example, when requesting medical information to verify an incumbent's or new hire's eligibility for a disability related job accommodation, the form sent to the verifying physician does not currently contain a checklist of job functions which are specific to the individual's position, but rather a checklist which is in accordance with the specifications for the class of jobs to which the position belongs.

This may not give the physician adequate information to make a specific enough determination of the job related limitations caused by the individual's disability. If the limitations determined are not sufficiently specific to the position in question, an incorrect determination of whether the employee is a qualified individual with a disability may be made, or an ineffective job accommodation may be chosen.

A medical clinic to which the City of Berkeley sends workers who have sustained on the job injuries for evaluation was recently unable to furnish an ASL interpreter for a Deaf City employee. When requested to do so by Human Resources Worker's Compensation staff, the clinic staff replied that they had no means of providing this service, and the employee did not have an ASL interpreter for the medical evaluation.

According to verbal comments provided by the City's Equal Employment Officer, subsequent to this incident, the Human Resources Department's Worker's Compensation Analyst has been given the responsibility to provide disability accommodations for employees who are referred for medical visits. The Human Resources Department's Acting Director added in a July 19, 2004 memo to the consultants that managers and supervisors will be instructed to tell employees to contact Human Resources Worker's Compensation staff prior to scheduling medical evaluation appointments. Managers and supervisors will be trained in this procedure during "refresher" training sessions planned for later in 2004.

After reviewing the written curriculum for ADA related training that is provided to managers and supervisors by the Human Resources Department's Equal Employment Officer, the consultants concluded that this curriculum does not contain sufficiently detailed information about conducting essential functions job analyses to give managers and supervisors a clear understanding of the type of analysis involved in this process.

It may also be useful for managers and supervisors trained by the Equal Employment Officer to have training in recognizing harmful disability stereotypes concerning employment, and in using conflict resolution techniques to help handle employee situations involving disability. According to verbal comments provided by Mr. Feggans, this alternative has been considered, but it has been found more effective for Mr. Feggans to intervene personally as a neutral party in conflicts which concern employees with disabilities and their colleagues and supervisors.

With regard to the reasonable accommodation process for employees, current procedure specifies that a written notice informing employees of their right to request reasonable accommodations, and of procedures for making these requests, is included in the employee newsletter *Berkeley Matters* twice per year. This procedure is entirely appropriate. However, it can be helpful to employees if the information is listed more frequently, for example, at least quarterly.

Current City and Human Resource Department policies, forms and guidelines set forth an appropriately timely process for responding to requests from applicants and employees for reasonable accommodations, once verifying information is received from a physician. However, from self-evaluation feedback that was received from both current and past employees with disabilities, in practice the process can take far longer than is specified. This leads to employee disappointment and frustration, and can potentially impact employees' ability to perform their jobs.

### Recommendations

- Ensure that individual job descriptions containing specific essential job functions are developed, and are sent to physicians, whenever reasonable accommodations are requested at any phase of the employment process. This recommendation applies to all job applicants, new hires, and incumbents. *Priority #1*
  
- Ensure that clinics and other ADA Title III agencies which contract with the City to provide services to its employees are apprised of their ADA Title III obligation to be accessible to employees with disabilities. As planned, conduct training for all managers and supervisors in the procedure of instructing employees to contact the Human Resource Department's Worker's Compensation Analyst to request disability accommodations prior to medical evaluation visits. *Priority #1*
  
- Consider expanding the ADA training that is currently being provided to supervisors and managers by the Human Resources Department's Equal Employment Officer to include the following important ADA related topics: *Priority #2*
  - > A more detailed presentation of the essential job functions analysis process, specific to how it is applied concerning City of Berkeley jobs;
  - > A presentation concerning disability myths and stereotypes; and
  - > Basic conflict resolution techniques for use in employee situations concerning disability (for example, for use with colleagues who don't understand an incumbent's disability related needs).
  
- Because of various departmental difficulties with providing reasonable accommodations to employees, funding allocated for employee job

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accommodations should originate from the Human Resources Department, or another centralized City source, rather than from the various individual City departments. *Priority #2*

- Ensure that the reasonable accommodation process is completed in a more timely manner. *Priority #1*
- Consider more frequent inclusion of the notice informing employees of their right to request reasonable accommodations, and of procedures for making these requests, in the employee newsletter *Berkeley Matters*. Listing this notice on at least a quarterly basis can be helpful to employees. *Priority#2*

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### *Employment Related Findings and Recommendations for Information Technology*

#### Findings

Employees make extensive use of iCoBWEB during their work days.

Although an accessibility review of CoBWEB was an important component of the self-evaluation, because of time and budget limitations, and most importantly, because of City security concerns, the self-evaluation did not include an accessibility review of iCoBWEB pages.

However, some of the pages which employees utilize, such as the pages used to request enrollment in staff training courses, do not appear to be accessible to employees using screen readers. Also, although contact information and clear instructions for requesting disability related accommodations for Citywide training courses are posted, no such information and instructions were observable for employee courses specifically provided by the Information Technology Department.

#### Recommendations

- Check the compatibility of iCoBWEB pages used for employees to request benefits and privileges of employment (such as enrolling in Citywide and Information Technology Department mandatory and elective training courses, for example) with screen reader technology (such as JAWS). If these pages are incompatible with screen reader programs, provide alternate, text only linked pages, or provide another means by which employees can request the benefits or privileges in question. *Priority #1*

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- Provide a means for employees with disabilities to request disability related accommodations at training sessions conducted by the Information Technology Department. *Priority #1*
- Ensure that downloadable forms provided to employees on iCoBWEB are in formats compatible with screen reader technology. *Priority #2*

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For example, if these forms are available in .pdf format, ensure that the version of .pdf forms provided on iCoBWEB is compatible with employees' screen reader programs, such as JAWS. This may be able to be done by attempting to highlight text within the forms. If text can be highlighted, the format may be accessible, but if reading order has not been designated in the file by its author, the file may be extremely difficult to read. Forms which contain images without machine readable text are inaccessible.

## Other Citywide Issues

*The Determination of Direct Threat to Health or Safety*  
(28 C.F.R. Sections 35.104; 28 C.F.R. 36.208)

### Finding

Staff in a variety of departments are currently left to deal with situations in which they do not have the tools to determine how to ensure the safe participation of certain individuals with disabilities in their programs, activities and services. They also do not have the tools to avoid the possibility of inadvertently inappropriately excluding an individual whose behavior may have been rendered safe with the provision of a needed auxiliary aid or service, or a program modification.

Title II of the ADA requires that public entities have a means of determining whether an individual poses a direct threat to the health or safety of others. If an individual poses such a direct threat, the entity must then try to mitigate the threat to a level consistent with safety through the provision of auxiliary aids and services, or program modifications. If this cannot be done, the person is no longer considered a qualified individual with a disability under the ADA, and may be excluded from a public entity's programs and services.

However, the ADA requires that the determination of direct threat be conducted on a case by case basis for each individual, and that this determination must be based on reliable information specific to that individual's current disability, not on myths, fears or stereotypes about a disability or disabilities.

In general, with the exception of the Berkeley Police Department, staff do not fully understand the concept of direct threat, nor do they have the expertise to make an appropriate determination of direct threat. Staff need guidance from Disability Services Specialists, and from the City Attorney's Office, in order to evaluate possible accommodations and/or make an appropriate determination of direct threat.

Bearing the above in mind, it is also acknowledged that occasionally there may be some situations in which an individual's behavior is perceived by staff to pose a danger to personal safety or building security. In these situations, the City has established procedures, per Berkeley Municipal Code Section 13.36.05, for enforcing building safety rules in City facilities, for the protection of program participants, staff, and other individuals using these facilities.

#### Recommendation

- Establish a consistent procedure for staff to consult with the ADA Compliance Coordinator and the City Attorney's Office whenever a question related to the determination of direct threat arises. *Priority #1*

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#### *Boards and Commissions*

#### Finding

Lack of disability awareness by some Board and Commission members has led to difficulties for some members of the public who have disabilities in the past. (For example, it was reported that an individual with hand and arm mobility impairments was refused the opportunity to present testimony because she could not complete a speaker's card.)

Currently, the only disability related information supplied to Board and Commission members and secretaries is a copy of the City's procedure, "Responding to Requests for Accommodations for Persons with Disabilities: Procedures for Members of Boards and Commissions and Staff" which is

presented in a packet of written training materials, and is also available in the "Board and Commissioner's Manual."

While these procedures are appropriate, no training is devoted to the limitations individuals with disabilities may be facing when they participate in Board and Commission meetings, and how staff go about determining which accommodations are most appropriate for an individual. This understanding is crucial, because the accommodation process is a major part of the responsibilities of Board and Commission secretaries.

### Recommendations

- Expand the existing Board and Commission Chair and secretary training to include oral presentations on, and discussion of: *Priority #1*
  - > modifying Board or Commission policies and procedures, when appropriate, in order to enable individuals with disabilities to participate; and
  - > the range of auxiliary aids and services that members of the public with disabilities may request, why they may be needed, and how to go about furnishing them when a request is received.
- Include information about requesting auxiliary aids and services on the CoBWEB pages for all City of Berkeley Boards and Commissions. This can help to speed up the request process for some individuals with disabilities who are planning to attend Board and Commission meetings. *Priority #1*

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### *Monitoring ADA Compliance of City of Berkeley Contractors*

#### Findings

Monitoring ADA compliance of contractors is a critical part of the City of Berkeley's efforts to ensure the accessibility of its programs, services and activities to members of the public with disabilities. When contractors do not comply with the ADA, the programs or services they provide are not accessible.

Per the Berkeley Municipal Code, Section 13.26.070, all City contract language includes nondiscrimination provisions concerning contractors' treatment of job applicants and employees with disabilities.

Article 19, Section D of the City's "Community Agency Contract" boilerplate requires contractors who are subject to the terms of the Community Agency Contract to comply with the requirements of Title II of the Americans with Disabilities Act and other disability nondiscrimination laws and regulations. Contractors who are subject to the terms of other City contracts are not specifically held to this requirement.

Regardless of the type of City contract that the contractor holds, monitoring procedures regarding periodic verification of contractors' ADA compliance vary from department to department.

Some departments or divisions require no such verification, or have no means in place for checking compliance. Other departments or divisions (especially those with contractors governed by Community Agency Contracts, such as the Housing Department, or the Public Health AIDS Office, for example) conduct yearly site visits in which ADA compliance issues may or may not be included to some degree.

#### Recommendation

- Establish a more standardized and detailed procedure for monitoring contractors' compliance with relevant provisions of the ADA, which all departments that use contractors to provide programs and services to the public would be required to follow. *Priority #2*

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At minimum, this procedure should include, when appropriate, the completion of a basic physical and communications accessibility checklist, and an assessment of the contractor's nondiscrimination provisions concerning people with disabilities. It should also include a brief description of the contractor's experiences serving people with physical and mental disabilities.

#### *ADA Compliance of City of Berkeley Tenants*

#### Findings

City lease and license agreements have been entered into with a variety of long term tenants. At the Marina, for example, tenants have included a hotel, restaurants, a sailing club, and a bait shop. The City also has tenants and manages property at Sather Gate Mall, and elsewhere throughout the City.

The sample license agreement reviewed by the consultants contained language prohibiting discrimination against persons with disabilities in the licensee's employment practices, and in the goods, services, facilities, privileges, advantages, or accommodations that the licensee offers. It requires that the licensee observe and comply with Titles II and III of the ADA.

It also requires that that licensee observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability, as well as the City's employment nondiscrimination ordinance (B.M.C. Chapter 13.26).

Furthermore, it states that the licensee is solely responsible for complying with applicable provisions of Title III of the ADA, and all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability.

Some lessees and licensees have entered into tenant agreements with the City that were written before these nondiscrimination sections were included in the agreement language. Whenever these tenants' agreements are renegotiated, the current nondiscrimination language is utilized.

### Recommendations

- Though City lease and license agreements clearly state that the lessee or licensee is solely responsible for complying with Title III of the ADA, and while it is not required for the City to provide information to its tenants regarding the ADA compliance obligations for public accommodations, it would be advantageous for the City to do so. An information packet could be distributed explaining the readily achievable barrier removal standard, the requirement to provide services to patrons with disabilities in alternative ways when physical access cannot be achieved, and the obligations to provide auxiliary aids and services when necessary to afford equally effective communication for individuals with disabilities. These materials have been developed by, and are available from, the U.S. Department of Justice and the U.S. Small Business Administration. *Priority #3*

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Not Required, only a recommendation

## *Special Events Accessibility*

### Findings

Special events sponsored by the City, such as the Bay Festival and the Fourth of July Festival, are activities covered under Title II of the ADA. In planning for these events, City departments have considered some issues related to disability (including parking, access to events, and the provision of wheelchair accessible restrooms), but not others.

Accessibility of special events includes both the physical accessibility of event facilities (including parking, access to physical facilities such as buildings, tents, seating, restrooms, stages, and clear paths of travel, for example) and access to equally effective communication for individuals with disabilities who attend events.

Communication accessibility must be afforded by the provision of auxiliary aids and services (such as sign language interpreters, captioning, or Brailled, large print or audio taped print materials, for example) upon request. The City may require appropriate advance notice for these requests.

At this time, there is no City wide policy or procedure to ensure that the special events sponsored by the City or any of its departments are accessible to individuals with a variety of disabilities.

A draft special events accessibility policy, with a checklist and guidelines, is presently under review by staff of the City Manager's Office. This draft affords the City a means for oversight of the accessibility of City sponsored special events and sets forth requirements for entities holding or participating in these events.

### Recommendation

- Adopt the draft special events policy, checklist and guidelines that are currently under consideration by staff of the City Manager's Office.

*Priority #1*

Completed

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## **PART III: DEPARTMENT AND PROGRAM FINDINGS AND RECOMMENDATIONS**

### **MAYOR AND CITY COUNCIL**

#### How the self-evaluation was conducted

An ADA self-evaluation questionnaire was specifically developed for the Mayor's Office and the eight City Councilmembers. The purpose of this questionnaire was to obtain information pertaining to contact that the Mayor and his staff, and Councilmembers and their aides, have with City residents and other members of the public. The questionnaire requested information regarding the means by which individuals with disabilities have both direct and telephone contact with these elected officials and their staffs. It also inquired about the availability of print materials in alternate formats from their offices.

Information pertaining to City Council meetings and public hearings was obtained from Sara Cox, Deputy City Clerk. More detailed self-evaluation findings and recommendations concerning City Council meetings can also be found in the *City Clerk's Office* section of this report, since City Clerk's Office staff bear the responsibility for providing communication accessibility at City Council meetings. They also assist with coordinating maintenance procedures for Council meetings, and are responsible for posting Council meeting notices.

Self-evaluation questionnaires were sent to the Office of Mayor Tom Bates, and Councilmembers Maio, Breland, Shirek, Spring, Hawley, Olds, Worthington, and Wozniak. Questionnaires were completed and returned by Councilmembers Maio, Hawley, and Spring. The Mayor's Office did not complete the questionnaire.

The consultants also reviewed the Mayor's Office and Councilmembers' CoBWEB pages.

#### Findings

The City Council is the legislative branch of Berkeley's municipal government. The Berkeley City Council consists of eight Councilmembers elected by district for four-year terms. The Mayor, elected "at large" for a four-year term, serves as President of the Council, and presides over all Council meetings. The Mayor is the ceremonial head of the City.

The City Council Chambers in "Old City Hall," at 2134 Martin Luther King, Jr. Way, is the meeting location for the Berkeley City Council. Meeting agendas

and meeting announcements do not contain the information that the meeting sites are wheelchair accessible.

The main entrance to the "Old City Hall" building is not accessible, although a back entrance is, and an accessible path has been provided to this entrance. The main accessible restrooms are on the ground floor, one floor below the Council Chambers, which presents some inconvenience to Council members and members of the public who have mobility disabilities. There is a unisex accessible restroom near the Council Chambers, but the consultants observed that it is sometimes kept locked during public meetings, because of unclear communication concerning maintenance procedures between the Berkeley School District, which is responsible for the building's maintenance, and City staff.

In the public seating section of the Council Chambers, rows of seats are placed very close together and are difficult for people with mobility disabilities to access. In addition, integrated seating for wheelchair users did not appear to be available. Clear maintenance procedures consistently providing for integrated and accessible seating would be beneficial to this situation.

The bulletin board outside the "Old City Hall" building at 2134 Martin Luther King, Jr. Way is not an ideal location for posting the City's public meeting announcements, including the announcements of City Council meetings. It is not very usable for people with disabilities. The announcements are difficult to read in standard size print for anyone with a visual impairment, and they are especially difficult to read in this size print at wheelchair height. They are also very difficult to approach in bad weather. In addition, the posting location is not very near to most other City of Berkeley offices in the downtown area. These offices are much closer to BART and the many AC Transit bus lines running on Shattuck Avenue than is the "Old City Hall" bulletin board.

In addition to extensive public contact during City Council meetings, the Mayor and Councilmembers and their aides have frequent in-person, telephone and e-mail contact with community members.

Councilmembers and their staffs make reports and other print materials available to members of the public. According to the three self-evaluation questionnaires received, only Councilmember Spring indicated that her office has provided print materials in an alternate format (large print). Aides to Councilmembers Maio and Hawley stated that no requests for materials in alternate formats have been received, but that materials would be provided in alternate format if requested.



When the Mayor's Office CoBWEB pages provide a hyperlink to documents in .pdf format, a statement is included about calling the Mayor's Office "if you have trouble accessing it on-line." These materials can be provided via mail or e-mail. However, there is no indication that the materials could be provided in alternate formats, such as in large print or Braille, or on audio tape.

None of the three Councilmembers indicated that any auxiliary aids and services have been provided in order to afford effective communication for people with disabilities who visit their offices. Per the questionnaire responses, auxiliary aides and services would be provided upon request. However, only one of the Councilmember's aides described a procedure for providing auxiliary aids and services. "We request assistance through the [City] Manager's Office," one aide wrote.

The Mayor, his staff, and Councilmembers and their aides all have frequent telephone contact with the public. Only one of the Councilmembers' indicated having had experience using the California Relay Service. Neither the Mayor's Office nor the individual Councilmembers have a text telephone (TTY/TDD). The City Clerk's Office TTY number is listed on the Mayor's Office CoBWEB pages.

According to the three questionnaires received, none of the Councilmembers' aides have received disability awareness training.

Per the questionnaire responses, one of the Councilmembers holds neighborhood meetings with constituents. These meetings are held at wheelchair accessible locations. Meeting announcements have not included information about the accessibility of the site; "but we will from now on," wrote the Councilmember's aide.

#### Recommendations for the Mayor's Office and Councilmembers

- Provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real

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time captioning, and assistive listening devices, or other accommodations) on announcements for all meetings that the Mayor or Councilmembers directly organize or sponsor, outside of City Council meetings and public hearings. (The City Clerk's Office has the responsibility for providing this information for all City Council meetings and public meetings.) *Priority #1*

- Include language on meeting notices which informs the public about the accessibility of the meeting site of any neighborhood meetings held by Councilmembers. *Priority #1*
- Provide staff who have frequent telephone contact with the public with training in how to use the California Relay Service. *Priority #1*
- Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*
- Clarify maintenance procedures to establish unimpeded entrance to all accessible restrooms in the "Old City Hall" building during public meetings of the City Council. *Priority #1*
- Clarify procedures for the maintenance of accessible, integrated seating in the public seating area of the City Council Chambers during City Council meetings. *Priority #1*
- Consider establishing a more convenient and accessible location for posting the printed announcements of all City Council meetings. *Priority #2*
- Post all meeting notices more than five days in advance of public meetings, or shorten the specified notice time required for requesting auxiliary aids and services to three days (72 hours) or less. If the request time for aids and services is shortened, the language on public meeting announcements that gives information about requesting auxiliary aids and services must also be modified to reflect the change in request time. *Priority #1*

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## **CITY ATTORNEY'S OFFICE**

### How the self-evaluation was conducted

Mark Zembsch of the City Attorney's Office staff completed the ADA self-evaluation staff questionnaire, and submitted several supporting documents for the consultants to review. These included a "Claim Filing Procedures" instruction sheet, a "Claim Against the City of Berkeley" form, a copy of the policy and procedure, "Responding to Requests for Accommodations for Persons with Disabilities: Procedures for Members of Boards and Commissions and Staff," taken from the City of Berkeley's *Board and Commissions Manual*, a sample meeting agenda from the Fair Campaign Practices Commission, and a complete copy, with amendments, of the Personal Services Contract between the City of Berkeley and George Hills Company, Inc., the contractor which the City uses for processing those legal claims which are filed against it.

In addition, the consultants reviewed all City of Berkeley contract boilerplate language available from pages of the "Contracts Online Manual" on iCoBWEB, and many City of Berkeley Administrative Regulations posted on iCoBWEB. Mr. Zembsch also provided the consultants with several documents relating to the question of permitting service animals to accompany individuals with disabilities into City buildings and facilities.

### Findings

Per the information provided on its CoBWEB page, the City Attorney's Office "provides legal advice to City government . . . determines the merits of claims and defends against suits filed, while also filing suits on behalf of the City." It also is closely involved in the review of proposed City policies, and the development of City contract and lease language. As such, the City Attorney's Office will play a critically important role in the analysis and development of policies required by the Americans with Disabilities Act, several of which the City of Berkeley does not yet have. Please refer to "General Nondiscrimination Requirements" in the *Citywide Findings and Recommendations* section of this report for a discussion of these policies and procedures.

Other than sponsoring the public meetings of the Fair Campaign Practices Commission, the sole service which the City Attorney's Office provides to the general public is the filing and processing of legal claims by members of the public against the City of Berkeley. It also sometimes receives general legal inquiries or requests for referrals for legal services from members of the public. There are no eligibility criteria for these services.

In general, people with disabilities receive services on an equal basis with others. Staff responses indicated that some individuals with disabilities may have been denied the opportunity to receive services because they have exhibited behavior which was deemed dangerous and/or a direct threat to the health and safety of others.

In responding to the ADA staff questionnaire item concerning the existence of policies and procedures for determining whether the participation or behavior of an individual with a disability would constitute a direct threat to the health or safety of others, City Attorney's Office staff referred to Superior Court standards for issuing restraining orders, which are followed in determining whether behavior is threatening. They did not address how an analysis of the possibility of mitigating this perceived threat through the provision of auxiliary aids and services might take place.

Bearing the above in mind, it is also acknowledged that occasionally there may be some situations in which an individual's behavior is perceived by staff to pose a danger to personal safety or building security. In these situations, the City has established procedures, per Berkeley Municipal Code Section 13.36.05, for enforcing building safety rules in City facilities, for the protection of program participants, staff, and other individuals using these facilities.

Questions about disability are not asked on claim forms or any application forms, and no separate programs exclusively for people with disabilities are offered. Staff have accommodated people with disabilities by reading claims forms aloud to people with vision impairments, and providing a person with a hearing impairment with written notes explaining the claims process. No surcharges have been imposed for any disability related accommodations.

The City Attorney's Office allows service animals into its facilities. The City Attorney has developed several documents which, taken together, constitute a policy that generally permits the entry of service animals accompanying persons with disabilities into City buildings and facilities. However, staff knowledge about these documents and about this policy, as reflected in departmental questionnaire responses, was somewhat inconsistent. Furthermore, some of the policy documents address compliance issues that pertain to Title III rather than Title II of the ADA.

The City Attorney's Office does not post notice on its premises of the City's compliance with the ADA. It uses the City's ADA grievance procedure to respond to any instances of perceived disability discrimination which may occur.

With regard to the provision of auxiliary aids and services, per staff questionnaire responses, City Attorney's Office staff has made flyers, public meeting agendas, applications and forms, including claims forms, available in Braille, large print, and audio tape upon request. In addition, they have furnished sign language interpreters, note takers, assistance with reading and completing forms, and real time captioning. The policy which is utilized for providing the services is outlined in the policy statement, "Responding to Requests for Accommodations for Persons with Disabilities" that is contained in the City's *Board and Commissions Manual*.

These services are also provided on request for Fair Campaign Practices Committee meetings. Sample agendas for these meetings, which are available in print and on CoBWEB in both HTML and .pdf formats, were reviewed and were found to contain information concerning the accessibility of the meeting location, which is the North Berkeley Senior Center. They also contained information and instructions for requesting auxiliary aids and services at the meetings.

In the *Citywide Findings and Recommendations* section of this report, the consultants have recommended that this information be changed on a Citywide basis, because it is obsolete and poses an additional logistic difficulty. It names the City Clerk's Office as the primary contact point for requesting auxiliary aids and services, and asks for five days' notice for these requests. However, the City Clerk's Office is no longer capable of providing a full range of disability related accommodations, and the consultants have recommended that this function be transferred to the ADA Compliance Coordinator. Also, the Citywide practice of posting public meeting notices 72 hours in advance of public meetings does not afford adequate time for a person with a disability to request auxiliary aids or services within five days of a meeting, as they are informed to by current meeting agendas.

The City Attorney's Office also has shown films or videos to members of the public. According to staff questionnaire responses, these materials are captioned. People with disabilities have not been portrayed in any City Attorney's Office materials.

The City Attorney's Office has no text telephone (TTY/TDD). Staff are not familiar with TTY use, or with how to use the California Relay Service to communicate by telephone with people who have hearing and speech disabilities.

Staff have received training in disability awareness, ADA compliance, and techniques of effective communication with people with disabilities via the

disability component of the City of Berkeley's core course in customer service. Also, per the staff questionnaire response, "some attorneys have expertise in disability compliance."

Staff assist with the emergency evacuation of facilities. Per ADA staff questionnaire responses, they have designated two volunteers to assist staff members and visitors with disabilities to access "approved fire hallways" in the event of an emergency evacuation. The volunteers then will wait with these persons with disabilities until emergency responders arrive.

The City Attorney's Office does not provide any transportation services to the public, and does not sponsor any public special events.

It uses one contractor, the George Hills Company, Inc. to process those legal claims which are filed against the City. The complete contract for these services, together with all amendments and supporting documentation, was submitted to the ADA self-evaluation consultants for their review. The contract language used was the City's boilerplate "Personal Services Contract" language. In regard to informing the George Hills Company, Inc. of its ADA compliance responsibilities, from review of the contract language, and per staff questionnaire responses, "The contract specifically addresses the contractor's obligations not to discriminate regarding its employees and applicants, but does not include similar specific terms regarding how it must not discriminate against members of the public [who have disabilities]."

The omission of apprising the contractor of its responsibility to comply with Title III of the ADA by providing auxiliary aids and services when necessary to ensure effective communication with people with disabilities is especially important, because on City of Berkeley "Claim Filing Procedures" forms, claimants are instructed to contact the George Hills Company, Inc. if they have any questions about their claims.

No TTY number is provided for this purpose, and no information was available at the time of the self-evaluation as to whether staff of the George Hills company have been trained in TTY use or use of the California Relay service, or if they have received any training in disability awareness, ADA compliance, or techniques of equally effective communication with people with disabilities. Furthermore, although it seemed likely that claimants would only rarely visit the offices of George Hills Company, Inc., it was not known if claimants ever do visit these offices, or if the offices are accessible to people with mobility disabilities.

The findings concerning the consultants' review of standard City of Berkeley boilerplate contract language, and City of Berkeley lease language, are discussed in "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" and in "ADA Compliance of City of Berkeley Tenants" in the *Citywide Findings and Recommendations* section of this report.

### Recommendations

- Refer to the "Other Citywide Issues: Determination of Direct Threat to Health or Safety" in the *Citywide Findings and Recommendations* section of this report, regarding development of City of Berkeley policies and procedures for determining, on a case-by-case basis, whether the behavior of an individual with a disability would constitute a direct threat to the health or safety of others, and whether such direct threat can be mitigated through the provision of auxiliary aids and services or other disability related accommodations. *Priority #1*
- In consultation with the City's ADA Compliance Coordinator, develop and implement several other needed ADA policies and procedures. These include a policy regarding modification of policies and practices, if necessary to avoid discrimination against people with disabilities; and a procedure for determining fundamental alteration and undue burden. Refer to "General Nondiscrimination Requirements" in the Citywide Findings and Recommendations section of this report for a further discussion of these policies and procedures. *Priority #1*
- City Attorney's Office staff and the City's ADA Compliance Coordinator should consider collaboratively reviewing the City's service animal policy documents to streamline and clarify the policy for staff. *Priority #2*
- Post a public notice concerning the City of Berkeley's compliance with the ADA at the City Attorney's Office. *Priority #1*
- Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for auxiliary aids and services, and other disability related accommodations. Once this procedure is developed, consistently use it in responding to requests for auxiliary aids and services and other disability related accommodations. Include updated information concerning how to request auxiliary aids and services on all

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City Attorney's Office program brochures, forms, and flyers, on all public meeting notices, and on agendas of the Fair Campaign Practices Commission. *Priority #1*

- Train staff in how to use the California Relay Service. *Priority #1*
- Once they are developed, utilize Citywide procedures for monitoring the compliance of George Hills Company, Inc. with relevant provisions of the ADA. At a minimum, this contractor must afford equally effective communication to claimants with disabilities who contact the contractor regarding the status of their claims. Refer to the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #1*
- Refer to "Other Citywide Issues: *Monitoring ADA Compliance of City of Berkeley Contractors,*" and "Employment Policies and Practices" in the *Citywide Findings and Recommendations* section of this report for discussions of the need to inform certain contractors of their responsibility to comply with relevant portions of Titles I, II and III of the ADA. With assistance from the City's ADA Compliance Coordinator, develop language and information to be used in the City's contracting procedures which will apprise contractors of their ADA related responsibilities. *Priority #1*

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## CITY AUDITOR'S OFFICE

### How the self-evaluation was conducted

A self-evaluation questionnaire for the City Auditor's Office was completed by Sherren Hughes, Administrative Secretary to the City Auditor.

### Findings

The City Auditor's Office provides independent oversight of City operations. As such, many of the services of the Auditor's Office are not provided to the public and are therefore not subject to the self-evaluation review.

However, there are a few activities and services that the Auditor's Office does provide to the public. They include: reporting the results of audits and other investigations and reviews; discussing questions regarding audits with members of the public; and having contact with employees and other members of the public regarding the City's retirement benefits.

The Audit Reports and other documents which the Auditor's Office makes available to the public have not been provided in alternate accessible formats. However, these reports are available on CoBWEB, and the link contains a statement: "If you are unable to access .pdf documents online, please contact us via email at [auditor@ci.berkeley.ca.us](mailto:auditor@ci.berkeley.ca.us), telephone (981-6750), or TDD (981-6903) so that we can provide an alternate format."

The Auditor's Office reported that they have provided auxiliary aids and services in order to ensure effective communication with members of the public. They did not specify which of these aids or services were provided.

Though they have frequent telephone contact with the public, staff do not know how to use the California Relay Service. Staff also reported that they have not received disability awareness training.

### Recommendations

- Provide Audit Reports and other documents to the public in alternate accessible formats, if requested. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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- Provide staff who have frequent telephone contact with the public with training in how to use the California Relay Service. *Priority #1*

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- Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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## **CITY CLERK'S OFFICE**

### How the self-evaluation was conducted

Sara Cox, Deputy City Clerk for the City of Berkeley, completed the ADA self-evaluation staff questionnaire, and submitted supporting documentation to the consultants for their review. These documents included the City of Berkeley's *Boards and Commissions Meeting Calendar*, the brochure "Welcome to Your City of Berkeley Council Meetings," the procedures "Responding to Requests for Accommodations for Persons with Disabilities" from the City of Berkeley's *Board and Commissions Manual*, a list of resources for providing disability related accommodations, published by the City's Commission on Disability in February 1998, sample City Council meeting agendas, a sample "Election Schedule for Council Submitted Measures," sample public meeting announcements and notices, and the City of Berkeley's "General Municipal Election, November 2004" brochure.

The consultants reviewed a great many of the City Clerk's Office CoBWEB pages. These included the City Clerk's Office home page and mission statement, the "Public Information and Records" pages, the "Election Information" pages, the "Domestic Partnership Information" pages, and the Berkeley City Council general information page and its "Agendas, Summaries and Video Archives" pages for 2002, 2003, and 2004. They also utilized the link on the City Clerk's Office home page for accessing the Berkeley Municipal Code.

In addition, they reviewed the *City of Berkeley Boards and Commissions Roster* available on CoBWEB; the *Board and Commissions Manual*; board and commission application, appointment and oath of office forms, and "Commissioner Attendance Report" forms; the "Checklist for Brown Act and Commissioner's Handbook Compliance" prepared by the City Attorney; the City of Berkeley's Administrative Regulation 3.2, which provides for the payment of stipends in some circumstances to certain board and commission members; and *Berkeley Municipal Code* provisions concerning Berkeley City Council procedures.

Follow-up e-mail correspondence took place between the consultants and Ms. Cox in October and November 2003 and March 2004. In addition, the consultants received comments from people with disabilities in three community meetings and in written questionnaire responses concerning the self-evaluation.

## Findings

Per its mission statement, the City Clerk's Office, "support[s] the City [of Berkeley's] legislative bodies by recording and maintaining the official records and legislative history of the City." It provides administrative support to the City Council, the Berkeley Housing Authority and the Berkeley Redevelopment Agency. It is responsible for posting public information about, and providing disability related accommodations for, Berkeley City Council, Housing Authority, and Redevelopment Agency meetings.

The City Clerk administers the commission appointment process, and is the Elections Official and Filing Officer for the City, which means that the City Clerk's Office administers municipal elections, including the nomination and ballot initiative processes associated with these elections, as well as the elections themselves. It reviews and monitors campaign and conflict of interest records, and takes applications for Board and Commission positions. The City Clerk's Office also maintains the City's domestic partners' registry.

The City Clerk's Office is to be commended for the vast array of essential information it makes available to the public, the assistance it provides, and the dedicated effort by its staff to provide this information and assistance by accessible means to people with disabilities. While not all of the information is fully independently accessible to people with all types of disabilities, staff consistently make the effort to provide print materials in all available alternate formats on request, and to provide those auxiliary aids and services which the Office has available, or has the resources to arrange.

The City Clerk's Office has historically been the initial point of contact for members of the public and staff of other City departments to request disability related accommodations. One recommendation of the self-evaluation is that this function should currently be transferred to the City's Disability Compliance Program. This recommendation is discussed in detail later in this section, and also in the *Citywide Findings and Recommendations* section of this report.

Members of the public interact with the City Clerk's Office in a wide variety of ways. They may request public information or copies of public records by telephone, in person, or via downloadable documents and forms available on CoBWEB. They may contact the Clerk's Office by these means to request agendas and other information about upcoming City Council, Berkeley Housing Authority, or Berkeley Redevelopment Agency meetings, or request disability related accommodations for attending these meetings. They may also obtain

copies of the minutes of previous meetings of these bodies from the City Clerk's Office. City Council, Housing Authority and Redevelopment Agency meeting agendas and electronic summaries are also available via links from the City Clerk's Office home page on CoBWEB. These materials are generally readable and downloadable in .pdf format.

However, for people using screen reader technology who may have difficulty accessing some versions of .pdf format, the meeting agendas, the meeting summaries and announcements available via the City Clerk's Office CoBWEB pages contain the notice, "If you are unable to access .pdf documents online, please contact us via e-mail, telephone or TDD so that we can provide an alternate format." The City Clerk's e-mail address and telephone and TTY numbers are provided along with this notice.

As part of the consultants' accessibility review of CoBWEB, a screen reader user tested the City Council meeting summary page and found that the language in this notice was accessible via his screen reader. City Council meeting agendas and summaries from the year 2002 are also directly readable from CoBWEB in HTML format.

A selection of other important materials that were reviewed by the consultants and are readable and/or downloadable from City Clerk's Office CoBWEB pages includes, but is not limited to, Commission applications and the Commissioners' Training Workshop printed agenda and video streamed training presentation, available via links from the "Boards and Commissions: General Information" page; a departmental contact information list, available via a link from the "Public Information and Records" page; and campaign statements and contribution and expenditure information, as well as an updated *Candidate Pamphlet and Calendar of Events*, both available via links from the "Campaign Information: 2004" web page.

The "Election Information" CoBWEB pages also contain links for obtaining essential information regarding ballot and initiative measures, registering to vote, obtaining an absentee ballot, finding an accessible polling place, and obtaining assistance from a voter outreach worker for speakers of languages other than English.

The *Candidate Pamphlet and Calendar of Events* is available in both .pdf and HTML formats, whereas Commission applications are directly downloadable only in .pdf format. For those members of the public with disabilities for whom .pdf format is not accessible, the "Board and Commissions: General

Information" web page contains the announcement that, "If you are unable to access .pdf documents online, please contact us via e-mail, telephone or TDD so that we can provide an alternate format". The City Clerk's e-mail address and telephone and TTY numbers are provided along with this announcement. The same statement is included on the "Campaign Information: 2004 Contributions and Expenditures" web page, from which information concerning candidates' campaign statements and contributions and expenditures can be read and/or downloaded in .pdf format.

Members of the public who are Berkeley residents may file an affidavit of domestic partnership with the City Clerk's Office by appearing in person and submitting signed forms and a fee. The affidavit is downloadable in .pdf format via a link from the City Clerk's Office "Domestic Partnership Information" CoBWEB page. This page contains the notice described above concerning contacting the City Clerk's Office via telephone, e-mail or TDD to request the affidavit in an alternate format, if needed.

If they are interested in running for a municipal office, prospective candidates and their local campaign committees must file campaign statements and conflict of interest forms with the City Clerk's Office, and pay a filing fee. Members of the public may also request election information and ballot materials from the City Clerk's Office, although the Alameda County Registrar of Voters Office actually provides most of these materials to the City Clerk. The materials have been provided to people with disabilities in a variety of alternate formats, including audio tape.

Detailed information about the services the City Clerk's Office provides, and how to request these services, is contained on the City Clerk's Office CoBWEB pages, which are also a rich source of resource information, and which provide links to many other services and to the text of important forms and City documents, including the Berkeley Municipal Code and the Berkeley City Charter.

Most services provided by the City Clerk's Office are available to everyone; however, all Commissioners and elected officials must be Berkeley residents. No application forms for requesting documents, for services and programs, or for candidacy for elected office or Board or Commission positions contain any questions about disability. The City Clerk's Office does not offer separate programs for people with disabilities; people with disabilities appear to be afforded an equal opportunity to participate in programs and services.

The City Clerk's office provides many disability related accommodations, for which it does not impose surcharges. These include print materials in a full range of alternate formats, and many auxiliary aids and services: an assistive listening system which is installed in the City Council Chambers, real time captioning of broadcast City Council meetings, captioning of videotaped public meetings and web streamed public meetings available to the public on CoBWEB, and sign language interpreting, note taking and reader services. Print materials have been provided in Braille, large print, audio tape, and computer disk formats. Staff also provide members of the public with disabilities with assistance with reading and completing forms, and have provided spoken information in written form for people who are Deaf or hard of hearing.

Information about requesting auxiliary aids and services and print materials in alternate formats is provided on many, but not all, meeting agendas and announcements, and on some City Clerk's Office program brochures. This information is not always complete. For example, the brochure, "Welcome to Your City Council Meetings" contains information about the availability of captioning, video streaming and an assistive listening system at City Council meetings, and lists the procedure for requesting headsets for the assistive listening system in City Council Chambers. However, this brochure does not include instructions concerning how to request print materials in alternate formats, or a sign language interpreter, or other auxiliary aids and services for the City Council meetings.

An additional significant problem concerning the request process for auxiliary aids and services, print materials in alternate formats, and other disability related accommodations at public meetings is the time conflict occasioned by the overall Citywide procedure of posting meeting notices 72 hours in advance, but requiring five days' notice for requests for disability related accommodations. This routine practice means that people with disabilities will always receive their first notice of a public meeting two days after the deadline for requesting disability related accommodations. Refer to "Equally Effective Communication," in the *Citywide Findings and Recommendations* section of this report, for specific findings and recommendations concerning changing this practice.

In addition to posting on CoBWEB, the central location for posting printed copies of all public meeting notices for the City of Berkeley is an outdoor bulletin board in front of the "Old City Hall" building at 2134 Martin Luther King Jr. Way. This building now houses the administration of the Berkeley School District, but it continues to be the location where the Berkeley City Council, the Berkeley Housing Authority, and the Berkeley Redevelopment Agency meet.

The bulletin board outside this building is not an ideal location for posting all of the City's public meeting announcements. It is not very usable for people with disabilities. The announcements are difficult to read in standard size print for anyone with a visual impairment, and they are especially difficult to read in this size print at wheelchair height. They are also very difficult to approach in bad weather. In addition, the posting location is not very near to the City Clerk's Office or to most other City of Berkeley offices in the downtown area. These offices are much closer to BART and the many AC Transit bus lines running on Shattuck Avenue than is the "Old City Hall" bulletin board.

At the time of the ADA self-evaluation, the City Clerk's Office was the only public contact point for requesting auxiliary aids and services and other disability related accommodations that was listed on brochures and meeting announcements from all City departments and programs. The current policy and procedure of listing the City Clerk's Office as the main public contact point for requesting disability related accommodations is outdated and inappropriate, because the Office does not now have the equipment, resources, or staff time to provide these services. This function more properly belongs to the City's Disability Compliance Program. Please refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report for the recommendation that this function be transferred to the Disability Compliance Program.

The City Clerk's Office sometimes furnishes members of the public with various certifications, most notably domestic partnership registration and registration as an electoral candidate or candidate for a Board or Commission membership. These certifications appear to be available on an equal basis to people with and without disabilities. The City Clerk's Office also uses standard City of Berkeley grievance procedures for members of the public.

The videotaped and video streamed materials which are shown to the public under the auspices of the City Clerk's Office are captioned. Occasionally, people with disabilities are portrayed in these materials. For example, the consultants reviewed web streamed videos of City Council meetings where a Council member with a disability, and community members with disabilities, appeared. From the review, it was found that they were portrayed in an appropriately dignified manner.

The City Clerk's Office has a text telephone (TTY/TDD), and staff who have frequent telephone contact are familiar with its use. The City Clerk's TTY



number is included on the City Clerk's Office CoBWEB pages and brochures, and on meeting announcements for the City Council, Berkeley Housing Authority and Berkeley Redevelopment Agency.

Staff are also familiar with using the California Relay Service for telephone contact with members of the public who have speech or hearing disabilities. They have received disability awareness and techniques of equally effective communication with people with disabilities through the "Serving Customers with Disabilities" component of the City's "Customer Service" core course.

City Clerk's Office staff members do provide evacuation assistance in the event of an emergency. According to ADA staff questionnaire responses, "Hardcopy instructions are always available and posted on a board for ready access." The responses further state that, "All staff members are trained to be aware of and assist persons with special needs or disabilities in whatever manner is required."

In discussing the procedures which are employed to assist people with disabilities, the staff response was that, "These procedures would be communicated in the best possible way that would meet the needs of the person with a disability. This would be a judgment call on the part of the staff member assigned to assist." While flexibility is required both in responding to a disaster and in accommodating people with disabilities, staff members are likely to benefit, and safety is likely to be increased, if staff receive further training in the specific means for assisting people with various types of disabilities.

The City Council Chambers in "Old City Hall" is the meeting location for the Berkeley City Council, the Berkeley Housing Authority and the Berkeley Redevelopment Agency. Redevelopment Agency meetings may also be attended via teleconference by going to the teleconference location, at 1633 Sixth Street. Meeting agendas and meeting announcements do not contain the information that the meeting sites are wheelchair accessible.

The main entrance to the "Old City Hall" building is not accessible, although a back entrance is, and an accessible path has been provided to this entrance. The main accessible restrooms are on the ground floor, one floor below the Council Chambers, which presents some inconvenience to Council members and members of the public who have mobility disabilities. There is a unisex accessible restroom near the Council Chambers, but the consultants observed that it is sometimes kept locked during public meetings, because of unclear communication concerning maintenance procedures between the Berkeley School District, which is responsible for the building's maintenance, and City staff.

In the public seating section of the Council Chambers, rows of seats are placed very close together and are difficult for people with mobility disabilities to access. In addition, integrated seating for wheelchair users did not appear to be available. Clear maintenance procedures consistently providing for integrated and accessible seating would be beneficial to this situation.

The City Clerk's Office works closely with designated staff in the Public Works Department's Radio Shop to maintain the assistive listening system in the City Council Chambers in good working order. The system is checked before each City Council meeting to ensure that it is working well, and repaired, if needed, before the meeting.

The City Clerk's Office does not provide transportation services to the public, or sponsor any public special events. Its only contractor is the individual who provides real time captioning services for public meetings. This individual is made aware of her ADA compliance responsibilities concerning employees with disabilities through City of Berkeley contract language.

The comments received from people with disabilities about services provided to them by the City Clerk's Office were positive concerning the general availability of voter materials in alternate formats on request, and negative concerning the lack of adequate time for requesting auxiliary aids and services which is occasioned by the Citywide policy of posting public meeting notices only 72 hours in advance of meetings. One Commissioner who had a disability also commented that she had not received appropriate assistance with filling out forms from a City Clerk's Office staff member.

### Recommendations

- Consistently include notice about ADA compliance and complete instructions for requesting auxiliary aids and services (print material in large print, Braille, disk or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on all brochures, flyers, public meeting announcements, and public meeting agendas, including those posted on CoBWEB. *Priority #1*
- Post all meeting notices more than five days in advance of public meetings, or shorten the specified notice time required for requesting auxiliary aids and services to three days (72 hours) or less. If the request time for aids and services is shortened, the language on public meeting announcements that gives information about requesting auxiliary aids and services must also be modified to reflect the change in request time. *Priority #1*

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- At such time as the City of Berkeley assigns its procedures for requests for auxiliary aids and services and other disability related accommodations to its Disability Compliance Program, continue to assist City of Berkeley staff and members of the public who contact the City Clerk's Office for this purpose by providing them with appropriate contact information for the Disability Compliance Program. *Priority #1*
- Consistently include language on all public meeting announcements and agendas, including those posted on CoBWEB, which informs the public of the accessibility of the meeting site. *Priority #1*
- Consider establishing a more convenient and accessible location for posting the printed announcements of all City of Berkeley public meetings, including all City Council and Board and Commission meetings. *Priority #2*
- Clarify maintenance procedures to establish unimpeded entrance to all accessible restrooms in the "Old City Hall" building during public meetings of the City Council, Berkeley Housing Authority, and Berkeley Redevelopment Agency. *Priority #1*
- Clarify procedures for the maintenance of accessible, integrated seating in the public seating area of the City Council Chambers during City Council, Berkeley Housing Authority, and Berkeley Redevelopment Agency meetings. *Priority #1*
- Ensure that all staff are informed of their obligation to provide assistance with reading and filling out forms to people with disabilities upon request. *Priority #1*
- If possible, provide staff with additional training in techniques of assisting people with disabilities in situations involving emergency evacuation. *Priority #2*

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## **CITY MANAGER'S OFFICE**

At the time the self-evaluation was being conducted, Animal Care Services, the Budget Unit, Neighborhood Services, and the Code Enforcement Unit were all within the City Manager's Office. Therefore, in this section, a discussion of each of these entities follows the description of the services provided to the public by the City Manager.

### **CITY MANAGER**

#### How the self-evaluation was conducted

Kimberly Willis-Starbuck completed the self-evaluation questionnaire for the City Manager's Office. The consultants also reviewed a sample of materials which the City Manager's Office makes available to the public in both print format and via CoBWEB. Materials examined included press releases, City budget public meetings notices, a brochure regarding "Budget Challenges and Solutions," the "City of Berkeley Annual Report Spring, 2003," and a copy of "the City Manager's Newsletter."

#### Findings

The City Manager oversees all City departments and services, and provides support for the planning, implementation, and evaluation of City programs. He ensures consistency in implementing policies and programs approved by the Berkeley City Council. Appointed by the City Council, he is responsible for the administration of City services and programs, enforcement of the City's Municipal Code and ordinances, and preparation of the annual budget. The City Manager appoints department directors to assist him in carrying out his duties.

The City Manager also oversees divisions and offices within the City Manager's Office: these are Animal Care Services, Budget and Fiscal Management, Neighborhood Services, and Code Enforcement. In addition, the City Manager's Office conducts administrative hearings when necessary.

Per the self-evaluation questionnaire responses, the City Manager's Office has no program eligibility criteria that screen out individuals with disabilities. No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA.

The City Manager and his staff regularly make reports, updates, press releases and other information available to City Council and members of the public in both print format and via CoBWEB.

According to Kimberly Willis-Starbuck, reports have been provided in Braille. City Manager's Office staff would make print materials available in other alternate formats if requested; however, there is no policy or procedure for doing so.

None of the print materials reviewed by the consultants contained any information about requesting the materials in alternate formats.

Auxiliary aids and services have also been provided in order to afford effective communication with members of the public. These have included staff assistance with reading and completing forms, and sign language interpreting services. For example, interpreters were provided at a hate crimes community meeting sponsored by the City Manager's Office.

The City Manager and his staff have frequent telephone contact with the public. Staff members in the Office have had experience using the California Relay Service. The City Manager's Office does not have a text telephone (TTY/TDD) of its own, and lists the City Clerk's Office TTY number on its print material and CoBWEB home page.

Staff have received disability awareness training. Ms. Willis-Starbuck told the consultants that she attended a "terrific Citywide Training Focus Course session given by Don Brown," one of the City's Disability Services Specialists.

The City Manager's Office does, on occasion, sponsor special community meetings such as Community Budget Meetings held to gather input from residents about budget issues and problems faced by the City.

Per the staff self-evaluation questionnaire responses, these meetings are held at locations which are wheelchair accessible. Neither the meeting announcements that were posted on CoBWEB, nor the press releases about these meetings, contained any information about the accessibility of the meeting sites. These meeting announcements also did not provide any information about requesting auxiliary aids and services.

## Recommendations

- Continue to provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to “Equally Effective Communication” in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and meeting announcements. *Priority #1*
- Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

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## **ANIMAL CARE SERVICES**

### How the self-evaluation was conducted

The ADA self-evaluation questionnaire for Animal Care Services was completed by Kate O'Connor, Animal Services Manager and Director of the Berkeley Animal Care Shelter. The consultants conducted follow-up discussions with Ms. O'Connor in April 2004.

A sample of print materials that are provided to the public were reviewed, including program flyers, brochures and meeting announcements for the Citizens' Humane Commission. Animal Care Services CoBWEB pages and sections of the "Animal Services Division Procedure Manual" were also reviewed.

### Findings

Animal Care Services provides field services for the cities of Berkeley and Albany and shelters animals from Berkeley, Albany, Piedmont, and Emeryville. Services include: capture and removal of strays and injured animals, capture and removal of animals threatening public safety; removal of dead animals, confined strays and animals in traps; investigation of animal bites and animal cruelty; pet adoptions; animal impound; and community education. Volunteer services provide community members with opportunities to work with animals and the public. The Animal Services Manager, Kate O'Connor, is the secretary to the City's Citizens Humane Commission. The Commission meets at the North Berkeley Senior Center.

Program eligibility criteria do not screen out individuals with disabilities. Individuals with disabilities are given an equal opportunity to participate in and benefit from their programs and activities. People with a range of disabilities have participated as Animal Care Services volunteers, including individuals with developmental disabilities and autism.

Kate O'Connor has stated that people would not be stopped from bring their services animals into the shelter. However, they would be warned that some of the sheltered animals are sick and may be contagious. She added that, "55 to 60 caged dogs will be loud and may be pretty scary" for the service dog. No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA, including providing disability related accommodations.

As reported on the self-evaluation questionnaire, staff have assisted people to read and complete written forms, but have not provided other auxiliary aids and services to people with disabilities. Animal Care Services have not provided any of their print material in alternate formats.

Citizens Humane Commission meeting notices contained information about requesting auxiliary aids and services, but, as indicated in the *Citywide Findings and Recommendations* section of this report, that information is obsolete. There was no information on the agendas posted on CoBWEB concerning the accessibility of the meeting location.

Staff have frequent telephone contact with the public and know how to use the California Relay Service. The program does not have a text telephone (TTY/TDD) of its own. The City Clerk's Office TTY number is listed on Animal Care Services CoBWEB pages and program materials.

Staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist.

### Recommendations

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*
- Include language on meeting announcements and agendas which informs the public about the accessibility of the Citizens' Humane Commission meeting site. *Priority #1*

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## **BUDGET UNIT**

### How the self-evaluation was conducted

A self-evaluation questionnaire for the Budget Unit which was completed by Paul Navazio, the City Budget Manager at the time the questionnaires were distributed to program staff. No other materials from the Budget Unit were provided. Information from the Budget Unit's CoBWEB pages were also examined.

### Findings

The Budget Unit coordinates the development of the Citywide budget; monitors and assists with review of departmental expenditures; performs review and analysis of City programs; and provides budget updates to the City Manager and Berkeley City Council. The Budget Manager also serves as secretary to the City's Citizens Budget Review Commission. This Commission meets at the North Berkeley Senior Center. Other community meetings and events regarding the budget have also been held.

The Budget Unit does not have any program eligibility criteria that exclude individuals with disabilities. No surcharges have been imposed for any disability related accommodations which have been provided.

As reported on the self-evaluation questionnaire, the auxiliary aid and service for people with disabilities that has been provided by the staff is assistance with reading and completing forms. Also, on occasion, budget reports have been provided in alternate formats.

Budget reports are also available on CoBWEB, and the link contains a statement: "If you are unable to access this information online, please participate by contacting us via email [webmanager@ci.berkeley.ca.us](mailto:webmanager@ci.berkeley.ca.us), telephone (510) 981-7003, or TDD (510) 981-6903."

Staff have frequent telephone contact with the public but do not know how to use the California Relay Service. Also, Division staff members have not received training in techniques of effective communication with individuals with disabilities, or in disability awareness and ADA compliance.

Commission meeting notices contained information about requesting auxiliary aids and services, but, as indicated in the *Citywide Findings and*

*Recommendations* section of this report, this information is obsolete. Also, no information was included on the agendas concerning the accessibility of the meeting location.

### Recommendations

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- With regard to the documents available online, add to the CoBWEB statement, "If you are unable to access this information online, please contact us via email, telephone, or TDD," the following, " so that we can provide the document in an alternate format." *Priority #1*
- Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*
- Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*
- Provide staff who have frequent telephone contact with the public with training in how to use the California Relay Service. *Priority #1*

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## **NEIGHBORHOOD SERVICES AND CITY CENTER**

### How the self-evaluation was conducted

Pam Embrey, Senior Management Analyst, completed the self-evaluation questionnaire for Neighborhood Services and City Center. Additional follow-up conversations and e-mail correspondence were held with Ms. Embrey during the period in which the self-evaluation was being conducted.

A sample of the materials that Neighborhood Services and Civic Center makes available to the public in both print format and via CoBWEB were also reviewed by the consultants. Materials examined included the "Quick Reference Guide," the Neighborhood Services CoBWEB pages, and a selection of neighborhood meeting announcements.

### Findings

According to the "City of Berkeley Annual Report, Spring 2003," the Neighborhood Services Program "targets chronic community issues and those that require resources from many City departments. Working out of the City Manager's Office, three Neighborhood Services Liaisons keep close tabs on the concerns and issues facing City residents."

Neighborhood Services Liaisons work directly with residents and community groups to facilitate communication and service delivery across four geographic regions: Campus and Elmwood, Central and South Berkeley, North Berkeley and Berkeley Hills, and West Berkeley. Per information on CoBWEB, "in addition to community meetings, field work, site visits, and regular 'office hours,' the Neighborhood Services Initiative is working to establish an 'online community' to help Berkeley's neighborhood groups communicate more effectively with each other and City officials."

City Center is the City's one-stop community service hub and link to Berkeley residents. Located in the lobby area of the Civic Center Building at 2180 Milvia, City Center staff direct members of the public to a particular City service, provide information, and address customer complaints. Staff respond to calls at the (510) 981-CITY telephone number, and also manage the "issues tracking software." With this software, letters, e-mails and other correspondence received from the public are logged and forwarded to the appropriate department and staff member for a response.

Per the self-evaluation questionnaire responses, Neighborhood Services and City Center have no program eligibility criteria that screen out individuals with disabilities.

No notices are posted in the lobby of the Civic Center Building which inform the public about the City's compliance with the ADA.

Neighborhood Services and City Center staff have provided disability related accommodations and auxiliary aids and services. For example, staff have assisted individuals with vision impairments complete the sign-in log and visitor's badge. Staff have also communicated with people who are Deaf and hard of hearing by writing down the information requested.

Staff at the information counter are available to assist people with disabilities use the elevator. They will also escort the person to their destination in the Civic Center Building, if necessary.

City Center has no formal policy or procedure for responding to requests for disability related accommodations. No surcharges are imposed for any disability related accommodations which are provided.

According to self-evaluation questionnaire responses, the "Quick Reference Guide" is the only document distributed to the public which is produced by City Center. All other material they provide are developed by other departments and programs. Staff have not received any requests for print material in alternate formats, including the wallet size "Quick Reference Guide," which has very small print. Pam Embry reported that requests for information in alternate format would be forwarded on to the appropriate department for a response. City Center and Neighborhood Services staff have very frequent telephone contact with the public. City Center staff respond to calls on the 981-CITY telephone line, which serves as the City's one stop customer service information hub. Program staff know how to use the California Relay Service.

City Center has its own text telephone (TTY/TDD). The City Center TTY number, (510) 981-7080, is not listed on any print materials or CoBWEB pages reviewed by the consultants. The "Quick Reference Guide" references the City Clerk's Office TTY number. There is no TTY number listed on Neighborhood Services' CoBWEB pages.

The City Center TTY line was installed in August of 2003, and staff received TTY training the next month. As of late November 2003, no TTY calls were received by City Center staff.

Ms. Embry described procedures City Center staff would use if they received a call that needed to be transferred to a City department that did not have its own TTY. If the person called about "a simple matter, [then it] may involve taking the information, contacting the department, and then following up with the caller." If the issue was more complex, City Center staff would "make arrangements with the respective department to come to City Center to contact the caller with a response."

This is a very appropriate procedure. However, on the occasions that the consultants tested the City Center TTY, a recorded message was played stating that the phone had been disconnected.

Per self-evaluation questionnaire responses, City Center staff have not received training in disability awareness and ADA compliance, or training in techniques for effective communication with people with disabilities.

The consultants reviewed two flyers advertising community meetings which were organized to address issues of concern to neighbors: street reconstruction and the proposed opening of a Longs Drug Store. Although neither meeting appeared to be organized by Neighborhood Services, the consultants were told that the liaisons sometimes assist with the development of the flyer.

One of these meeting announcements listed 981-CITY as the telephone number to call for more information. The other flyer stated that City staff would be attending the meeting to answer questions. Neither flyer included any information regarding the accessibility of the meeting location (one held at North Berkeley Senior Center, the other at a neighbor's residence) or about requesting auxiliary aids and services (such as sign language interpreting, real time captioning, and assistive listening devices).

It appears that these community meetings are organized by neighborhood groups and community members, and are not meetings sponsored by the City. However, the status of these meetings should be clarified regarding the responsibility for providing auxiliary aids and services, if requested by a neighbor with a disability, and for ensuring the accessibility of the meeting site.

### Recommendations

- Post a public notice concerning the City of Berkeley's compliance with the ADA in the vicinity of the City Center information counter. *Priority #1*

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- Make large print, full size copies of the City’s “Quick Reference Guide” available at the City Center information counter. *Priority #1*
- Consider posting information about City Center and the “Quick Reference Guide” on CoBWEB. *Priority #3*
- Ensure that the City Center’s TTY is functioning properly, and that staff know how to use it . *Priority #1*
- List the City Center’s TTY number, (510) 981-7080, on the “Quick Reference Guide” and Neighborhood Services CoBWEB pages. *Priority #1*
- Neighborhood Services staff should work with the City Attorney’s Office and the City’s ADA Compliance Coordinator to clarify the status of the community meetings that Neighborhood Services assists with regarding the responsibility for providing auxiliary aids and services, if requested by a neighbor with a disability, and for ensuring the accessibility of the meeting site. *Priority #2*
- In cases where it is determined that the City has the responsibility for doing so, provide auxiliary aids and services upon request to afford effective communication for people with disabilities. Include contact information for requesting auxiliary aids and services on announcements for these meetings. *Priority #2*
- Include language on community meeting announcements which informs the public about the accessibility of the meeting site of any neighborhood meetings held by the Neighborhood Liaisons. *Priority #1*
- Ensure that any community meetings which Neighborhood Services assists with are held at wheelchair accessible locations. *Priority #1*
- Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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## **CODE ENFORCEMENT**

### How the self-evaluation was conducted

Gregory Daniel completed the self-evaluation questionnaire for the Code Enforcement Unit. The consultants also reviewed a Community Bulletin announcing the establishment of the Code Enforcement Unit, and the Code Enforcement Unit CoBWEB page.

### Findings

Code Enforcement is a unit within the City's Office of Neighborhood Services. According to information provided on CoBWEB, the consolidated Code Enforcement Unit "is designed to provide broad enforcement and better coordination between City Departments." This Unit enables City staff to "maintain close tabs on community concerns and through a coordinated effort, leverage the necessary resources to solve chronic problems."

Concerns addressed by Code Enforcement Unit officers include "land use issues; inoperable vehicles permanently parked on City streets; improper storage of refuse or excessive litter; storm water discharges and dumping; violation of smoking laws and ordinances; street vending violations; placement of news racks; public right-of-way accessibility; and taxicabs." The officers in this unit also provide referrals for potential housing, fire code and many environmental and health codes to enforcement staff within various City Departments.

Per the self-evaluation questionnaire responses, the Code Enforcement Unit has no program eligibility criteria that screen out individuals with disabilities. There are no circumstances in which a person with a disability would not be given an equal opportunity to benefit from the services provided by this Unit. No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA.

There was no information on the self-evaluation staff questionnaire about the Code Enforcement Unit's experience with providing disability related accommodations, and auxiliary aids and services. The consultants were unable to determine if the officers have ever made any print materials available in alternate formats, or if they have ever provided auxiliary aids and services, such as sign language interpreting, real time captioning, or staff assistance with reading and completing forms or applications.

According to the self-evaluation questionnaire responses, the Code Enforcement Unit does not have frequent telephone contact with the public. The Unit does not provide transportation as part of the services it offers.

There was no information provided on the self-evaluation questionnaire indicating whether the Unit sponsored any public meetings, and whether these meetings are held in wheelchair accessible locations.

### Recommendations

- Provide auxiliary aids and services, and print materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings with, or requesting information from, Code Enforcement staff. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on Code Enforcement brochures and meeting announcements. *Priority #1*
- If the Code Enforcement Unit sponsors public meetings, include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*
- If the Code Enforcement Unit sponsors public meetings, include information on meeting notices about requesting disability related accommodations and auxiliary aids and services for the meeting. Refer to "Equally Effective Communication: Providing Notice of the Availability of Auxiliary Aids and Services" and "Providing Information about the Accessibility of City Facilities" in the *Citywide Findings and Recommendations* section of this report. *Priority #1*
- Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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## **DISABILITY COMPLIANCE PROGRAM**

### How the self-evaluation was conducted

Don Brown, Disability Services Specialist within the Office of Transportation, completed the ADA self-evaluation questionnaire for the Disability Compliance Program. Additional information was provided by Paul Church, Disability Services Specialist within the Public Works Department. Disability Compliance Program information available to the public in both print format and via CoBWEB was also reviewed by the consultants.

Both Mr. Brown and Mr. Church graciously contributed invaluable information and assistance to the consultants throughout the course of the self-evaluation.

### Findings

The City of Berkeley's Disability Compliance Program coordinates the City's compliance with the ADA and Sections 503 and 504 of the 1973 Rehabilitation Act, as amended. Efforts are undertaken to ensure that individuals with disabilities are provided equal access to the full range of City-sponsored programs, services and activities in the most integrated setting appropriate. The Disability Compliance Program consults with City departments and programs, develops and facilitates tailored training programs, compiles and disseminates resource materials, assists with policy development, and provides information and referral services to City staff and members of the public. This Program is staffed by two Disability Services Specialists, Don Brown and Paul Church.

At the time of the self-evaluation, the City did not have a designated Citywide ADA Compliance Coordinator. As mentioned above, the City had two Disability Services Specialists who constituted the staff of its Disability Compliance Program. The duties and responsibilities associated with each of the two positions were not clearly delineated; there was overlap and lack of designation of which individual should perform which ADA compliance tasks. However, as ascertained by the consultants, the following are the primary responsibilities of each of the two Specialists.

Paul Church is responsible for issues related to architectural accessibility and works within the City's Public Works Department. Mr. Church oversees the physical accessibility of City facilities, sidewalks, streets, and curb ramps. He reviews plans for any new construction and alterations undertaken by the City at

both the inception of these projects and at the halfway point of their completion, in order to ascertain whether they are in conformance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). If the projects are found not to be in conformance, Mr. Church advocates for any necessary changes to ensure ADAAG compliance.

The other Specialist, Don Brown, oversees programmatic and communication accessibility. Mr. Brown offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. He has worked closely with the City Attorney's Office in developing, revising and implementing disability related City policies and procedures. At the time of the conclusion of this self-evaluation, Mr. Brown was working within the Office of Transportation.

The Disability Compliance Program also provides staff support to the City's Commission on Disability. The Commission advises the City Council about policy, budget, programs and accessibility issues of importance to Berkeley citizens with disabilities. It also offers a public forum for members of the community to raise issues of concern and acts as an advocate to make Berkeley more accessible for all people with disabilities.

Per staff questionnaire responses, none of the services provided by the Disability Compliance Program have eligibility criteria that screen out people with disabilities, and no questions about disability are asked on any application forms for their programs and services. Individuals with disabilities are given an equal opportunity to participate in and receive services from the Disability Compliance Program. No separate programs and services are provided exclusively for people with disabilities.

No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA, including providing disability related accommodations.

The Disability Compliance Program provides information to the public in both print format and via CoBWEB.

One of the Disability Compliance Program's CoBWEB pages contains a list of "Disability-Related Resources." This list includes some of the numerous disability related City programs, activities and services which are available. From data gathered at the three community meetings that were held, and from community questionnaire data, we have found that public knowledge

about these City programs and services is very limited and inconsistent. Although the Disability Compliance Program has a "Disability-Related Resources" page on CoBWEB, resource information on the current version of this page is limited to telephone numbers. No hyperlinks to other web pages which can provide further information about resources and the procedures for requesting them are available; the Disability Compliance Program's CoBWEB page is only linked to the Commission on Disability's CoBWEB page.

Print materials have been made available in alternate formats, including large print and Braille. Sign language interpreting and real time captioning have also been provided to ensure effective communication.

Commission on Disability meeting agendas and minutes are available from CoBWEB in both .pdf and HTML formats, which increases their accessibility to persons with disabilities who use screen reader technology. Commission meeting notices contain information about requesting auxiliary aids and services. It should be noted that, unlike almost every other Commission and Board, which lists the City Clerk's Office TTY/TDD number as the contact point for requesting disability related accommodations, the notices for the Commission on Disability appropriately list the Disability Compliance Program's own voice telephone and TTY/TDD numbers.

No information is included on Commission on Disability meeting notices and the agendas posted on CoBWEB concerning the accessibility of the meeting site.

Per self-evaluation questionnaire responses, the Disability Compliance Program does not show films or videos to the public, and people with disabilities are not portrayed in any of the Program's materials.

Disability Compliance Program staff have frequent telephone contact with the public. A text telephone (TTY/TDD) is located in the office of Paul Church, at the Public Works Department, and the TTY number (981-6345) is listed on Disability Compliance Program CoBWEB pages and materials. Disability Compliance Program staff know how to use both the TTY and the California Relay Service.

When the consultants tested this TTY line for the Disability Compliance Program, they found that it had an appropriately functioning outgoing TTY message which invited callers to leave their numbers so that their calls could be returned. When the consultants left a TTY message, it was promptly returned by Mr. Church.

The Disability Compliance Program does not sponsor any special events. Nor does it provide or arrange for transportation as part of its services. The Disability Compliance Program does make the use of contractors to provide print materials in alternate formats, and qualified sign language interpreters.

### Recommendations

- Designate a Citywide ADA Compliance Coordinator. *Priority #1*
- Clarify the tasks, duties and responsibilities devolving to each of the two Disability Services Specialists. *Priority #1*

One Disability Services Specialist should oversee all issues related to structural barriers to program accessibility, and be responsible for ensuring that all new and remodeled City facilities are in compliance with ADAAG and Title 24 standards. This employee should coordinate implementation of the City of Berkeley ADA Title II Transition Plan.

The other Disability Services Specialist should be responsible for all non-structural aspects of program accessibility; ensuring equally effective communication; policy development and policy and procedural modifications required for ADA Title II compliance; and staff training regarding these issues. This employee should coordinate implementation of the City of Berkeley ADA Title II Self-Evaluation.

- Under the direction of the ADA Compliance Coordinator, update and implement ADA related policies and procedures which are needed by the City. They include updating the City's current Communication Access Policy (AR 1.12) and its existing ADA grievance procedure (AR 1.13), and posting notice of ADA Title II requirements. Refer to "Administrative Requirements" and "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report. *Priority #1*
- Under the direction of the ADA Compliance Coordinator, and with consultation with the City Attorney's Office, develop and implement ADA related policies and procedures which are needed by the City. These policies and procedures are described in detail in the *Citywide Findings and Recommendations* section of this report. They include *Citywide* policies and procedures regarding the modification of policies and practices, determination of fundamental alteration in programs, activities and services, and the determination of direct threat to health or safety. *Priority #1*

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- The City’s ADA Compliance Coordinator and City Attorney’s Office staff should consider collaboratively reviewing the City’s service animal policy documents in order to streamline and clarify the policy for staff. *Priority #2*
- Consolidate the oversight of disability related policies and procedures for the City of Berkeley. Develop a single source or resource for City staff to go to in order to access the City’s disability related policies and procedures. For example, required policies and procedures could be developed (if necessary) and then compiled and listed on a specific web page with hyperlinks to a main menu on iCoBWEB. *Priority #1*
- Expand the current Disability Compliance Program’s “Disability Related Resources” CoBWEB page to include more information about, and internet hyperlinks to City and community resources. Refer to *Appendix 4.4: List of City of Berkeley Disability Related Programs and Services*. in this report *Priority #1*
- Work with IT to provide a “Disability” hyperlink on the navigational menu on the CoBWEB homepage. Link users to the Disability Compliance Program, the Disability-Related Resources, and the Commission on Disability pages. *Priority #1*
- Include language on meeting notices which informs the public about the accessibility of the Commission on Disability meeting site. *Priority #1*
- Provide a designated TTY line and TTY for Disability Compliance staff located in the Office of Transportation. *Priority #1*
- Provide at least one assistive listening device to the Disability Compliance Program, to be loaned to other departments on request on an as-needed basis. Once this ALD is provided, the City’s ADA Compliance Coordinator should inform all City departments of its availability, and the procedure to be followed to request it. *Priority #1*
- Survey the degree of use by the Deaf community of various City programs and services, in order to identify those programs which most need to have dedicated TTY lines and TTYs; work collaboratively with IT Department staff to ensure that these TTY lines and TTYs are installed. *Priority #1*

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- Institute a Citywide procedure for quarterly checking of the operability of the City's TTY machines, and checking that the machines are being appropriately operated by staff. The ADA Compliance Coordinator can be responsible for conducting this periodic checking and for training staff in TTY use.

*Priority #1*

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- The ADA Compliance Coordinator and the City Attorney's Office should work with Neighborhood Services staff to determine responsibility for the provision of auxiliary aids and services at community meetings. *Priority #2*

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- Under the direction of the ADA Compliance Coordinator, implement a Citywide special events accessibility policy and procedure. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report for a discussion of this recommendation. *Priority #1*

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## **ECONOMIC DEVELOPMENT**

### How the self-evaluation was conducted

Charlotte Fredriksen, Assistant Management Analyst, completed the ADA self-evaluation questionnaire for the Office of Economic Development. A second questionnaire pertaining only to the Sustainable Development Initiative programs was submitted by Catherine Squire, Economic Development Project Coordinator. Office of Economic Development CoBWEB pages were also reviewed by the consultants.

### Findings

According to the *City of Berkeley FY 2002 and FY 2003 Adopted Budget*, the purpose of the Office of Economic Development is to "expand employment and business opportunities for Berkeley residents, entrepreneurs, and property owners with particular focus on increasing the participation of traditionally underserved populations and areas of the City." The Office of Economic Development provides a range of business programs and services, including: Business Assistance, Business Finance, Bay Area Green Business Program, Ask An Expert, Berkeley's Best Builders, Sustainable Business Alliance, and Business Improvement Districts. The Office's Civic Arts Program and Public Art Program have supported artistic and cultural activities and the growth of arts resources for the community.

The Civic Arts Coordinator, Mary Ann Merker, serves as secretary to the City's Civic Arts Commission. This Commission meets at the North Berkeley Senior Center. Five other Office of Economic Development Boards and Committees: the Downtown Berkeley Business Improvement District Advisory Board, the Elmwood Advisory Board, the South Berkeley Community Improvement Plan Advisory Committee, the Solano Avenue Business Improvement District Advisory Board, and the Loan Administration Board, were all inactive during the period this self-evaluation was being conducted.

None of the Office of Economic Development's programs, activities or services have eligibility criteria that screen out people with disabilities. No surcharges have been imposed for any disability related accommodations which have been provided.

No questions about disability are asked on any application forms reviewed by the consultants.

The *Berkeley Civic Arts Commission Grant Funding Guidelines 2004/05 Request for Proposals* affirms, in the Civic Arts Commission Policy Statement, that "the City of Berkeley is committed to the support of organizations and artists that represent diverse cultures including . . . deaf and disability cultures." Furthermore, one of the "General Eligibility Requirements" listed in the *Guidelines* pertains to compliance with federal regulations, including the provisions of Section 504 of the Rehabilitation Act [of 1972, not 1963]. Also, in the *Funding Program Application*, applicants for operating support are asked to "Note efforts at having performances accessible to senior citizens and disabled individuals."

The CoBWEB page pertaining to Civic Art Grants contained the appropriate notice: "if you are unable to access this form online, please participate by contacting us via email, telephone or TDD." Neither this CoBWEB page nor the *Berkeley Civic Arts Commission Grant Funding Guidelines 2004/05 Request for Proposals* contained any information about requesting disability related accommodations or auxiliary aids and services for the Civic Arts Grant Workshops, or any information about the accessibility of workshop locations.

No information was provided by Public Arts Program staff about the efforts that have been undertaken by the City to ensure the program accessibility of the public art projects it funds. This issue pertains to people with a range of disabilities, including persons with mobility disabilities and individuals who are blind or have vision impairments.

Staff reported that a range of auxiliary aids and services have been provided to people with disabilities, including sign language interpreting, real time captioning, staff assistance with reading and completing forms. Print materials have also been provided in alternate formats.

The Office of Economic Development holds or sponsors a number of public meetings and trainings, including those pertaining to the Loan Administration Board, the Business Improvement Districts, Green Businesses and Green Building, in addition to the Public Art and Civic Arts Grant programs. No information was provided about the accessibility of these meetings and trainings.

The Civic Arts Commission meeting notices contained information about requesting auxiliary aids and services. However, as indicated in the *Citywide Findings and Recommendations* section of this report, the designation of the City Clerk's Office as the entity responsible for handling requests is obsolete.



Also, no information was included on the agendas posted on CoBWEB concerning the accessibility of the meeting location.

The Office of Economic Development does not have a text telephone (TTY/TDD) of its own. The City Clerk's Office TTY number is listed on its CoBWEB pages and program materials. Staff who have frequent telephone contact with the public do not know how to use the California Relay Service.

Staff have attended the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist. Public Arts Program staff also have received guidance about accessibility of art in materials from the Smithsonian Institution, Americans for the Arts, and the California Arts Council.

Some Office of Economic Development programs and services are provided via contract. The City's boilerplate nondiscrimination clauses are included in contracts.

According to the self-evaluation questionnaire responses, Office of Economic Development does "monitor festivals and other public events" to ensure that contractors comply with their ADA responsibilities. Which festivals or events this refers to was not made clear in the course of the self-evaluation.

### Recommendations

- Include information about requesting disability related accommodations on all meeting and training notices in print and on CoBWEB. Ensure that this information is listed in materials pertaining to future Civic Arts Grant Workshops, including *Grant Funding Guidelines Requests for Proposals*. *Priority #1*
- Provide staff who have frequent telephone contact with the public with training in how to use the California Relay Service. *Priority #1*
- Regarding Civic Arts Grants:  
Consult with the City's ADA Compliance Coordinator in order to develop criteria for the evaluation of grant applicant responses regarding "efforts at having performances accessible to senior citizens and individuals with disabilities." Include consideration of the accessibility needs of people with a wide range of disabilities. *Priority #2*

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- Regarding future Public Art Projects funded by the City:  
Enlist the assistance of the City’s Disability Services Specialists in developing steps to be undertaken to ensure the program accessibility of public art for people with a range of disabilities, including persons with mobility disabilities, and individuals who are blind or have vision impairments. (This might entail, for example, including requirements pertaining to the physical accessibility of the project, or for the inclusion of audio tapes, Braille signage, or other informational materials for people who are visually impaired, in future Public Art Project Requests for Proposals.) *Priority #2*
- Ensure that the public meetings and trainings sponsored by the Office of Economic Development (including those pertaining to the Loan Administration Board, the Business Improvement Districts, Green Businesses and Green Building, as well as the Public Art and Civic Arts Grant programs) are held in wheelchair accessible locations. Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*
- Once developed, utilize Citywide procedures for monitoring contractors’ compliance with relevant provisions of the ADA. Refer to “Other Citywide Issues: Monitoring ADA Compliance of City Berkeley Contractors” in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*
- Utilize Citywide procedures and guidelines regarding the accessibility of special events sponsored by the Office of Economic Development. Refer to “Other Citywide Issues: Special Events Accessibility” in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure. *Priority #1*

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## **FINANCE DEPARTMENT**

### How the self-evaluation was conducted

Susie Monary-Wilson, Customer Service Manager of the Finance Department's Customer Service Center, completed the staff ADA self-evaluation questionnaire at the end of August 2003, and follow-up correspondence between the consultants and Ms. Monary-Wilson took place in October, November and December 2003. The consultants also visited the Finance Customer Service Center at 2020 Center Street in October 2003, and at 1947 Center Street in February and March 2004; a sample of the forms available from the Customer Service Center's display rack was collected and reviewed during these visits. Follow up telephone interviews with Finance and Housing Department staff concerning payment processing for Paratransit services, and taxicab driver permitting procedures, took place in March and April 2004.

### Findings

The Finance Department offers direct services to City of Berkeley residents, developers, vendors, contractors, business owners, landlords, and property owners. It also offers resource information to other government entities, and provides many support services to various City departments.

The Finance Department provides a wide variety of services to the general public through the activities of its Customer Service Center. Members of the public visit the Center to pay parking tickets and apply for citation hearings; to apply and pay fees for business licenses, dog licenses, and certain permits, such as preferential parking permits; to pay hotel and parking taxes; to pay refuse bills, to apply for seismic retrofit and low income rebates; and to obtain taxi scrips for Paratransit services. Taxicab drivers also visit the Center to apply for and obtain taxi permits, and to exchange Paratransit taxi scrips for funds. Center staff provide information to the public concerning these activities and services in person at the Center, over the telephone, and via CoBWEB.

Most services do not have eligibility criteria. However, seismic retrofit and low income tax rebates have income eligibility criteria, and individuals obtaining taxi scrips have had to meet the eligibility criteria for the City of Berkeley's Paratransit program, described in "Paratransit," in the *Housing Department* section of this report.

During the period in which the self-evaluation was conducted, in November 2003, the Berkeley City Council had passed an ordinance authorizing that five taxicab permits be provided for accessible taxis.

In addition, all taxicab drivers applying for taxi permits are required by the City to complete sensitivity training in how to serve customers with disabilities. The Finance Department approves and arranges this training, which is paid for by the drivers. Taxi drivers are required to present proof of completion of the training course when they apply for a permit. At the time this report was being written, a sensitivity training course for drivers was being scheduled, with sessions to be conducted on May 24 and 25, 2004. A discussion of the training is included in "Paratransit," in the *Housing Department* section of this report.

The Finance Department also distributes "In-Home Care" parking permits for qualified persons with disabilities who live in any of the City of Berkeley's Residential Parking Permit Areas (RPPs) and require the services of an attendant, personal assistant or nursing aide. These permits, which are available for an annual fee, allow the personal assistant or aide to park in the disabled person's residential area for longer than the usual two hour time limit. Applicants must supply a physician's statement regarding their need for in-home care, and submit proof that no off-street parking is available for the care provider to use.

The permit application forms are downloadable via a link from the Department's "In Home Care Permit" CoBWEB page, which is reached from the "Residential Parking Permit" link on the Department's home page. The downloadable application is only available in .pdf format, which may not be accessible for some users of screen reader technologies.

However, an announcement on the "In Home Care Permit" CoBWEB page states that, "If you are unable to access .pdf documents online, please contact us via e-mail (finance@ci.berkeley.ca.us), telephone (981-7200) or TDD (981-6903) so that we can provide an alternate format." This announcement could provide a means for requests for alternate formats to reach Finance Department staff. It is notable that the TDD number which is included is not the Finance Department's TTY number, but the TTY number for the City Clerk's Office.

Some of the applications and other forms distributed by the Finance Department pertain to City programs which are operated by other

departments, such as the Exemption from Curbside Pickup program of the Public Works Department, in which seniors and disabled persons who are unable to move their refuse containers to the curbside can apply to have their refuse containers rolled from backyard to curb. Applications for this program are taken at the Finance Customer Service Center via a Finance Department "Exemption Request Form." This form contains an item for the applicant to check which states, "I am disabled and reside at the property listed below. All other adult members of my household qualify for an exemption also."

The Finance Department does not provide information about this program on its CoBWEB pages, but the "Refuse Services" hyperlink on its home page leads to another link, "Refuse and Collection Information," which takes the user to a CoBWEB page of the same name provided by the Public Works Department. This page mentions that exemptions are available for seniors and people with disabilities, but does not explain how to apply for them.

People with disabilities have not been denied any of the services or activities provided by the Department, and no other separate programs for people with disabilities are offered.

The Department's CoBWEB pages are extensive. They provide useful resource information for City residents, students and visitors, prospective City contractors, developers, landlords, business owners, and other government entities concerning topics ranging from refuse collection and bill paying to City requests for proposals (RFPs), business license procedures, and real property and tax information. Hyperlinks are also included on these pages to other City departments' CoBWEB pages, such as pages for the Rent Stabilization Board and the Department of Public Works.

On the Finance Department's home page, linked information is organized in categories dependent on whether the user is a business owner, developer, contractor, homeowner, tenant, landlord, and so on. Findings concerning the accessibility of the Department's home page, "Billing Information" page, "Parking Tickets" page, "Customer Service Center" page, and various links between these pages are contained in the report, *City of Berkeley Website Accessibility Assessment*, which was prepared for the consultants as part of the self-evaluation, and which is being submitted along with this report.

A variety of forms, applications, brochures and flyers are made available to the public at the Customer Service Center or on CoBWEB, but from staff questionnaire responses, these materials have not yet been made available to

people with disabilities in alternate formats such as Braille, large print, audio tape or computer disk. Many of the forms which are downloadable from the Department's CoBWEB pages are available in .pdf format, which may be inaccessible for some users of screen reader technologies.

Per the ADA questionnaire responses, staff provide assistance to members of the public with disabilities with reading and completing forms, signing forms "with an x," "writing for the customer" and "write out discussion for hearing impaired." No surcharges are imposed for any disability related accommodations which are provided.

According to staff questionnaire responses, "Service dogs are allowed in the Customer Service Office." It provides licenses to qualified members of the public, such as business licenses and dog licenses. People with disabilities receive these licenses on an equal basis with other members of the public.

The Department does not show any films or videos to the public, and people with disabilities are not portrayed in any of the materials it disseminates to the public.

The Department has its own text telephone (TTY/TDD) which rings in the Customer Service Center. When the consultants tested the TTY number for the Customer Service Center, it appeared to have been disconnected.

Furthermore, this number is not posted on the Department's CoBWEB pages, or listed on its forms or literature. The TTY number that is currently listed is the TTY number for the City Clerk's Office. Per ADA questionnaire responses, staff are familiar with use of the TTY, but have not had training in how to use the California Relay Service to communicate with persons who are Deaf or hard of hearing, or who have speech disabilities.

Per ADA questionnaire responses, staff have received training in disability awareness, ADA compliance and techniques of effective communication with people with disabilities through "attend[ing] the City's 'Serving Customers with Disabilities' training class."

According to ADA staff questionnaire responses, staff members provide assistance with emergency evacuation of facilities. However, no emergency evacuation procedures, and no instructions for assisting people with various disabilities in emergency evacuations, were available for review. At the time of the self-evaluation, these procedures were in the process of being

developed by the City's Safety Officer, Mr. James Mason, on a facility wide basis for the City building at 1947 Center Street, in which the Finance Customer Service Center is located. It is anticipated that the procedures will be ready for distribution to staff in late summer, 2004.

The Finance Department does not sponsor or provide staff support for any public meetings of City of Berkeley Boards or Commissions. It occasionally holds training sessions for food vendors and operators of bed and breakfast facilities. Information was not available about these training sessions, other than the staff questionnaire response that they are held in accessible locations. To the consultants' knowledge, no other public meetings are sponsored by the Department.

Because the Department's offices and the Finance Customer Service Center are located in the City building at 1947 Center Street, maintenance procedures for the accessible features of its facilities have been established interdepartmentally for this building as a whole. These procedures include daily checking of the operability of all elevators and automatic door openers.

A major program accessibility concern which both of the consultants observed during their visits to the Finance Department's Customer Service Center was the lack of provision of assistance for customers with mobility and other disabilities who have difficulty waiting in line. The lines for service are often long, and although seating is available, a person who takes a seat will lose his or her place in line.

This difficulty would be removed if the Customer Service Center established a procedure whereby persons waiting for assistance would take numbers which would be called in order. In such a system, it would make no difference whether the individuals waiting for service were seated or standing. In order to ensure communication accessibility, an easily visible sign indicating the number currently being served would need to be posted, and the number of the person being served would also have to be called out loudly. Persons with vision disabilities would need to be verbally advised to take a number, and be told which number they were holding.

The Finance Department does not use contractors to provide any of its services.

Recommendations

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are waiting for assistance, receiving services or information from the Department, and using Finance Department CoBWEB pages. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on applications, forms, brochures and flyers. Ensure that this notice is included in any new literature that is produced. *Priority #1*
- Consider providing forms which are downloadable from the Finance Department’s CoBWEB pages in HTML format, in addition to the existing .pdf format. *Priority #2*
- Include information about how seniors and persons with disabilities may apply for exemption from curbside pickup on the Department’s “Refuse Services” CoBWEB pages. *Priority #1*
- Ensure that the Department’s own TTY line is connected and operating properly. *Priority #1*
- Consistently include the Finance Department’s own TTY number on its CoBWEB pages, and on the forms and literature it distributes to the public. *Priority #1*
- Review techniques of TTY use with staff; prepare staff to use the Department’s own TTY. *Priority #1*
- Train staff in the use of the California Relay Service. *Priority #1*
- Provide staff with additional training in disability awareness and effective communication. Don Brown, Disability Services Specialist, offers a Citywide Training Focus Course in serving customers with disabilities. *Priority #2*

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- The Director of Finance should work in collaboration with staff of Berkeley Paratransit Services and the City’s ADA Compliance Coordinator to identify an appropriate disability sensitivity training course curriculum for taxicab drivers. *Priority #1*
- Ensure that taxicab drivers fulfill the BMC 9.52.050 permit requirement that they annually complete a disability sensitivity training course approved by the Director of Finance. *Priority #1*
- Provide a system whereby persons with disabilities who have difficulty waiting in line will be served in order if they take a seat while waiting for service at the Customer Service Center. *Priority #2*

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For example, persons with disabilities could be assisted to take a number and invited to wait until their number is called. In this system, in order to ensure communication accessibility, an easily visible sign indicating the number currently being served would need to be posted, and the number of the person being served would also have to be called out loudly. Persons with vision disabilities would need to be verbally advised to take a number, and be told which number they were holding.

## **FIRE DEPARTMENT**

### How the self-evaluation was conducted

Fire Chief Reginald Garcia completed the ADA self-evaluation staff questionnaire for all Berkeley Fire Department Divisions except for the Emergency Services Division. Ann-Margaret Moyer, Paramedic Supervisor, completed the questionnaire for this Division.

During February and March 2004, follow-up interviews were conducted with Ann-Margaret Moyer, paramedic supervisor, Craig Green, and Deputy Chief David Orth, and site visits were conducted at Fire Stations #2 and #6. Citizen complaint procedures and forms were reviewed with David Orth and Ann-Margaret Moyer. During the site visit to Fire Station #6, the Berkeley Fire Department's Training Facility was toured. This facility is the site for most Community Emergency Response Training (CERT) courses and is the meeting location for the Fire Safety Commission and the Disaster Council. Print materials distributed to the public during fire station tours were collected during the visit to Fire Station #2, and the Berkeley Fire Department's many CoBWEB pages were reviewed.

Throughout the self-evaluation process, Dory Ehrlich, Associate Management Analyst and CERT Coordinator, provided very valuable assistance with answers to follow-up questions, with arranging site visits, and with linking the consultants to key Berkeley Fire Department personnel for follow-up interviews. Data was obtained from programs in the Berkeley Fire Department's Fire Prevention, Emergency Services, and Operations Divisions.

### Findings

The Berkeley Fire Department affords many programs and services to the public. In addition to fire suppression and rescue services, provided through the Operations Division, fire prevention services are offered through the Fire Prevention Division. These include permitting and plan checks, regular inspections of facilities and property, a weed abatement program, a smoke detector distribution program, fire station tours, and public education presentations and activities offered at public schools and other venues.

Plan check services are provided at the Planning Department's Permit Service Center by the Fire Department's Fire and Life Safety Plan Examiner. School groups may request fire station tours, or a fire prevention presentation at their

school, by calling the Department's tour coordinator, or its Fire Safety Presentation Request Line. Information about requesting tours and presentations is available on CoBWEB.

The Berkeley Fire Department's nine week Youth Academy Program also took place in April and May 2004. Approximately twenty-five youths aged 14 to 19 from Berkeley middle schools and high schools received an overview of the job of a firefighter, participated in training exercises, and familiarized themselves with the use of firefighting equipment. These activities occurred at the Department's Training Center drill tower and classroom, and at the Berkeley Marina.

The Office of Emergency Services provides Community Emergency Response Training (CERT) classes, public disaster preparedness educational events, neighborhood emergency supply caches, a newsletter available on CoBWEB in .pdf format, an Earthquake Home Safety Guide, and many other educational manuals, pamphlets and bulletins, both on CoBWEB and in print. Emergency Medical Services provides the City of Berkeley with paramedic services, and provides field internships for students in several paramedic training programs. It also offers an ambulance ride-along program for the public.

The Hazardous Materials Division staffs and operates a specialized vehicle which responds to hazardous spills, leaks and similar incidents. The Training Division provides ongoing in-house training to Fire Department staff, and to new recruits through the Berkeley Fire Academy. One of Training Division's CoBWEB pages contains detailed information about minimum qualifications for admission to the Fire Academy, a description of the examination process for a fire fighter position, and a hyperlink to the City of Berkeley's "Employment Opportunities" CoBWEB page.

Regarding program eligibility criteria, there are specific physical agility and visual acuity requirements for admission to the Fire Academy, and minimum physical and visual acuity requirements for training as a paramedic. Also, participants in the ambulance ride-along program must have enough mobility to be able to quickly enter and exit an ambulance, and must have had a hepatitis B vaccination.

The Youth Academy application form and waiver forms make no mention of disability and include no disability related restrictions on participation. However, the activities of Youth Academy participants include climbing Fire Department ladders, participating in rope rescue and wildland firefighting exercises, and participating in hose drills. Some of these activities might not

be achievable for youths with certain disabilities. No disability related accommodations were requested by participants in the April-May 2004 Youth Academy Session. As part of some of the Youth Academy Activities, program participants were transported from the Fire Department's Training Center to the Berkeley Marina in the Fire Department's training van. The consultants received no information about the accessibility of this van.

A portion of one of the Community Emergency Response Training (CERT) courses, a segment of the "Light Search and Rescue" class, requires participants to climb stairs to participate in a search and rescue exercise in the Berkeley Fire Department's Training Tower.

The remainder of this class, the other CERT courses, and all other Fire Department public programs either do not have eligibility criteria, or have criteria which would not screen out or tend to screen out people with disabilities. Per Chief Garcia's questionnaire responses, program application forms do not contain questions about disability. Services appear to be as equally available to persons with disabilities as those without disabilities.

Program modifications have been made in order to provide services to people with disabilities. Per the staff questionnaire response of Chief Garcia, the Department's procedure for informing people of the availability of program modifications is, "If customers specify they have a disability, they are informed that reasonable modifications will be made." One modification to an Emergency Medical Services policy which has been made several times in the past is permitting the personal care attendant of a person with a disability to accompany him or her in an ambulance. However, this modification must be made at the discretion of paramedics, who have the authority to determine the safety of the situation.

Service animals are permitted into Berkeley Fire Department program facilities. No surcharges are imposed for any disability related accommodations provided in any Fire Department program.

Some programs, such as CERT and the Department's Youth Academy, award certificates to program participants. Eligibility to receive these certificates does not appear to be affected by disability.

The Berkeley Fire Department has its own complaint procedures and complaint forms for use by members of the public. Complaints are received by telephone or in writing, and may either relate to a request for certain services,

such as weed abatement on a neighbor's property, or to a grievance about the quality of services that have been provided. Complaints cannot be reported anonymously, but in all cases, the identity of the complainant is kept confidential.

Complaints related to paramedic services are routed to Ann-Margaret Moyer, paramedic supervisor, for investigation. Complaints related to all other services are received by Deputy Chief David Orth, who investigates them personally or refers them to appropriate staff for further investigation. Any complaints related to incidents of perceived disability discrimination toward members of the public are forwarded to the City's Disability Compliance Program; and the City's ADA grievance procedure would be utilized in these cases. Complaints related to incidents of perceived disability discrimination toward employees with disabilities are investigated by Deputy Chief Orth, with the assistance of the Human Resource Department's EEO Officer, Dennis Feggans.

Policies and procedures for requesting auxiliary aids and services to afford equally effective communication for people with disabilities are informal, and are not always clear. In fact, Chief Garcia's questionnaire responses indicate that there are no policies and procedures for providing them.

However, some program participants with disabilities have requested and received some auxiliary aids and services. For example, in one instance, a Deaf person was provided with a sign language interpreter in order to participate in CERT classes, and successfully completed the CERT course. In another case, test accommodations were provided for a paramedic intern with a disability. Paramedic staff also routinely read documents aloud to ambulance passengers and other patients who are unable to read standard print. An example of an auxiliary service afforded at public meetings in the past is the communication assistance provided by staff to an individual using a communication board who attended a Fire Safety Commission meeting.

The Berkeley Fire Department distributes many print materials to the public, and provides much public information, including news releases, educational manuals and brochures, on CoBWEB. Some materials, such as Fire Safety Commission and Disaster Council meeting agendas and minutes, are available from CoBWEB in both .pdf and HTML formats, which increases their accessibility to persons with disabilities who use screen reader technology.

Other materials, such as some program brochures, and most of the handouts and flyers distributed during Fire Station Tours, are only available in print. It is unclear how often all of these print materials have been made available in

formats such as large print, audio tape, computer disk, or Braille, or if there is a policy or procedure for doing so. However, questionnaire responses indicate that some of the materials have been provided in large print and on audio tape.

The announcements for the public meetings of the Fire Safety Commission and the Disaster Council, which are both sponsored by the Fire Department, contain notification about how to request auxiliary aids and services, including sign language interpreting and assistive listening systems, for people with disabilities. However, the contact information for making these requests is obsolete.

The City Clerk's Office is listed as the contact point, but currently it does not have the staffing capacity or the available equipment or to respond to the requests. Please refer to the "Citywide Findings and Recommendations" section of this report for the recommendation that this contact information be changed on a Citywide basis. Also, though the meeting locations are accessible, there is no information on meeting announcements to notify members of the public of this fact.

In the past, the Fire Prevention Division's Smoke Alarm Program provided an alarm equipped with a flashing light signal that was accessible for a Deaf person. Although for budget reasons the program does not maintain a stock of these accessible visual alarms, it would provide one again on request. However, it originally took program staff about six months to research a source from which to order the alarm, and to provide it. Staff should research and maintain current information about how to obtain the visual alarms within a reasonable period of time, so that they will be prepared to fulfill any future requests in a timely manner.

Regarding emergency evacuation procedures, the CERT Class Manual, which was reviewed on CoBWEB, contains detailed information about disaster preparedness for people with disabilities, and specific techniques for assisting persons with disabilities in emergencies. Fire fighters also clearly assist with emergency evacuation. Per the ADA staff questionnaire response of Chief Garcia, persons with vision, hearing or cognitive disabilities would be provided with assistance by means of, "leading, direction via hand signals or physical control." Persons with mobility disabilities would be assisted by being, "carried, moved via elevator under Fire Department control, [and/or] placed in safety areas and defended."

Some Fire Department programs, among them CERT and paramedic training courses, show videos to the public. However, these videos are not captioned,

which would render them inaccessible to program participants who are Deaf or hard of hearing.

The City of Berkeley's Communications Center handles incoming telephone calls for both the Berkeley Police Department and the Fire Department. Emergency 911 calls from a text telephone (TTY/TDD) user are directly responded to via TTY through this Center. In addition, a non-emergency TTY number, (510) 981-5799, is maintained in the Center for both departments, so that callers requesting information or services of a non-emergency nature from the Police and Fire Departments can communicate directly with staff via TTY.

The consultants tested this TTY number, and found that it was promptly responded to by staff. However, this number is not yet listed on all Fire Department CoBWEB pages and print materials. Often (510) 981-6903, the City Clerk's Office TTY number, is listed instead.

Per staff questionnaire responses, Fire Department staff have received training in disability awareness, ADA compliance, and techniques of effective communication with people with disabilities through the City of Berkeley's customer service Core Course. Staff are not familiar with using the California Relay Service to respond to telephone calls from a TTY user. However, since the Department has both emergency and non-emergency TTY numbers, it may be less likely that California Relay Service calls would be received by staff.

Berkeley Fire Department facilities include seven fire stations located throughout the City, and the Office of Emergency Services, which is situated in the Public Safety Building at 2100 Martin Luther King, Jr. Way.

The only Fire Department facilities listed as inaccessible in questionnaire responses are the Drill Tower, located behind Fire Station #6 at 997 Cedar Street, and some fire equipment, including ambulances. The Drill Tower must contain stairs, because fire fighting and search and rescue techniques in stairwells are taught and practiced there. When portions of programs (such as one segment of the CERT "search and rescue" class or part of a fire station tour) take place in the Drill Tower, written program materials are brought to accessible locations in the Training Facility so that participants with mobility disabilities may receive the training information that they contain.

The Department maintains the accessible features of all of its facilities through the procedure of conducting annual fire safety inspections. At Fire Station #6, which contains the Department's Training Facility, access to the public

classroom is provided through the front main entrance, which is accessible from the sidewalk. However, if a person with a disability parks in the parking lot behind the facility, access to the classroom is achieved by means of a ramp leading to the side door of the classroom, which is only unlocked when classes open to the public are in session.

The Berkeley Fire Department sponsors Town Hall meetings and a Safety Fair. Many special community events for children are also sponsored by the Department. These include the annual Holiday Toy Program, the annual "Shelter Night Out" event, where children living in shelters are treated to an outing and gifts, and this year's Centennial Art Contest for elementary and middle school students. Per the interview comments of Department staff, children with disabilities have participated in fire station tours and other Fire Department children's events. No policies or procedures for ensuring the accessibility of these events were listed in questionnaire responses. According to Dory Ehrlich, Fire Station Tour Coordinator, though the Department is aware of its obligation to provide accommodations, no disability related accommodations have yet been requested for participants on fire station tours.

The Berkeley Fire Department uses contractors to provide a few of its services. These include a landscaping firm that provides weed abatement services, an ambulance billing firm, and some emergency medical training services which are provided by Ann-Margaret Moyer, the Department's paramedic supervisor. In addition, the Department maintains a contractual relationship with several paramedic schools to provide a field internship experience for their students.

Per the questionnaire responses of Ann-Margaret Moyer, the written contracts used for these contractors do contain language pertaining to nondiscrimination requirements toward people with disabilities. The contract language between the Department and various paramedic schools was also reviewed by the consultants; it appeared to contain appropriate nondiscrimination clauses pertaining to people with disabilities. Contract monitoring procedures described by Ms. Moyer include periodic onsite visits, and monitoring which takes place during the contract renewal process.

However, per Ms. Moyer's questionnaire response, contracting procedures do not necessarily ensure equality of opportunity for people with disabilities. This concern does not pertain to paramedic students, who are provided with any needed disability related accommodations by the schools which they attend.



Chief Garcia's questionnaire response indicates that the language used in the contract with the landscaping firm that provides weed abatement services contains ADA requirements and nondiscrimination clauses, and that it is through this contract language that the contractor is made aware of its ADA related responsibilities.

### Recommendations

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and current information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures and flyers, and Department sponsored public meeting announcements. Ensure that this notice is included in any new program literature that is produced. Refer to the *Citywide Findings and Recommendations* section of this report for recommended changes to the contact information and procedures for requesting auxiliary aids and services. *Priority #1*
- Include language on Department sponsored public meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*
- Ascertain whether captioned copies of non-captioned videos which are currently shown to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*
- Research the availability, source and ordering procedures for visual smoke alarms which are accessible for Deaf individuals, so that these can be provided in a timely manner if they are requested from the Smoke Alarm Program. *Priority #2*
- Publicize the Berkeley Fire Department's non-emergency TTY number, (510) 981-5799, on all print materials distributed to the public and all Fire Department CoBWEB pages. This will involve updating current contact

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information on many printed materials, and on those Department CoBWEB pages where the City Clerk's Office TTY number, (510) 981-6903, has been listed. *Priority #1*

- Train Department staff members who have frequent telephone contact with the public in use of the California Relay Service. *Priority #2*
- Consider providing an on-street disability parking space near the main entrance of the Fire Department's Training Facility at 997 Cedar Street. *Priority #2*
- Utilize Citywide procedures and guidelines regarding the accessibility of special events sponsored by the Berkeley Fire Department. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report, regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure. *Priority #1*
- Once developed, utilize Citywide procedures for monitoring Fire Department contractors' compliance with relevant provisions of the ADA. Refer to "Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## **HEALTH AND HUMAN SERVICES DEPARTMENT**

The findings and recommendations for the Health and Human Services Department are presented by division and program in the following order: Employment Programs; Environmental Health Programs; Mental Health Division Programs; Public Health Division Programs (Administration, AIDS Office, Reproductive and Sexual Health, Tobacco Prevention, Chronic Disease Prevention, Public Health Nursing, Maternal Child and Adolescent Health, Public Health Preparedness and Bioterrorism Response, Vital Statistics and Epidemiology); and Senior Programs.

The emergency evacuation procedures for all of the City of Berkeley's public health and mental health facilities were provided along with all of the staff ADA self-evaluation questionnaires submitted by the Health and Human Services Department. These evacuation procedures were reviewed, and were found to contain provisions for evacuation assistance for people with disabilities.

### **EMPLOYMENT PROGRAMS**

#### How the self-evaluation was conducted

The ADA self-evaluation questionnaire for the Berkeley WorkSource One-Stop Career Center, YouthWorks, and First Source programs was completed by Delfina Geiken, Employment Programs Manager.

Follow-up discussions and e-mail correspondence were conducted with Rene Perez and Dana Coleman of WorkSource, and Juanita McMullen and Jenny Seay of YouthWorks, from November 2003 through April 2004. A site visit was made to the Employment Programs' new offices at 1947 Center Street in February 2004.

All of these staff members, but especially Rene Perez, graciously contributed information and assistance to the consultants during the course of the self-evaluation review.

A sample of print materials that are provided to the public by these three employment programs was collected. Materials reviewed included the Berkeley WorkSource One-Stop Career Center's Policies and Procedures; its "Services Available at No Cost" list, and monthly calendars; as well as the EASTBAY *Works* Application for Services; YouthWorks flyer, and First Source brochure and Application for Services.

## Findings

Employment Programs' staff reported having served people with a range of disabilities, including individuals who were blind or had vision impairments, hard of hearing and Deaf people, clients who had learning disabilities, and people with mobility impairments.

Though no data is kept on youth with disabilities, YouthWorks staff believed that "approximately 30-40 youth with disabilities" have been referred from Berkeley High School's Workability Program during the past 3 or 4 years.

The Employment Programs do not appear to have any eligibility criteria that would screen out people with disabilities. However, both Berkeley WorkSource One-Stop Career Center and YouthWorks have questions about disability on their applications which could unintentionally exclude a person with a disability.

Berkeley WorkSource One-Stop Career Center is part of EASTBAY *Works*, a group of public, non-profit and private Alameda and Contra Costa County providers, and as such, utilizes their "Application for Services." The staff reported that the purpose of the application is to collect client demographic information, and that it is not used not to screen out prospective clients from the program.

This application contains a question about disability: "Do you have a disability that requires special accommodation?" This question is ambiguous. If the purpose of the question is to collect demographic data, then it should be put on a separate page with other demographic questions, without the applicant's identifying information on it. If the purpose is to provide information to staff about the applicant's need for an accommodation, then a second question is also necessary: "Is an accommodation required in order for the applicant to participate in the EASTBAY *Works* and Berkeley WorkSource, or does the applicant require an accommodation for a job?" All information provided by applicants must, of course, be kept confidential.

A related finding was that EASTBAY Works and Berkeley WorkSource staff did not appear to have a method of retrieving this information from their computer database in order to respond appropriately to individual clients who indicate that they need disability related accommodations.

The YouthWorks Application for Employment contains two questions about disability. The first question, "Do you have a physical condition or handicap

that may limit your ability to perform the job applied for?" is not permissible under Title I, the employment provisions of the Americans with Disabilities Act. The second question, "If yes, what can be done to accommodate your limitations?" should be replaced. (Please refer to the "Recommendations" section below.)

The Employment Programs do not offer separate programs or services for people with disabilities. They have made referrals to partner agencies in the community that serve people with disabilities such as CIL Berkeley, the Computer Technologies Program, and the Department of Rehabilitation. Staff stated that these agencies "have more capabilities and resources."

An individual who seeks assistance and is referred from other agencies, such as CIL or the Department of Rehabilitation, or the City's own Mental Health programs, can participate in WorkSource One-Stop Career Center activities. With the consent of the client, staff will ask the referring agency to inform them as to what disability/disabilities the person has. When WorkSource refers individuals to other agencies, staff will contact the agencies to determine if clients have completed the referral process.

Service animals are permitted to accompany people with disabilities into program facilities. No surcharges are imposed for any disability related accommodations that have been provided.

The Employment Programs have provided auxiliary aids and services to clients with disabilities. Berkeley WorkSource owns, or shares with EASTBAY *Works*, what it refers to as, "accessibility equipment for people with special needs." This equipment includes a closed circuit TV magnifier, a Braille printer (Duxbury Braille Translator for Windows 95, version 10), a TV with a closed captioning decoder, a text telephone, an assistive listening device, audiotape recordings of One-Stop and First Source orientation sessions, JAWS 4.0 (voice output screen reader software), Webspeak Plus for Windows 95/98, and Zoomtext Plus (magnification software). However, staff did not have sufficient experience with, and skill in, using this equipment and software. Also, some of the software was no longer compatible with WorkSource's current computers.

WorkSource staff recalled having employed the services of a sign language interpreter for one Deaf client. Other Deaf and hard of hearing clients have utilized the One-Stop Career Center independently, via limited communication by speech reading and note writing with staff.

Staff members have, on occasion, provided material in alternate accessible formats when needed by clients with disabilities. Some, but not all, of the print materials produced by the Employment Programs were printed with sans serif font and in larger point size, which is helpful for people who have vision impairments.

Few of the informational materials produced by the Employment Programs informed the public about the availability of auxiliary aids and services and materials in alternate formats (such as print material in large print, Braille or cassette, or sign language interpreters, real time captioning, assistive listening devices, or other accommodations). Documents that did contain such notice included the Berkeley WorkSource One-Stop Career Center's "Services Available at No Cost" list, and Calendars.

WorkSource has a text telephone (TDD/TTY) of its own, but it is not currently used. The City Clerk's Office TTY number is listed on the Employment Programs' CoBWEB pages and program materials. Staff reported having some limited experience using the California Relay Service.

Some of the videos shown by WorkSource were reported to be captioned, but none were available for viewing during the program site visit.

Over the years, staff members have had disability awareness training, including workshops provided by the Department of Rehabilitation and the Employment Development Department. Staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist.

The Employment Programs Manager, Delfina Geiken, serves as secretary to the City's Commission on Labor. Commission meeting notices contain information about requesting auxiliary aids and services, but, as indicated in the *Citywide Findings and Recommendations* section of this report, this information is obsolete. No information was included on the agendas posted on CoBWEB concerning the accessibility of the meeting location.

### Recommendations

- In conjunction with EASTBAY *Works*, review the legality of having the question "Do you have a disability that requires special accommodation?" on the Application for Services. If this question is to be asked, ensure that the response to this question be kept confidential. Add a statement on the

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application indicating that, "None of the information provided will be used to deny a person services in this Center." *Priority #1*

- Eliminate the following questions from the YouthWorks Application for Employment: "Do you have a physical condition or handicap that may limit your ability to perform the job applied for?" and "If yes, what can be done to accommodate your limitations?" The first question is not permissible under Title I, the employment provisions, of the Americans with Disabilities Act. Replace the second question with a general statement on the application such as, "If you require a 'reasonable accommodation' pursuant to the Americans with Disabilities Act, please contact \_\_\_\_\_, All information regarding an applicant's or participant's disability will be treated in a confidential manner." *Priority #1*

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- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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- Provide information to clients about the availability of the Employment Programs' "accessibility equipment for people with special needs." (For example, the list can be posted and reviewed during One-Stop Orientation sessions.) *Priority #1*

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- Purchase upgraded versions of the existing accessibility software to make it compatible with WorkSource's current computers. *Priority #3*

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- Consider producing materials such as Calendars or flyers about services in large fonts on white or light colored paper. *Priority #1*

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- Make the Employment Programs' TTY machine available to Deaf people and other clients with disabilities who need a text telephone to make outgoing calls to prospective employers or when conducting other job search related telephone activities. *Priority #1*

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- Include language on meeting notices which informs the public about the accessibility of meeting sites. *Priority #1*

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- Develop a procedure by which staff will respond in a timely manner to those clients who, on the Application for Services, indicate that they require disability related accommodations. *Priority #1*
- Provide Employment Programs staff with training in operating all of their accessibility equipment. (Refer to all equipment listed in the "Findings" section above.) This should include training in how to effectively use the assistive listening device, both in workshops and in one to one meetings with clients who are hard of hearing. *Priority #1*
- Provide staff with additional training in disability awareness and effective communication. Don Brown, Disability Services Specialist, offers a Citywide Training Focus Course in serving customers with disabilities. *Priority #1*
- Mr. Brown can also be invited to present a training session for Employment Programs staff. This training could include information about serving clients who identify as having learning disabilities or mental health disabilities. Individuals with these disabilities may benefit from additional disability related accommodations, for example, having a quieter space to work in when conducting job search activities, or additional staff support. *Priority #2*

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## **ENVIRONMENTAL HEALTH**

### How the self-evaluation was conducted

Alexander Schnieder, Director of the Environmental Health Division, completed the staff ADA self-evaluation questionnaire, and responded to the consultant's follow-up questions via e-mail correspondence. He also provided a sample copy of the Environmental Health Community Outreach Newsletter. In addition, the Environmental Health Division's many informational web pages on CoBWEB were reviewed.

### Findings

Per information obtained from Division CoBWEB pages, the Environmental Health Division offers more than twenty programs, most of which do not involve direct contact with members of the general public.

Members of the public may contact the Division if they have a public health or noise related complaint to report; if they are requesting a service that the Division provides via contract, such as towing of abandoned vehicles, or clearing of debris on abandoned property; or to request an Amplified Sound Permit for an event at which noise levels are likely to exceed Berkeley Municipal Code limits. Operators of food facilities and tattooing and body piercing establishments also must request permits from the Division.

Permit application forms and service request forms are available for downloading from the Division's CoBWEB pages. These forms are in .pdf format. Members of the public for whom .pdf forms are inaccessible are instructed on these pages to telephone or e-mail the Division to request copies in alternate formats.

The Division provides much detailed and useful public health information on its CoBWEB pages. Its Community Outreach Newsletter also affords the public much valuable health information. This newsletter is available by telephone, mail, or e-mail request from the Division. The Division's print materials have not previously been made available in alternate formats. If a request for materials in alternate formats were made, the procedures to be followed for fulfilling it would be unclear.

The Division operates three programs where more extensive direct contact with the public takes place. These are the Food Handler Training Program, the Inoperable Vehicle Towing Program, and the Property Abatement Program.

The Food Handler Training Program provides a mandatory class for employees of restaurants and other food facilities.

Although Food Handler Training classes are held in accessible facilities per staff questionnaire responses, no other disability related accommodations, such as auxiliary aids and services, materials in alternate formats, or test accommodations, have been requested or provided. The procedures by which they would be provided, if requested, are unclear. Program literature does not inform the public about their availability, or about the accessibility of the class location. Though videos are shown as part of this program, the videos are not captioned. This would render them inaccessible to individuals who are Deaf or hard of hearing.

The Inoperable Vehicle Towing program and the Property Abatement Program are both operated by contractors. Members of the public are contacted by telephone and letter regarding the status of their property or vehicle after the Division has received a complaint and/or conducted an onsite inspection of the property or vehicle. The Division may obtain a warrant to tow the vehicle or inspect the property, and the individual or individuals affected may be entitled to participate in a hearing regarding their property or vehicle.

Per staff questionnaire responses, most follow up contact with the Division by the individuals who are affected takes place over the telephone. No notices, flyers or brochures about these two programs were available for review. The contractors who provide the programs' towing and property abatement are governed by City boilerplate contract language; no means of monitoring their compliance with ADA requirements have been put in place.

Despite extensive telephone contact with the public, Division staff have not been trained in how to use the California Relay Service or in techniques of TTY use. The Division does not have a text telephone (TTY/TDD) of its own. Its printed materials, newsletter and CoBWEB pages consistently include the City Clerk's Office TTY number for use by individuals with hearing and speech disabilities.

Also, Division staff members have not received training in techniques of effective communication with individuals with disabilities, or in disability awareness and ADA compliance.

The Division sponsors no public meetings or special events, but does participate in City sponsored special events such as the annual Health and Safety Fair held during Public Health Week as part of its community outreach efforts.

Recommendations

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) in Division literature and CoBWEB pages. Ensure that this notice is included in any new Division or program literature that is produced. *Priority #1*
- Ascertain whether captioned copies of non-captioned videos which are currently shown are available, and obtain captioned copies of these videos whenever possible. *Priority #3*
- Train all Division staff who have telephone contact with the public in techniques of TTY use, and in the use of the California Relay Service. *Priority #1*
- Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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## **MENTAL HEALTH**

### How the self evaluation was conducted

Al Lozano, Associate Management Analyst for the Mental Health Division of the Department of Health and Human Services, completed the self-evaluation questionnaire and submitted extensive supporting documentation for review.

These documents included the City of Berkeley Mental Health Policy and Procedures Manual, program brochures and group meeting flyers, client intake forms, and client complaint forms and procedures. These materials were reviewed in September and October 2003. Follow up e-mail correspondence and telephone interviews were conducted with the following mental health program supervisors in November 2003: Tomie Kratz, supervisor for the Comprehensive Community Treatment and Assertive Community Treatment programs; David Wee, supervisor for Crisis Services, the Mobile Crisis Team, the Homeless Locker Program, and the Social Services Transport bus; Matthew Mock, supervisor for Family, Youth and Children's Services and School Based Mental Health Services; and Carlos Morales, supervisor for the AB 2034 program.

In addition, in February and March 2004, site visits were conducted at the Adult Services facility at 2640 Martin Luther King, Jr. Way, the Family, Youth and Children's Services facility at 1925 Derby Street, the Homeless Locker Program site at 2721 Shattuck Avenue, the Berkeley High School Health Center, and at an Adult Services "Drop-In Café" group meeting session. Many staff, including Herbert Singleton, Matthew Mock, Eve Ahmed, Tomie Kratz and Fiona Glas graciously contributed additional information and assistance during these visits.

Because the consultants wanted to obtain as much self-evaluation feedback from Berkeley community members who have mental health disabilities as possible, one of the consultants also visited the Multi-Agency Service Center and the Berkeley Drop-In Center, local non-profit community agencies serving people with mental health disabilities, to discuss and distribute the Community Questionnaire. Several of the individuals who contributed comments during these visits, and others who commented during the "Drop-In Café" meeting session, were clients of City of Berkeley Mental Health services.

## Findings

Berkeley Mental Health is to be commended for the thorough, caring and sensitive community outreach and comprehensive services which are provided to severely and persistently mentally ill persons, including homeless individuals and others with severe mental health disabilities. Client feedback gathered during the self-evaluation was highly positive concerning Berkeley Mental Health services. The range of services offered is extensive.

Berkeley Mental Health provides many programs to the public. These include Adult Services; Family, Youth and Children's Services; School Based Mental Health Services, located on the campuses of two middle schools, three elementary schools, and at the Berkeley High School Health Center; Crisis Services; a Mobile Crisis Team (which is on call and works closely with Berkeley Police Department and Berkeley Fire Department Emergency Services); Comprehensive Community Treatment and Assertive Community Treatment (two programs which provide outreach, therapeutic services, and comprehensive case management to people in all settings, including homeless individuals); the AB 2034 Program (which provides housing for individuals with severe and persistent mental illness who are at high risk of hospitalization and/or incarceration); and the Homeless Locker Program.

Transportation for City of Berkeley Mental Health, Public Health, and Housing Services clients is provided by Berkeley Mental Health's Social Services Transport bus (an accessible bus on a fixed route connecting a variety of frequently used social service sites in Berkeley). Further community outreach is afforded through the activities of Berkeley Mental Health staff assigned to each of the City's four neighborhood services quadrants.

Program eligibility criteria do not screen out individuals with disabilities. Though questions about mental and physical disabilities are asked on program intake forms, these are for purposes of clinical service delivery and case management needs assessment. They are not used as a condition of program eligibility or to deny services to anyone, and, as with any other medical records, they are kept in confidential, locked files.

The "Lobby Guidelines" policy in the Berkeley Mental Health Policies and Procedures Manual allows guide dogs and service dogs into program facilities, but does not mention any other service animals. These guidelines set forth the limits of acceptable behavior, and describe the steps that will be followed

if those limits are not adhered to. They appear to be nondiscriminatory and sensitive to the needs of people with disabilities. In addition, Berkeley Mental Health has the policy that when an individual's behavior in a clinic setting is considered unsafe, he or she will be provided with services in an alternate setting, for example at home or in a park or street setting.

Berkeley Mental Health staff provide assistance with reading printed materials and with completing forms and paperwork, as needed by clients with many types of disabilities, on request. Print materials have also been made available on audio tape and in Braille in the past. However, at the time of the self-evaluation, procedures for obtaining materials in these formats were unclear.

Although none of the clinicians on staff are ASL fluent, sign language interpreters have been arranged for through Bay Area Communication Access, a local agency with which Berkeley Mental Health maintains a contract. In addition, Berkeley Mental Health has a procedure whereby it would arrange for, and fund, clinical services to be provided by another therapist or agency if a client or family needed the services of a counselor who is fluent in ASL. Videos are occasionally shown to families or groups. Spanish language videos are captioned in English. It was unclear which of the other videos shown to the public were captioned to afford accessibility to Deaf or hard of hearing program participants.

Though TTY services can be a critical need in mental health crisis situations, Berkeley Mental Health does not have a TTY of its own. The TTY number listed on its brochures and CoBWEB pages is the City Clerk's Office TTY number, (510) 981-6903. Staff are familiar with using the California Relay Service to communicate by telephone with individuals who have hearing and speech disabilities; however, they have not had training in techniques of effective communication with individuals with disabilities, in disability awareness, or in ADA compliance.

Berkeley Mental Health provides the secretary and meeting site for the City's Mental Health Commission, and also holds several interagency meetings: System of Care meetings, Berkeley Alcohol and Substance Abuse Providers' meetings, Berkeley Interagency Networking meetings, and Alcohol and Other Drugs Policy meetings. Staff ADA questionnaire responses indicate that the meeting sites are accessible.

With the exception of Mental Health Commission minutes and meeting announcements, Berkeley Mental Health program brochures, CoBWEB pages and public meeting announcements do not contain notification of the City's

compliance with the ADA or the availability of disability related accommodations and auxiliary aids and services to ensure effective communication for individuals with disabilities. They also do not include contact information or procedures for requesting disability related accommodations.

Safety and evacuation policies and procedures contained in the *Berkeley Mental Health Policies and Procedures Manual* are detailed and specific. Provisions for assisting individuals with disabilities in emergencies were documented in the staff ADA self-evaluation questionnaire responses and in this *Manual*.

David Wee, supervisor of Mental Health Crisis Services staff, provides training in disaster related mental health practices to City of Berkeley staff in the Office of Emergency Services, and through the Citizen's Emergency Response Training program offered by the Berkeley Fire Department. This training is also provided to Area Safety Monitors, staff in various City departments who are assigned to provide evacuation assistance in the case of fire, earthquake or other emergencies, and to the Human Resources Department. At the time of the self-evaluation, no disability related accommodations had been requested by staff attending these training sessions. However, should accommodations be requested, Mr. Wee would seek assistance from Human Resources in order to provide them.

Of special note, the CoBWEB pages for Crisis Services, the Assertive Community Treatment Program, and Family, Youth and Children's Services, contain information about the wheelchair accessibility of their program sites. This is notable because virtually no other CoBWEB pages reviewed during the entire self-evaluation had this information. Other Berkeley Mental Health CoBWEB pages, and the Division's program brochures and meeting announcements which were reviewed, do not. The CoBWEB page for Family, Youth and Children's Services lists the wheelchair accessibility of this program facility as "limited." However, at the time of the self-evaluation, the program site was not accessible. Staff members were in the process of negotiating a lease for a new accessible site for the program.

Drivers for the Social Services Transport bus, which is equipped with a wheelchair lift, have received disability awareness training. A regular maintenance schedule is maintained for the lift, and drivers check its operability each day.

Berkeley Mental Health sponsors an annual special event, "Recovery Month," each September. Staff ADA questionnaire responses indicated that City regulations would be followed to ensure the accessibility of this event. However, at the time of the self-evaluation, there were no City regulations concerning this issue. A proposed City wide policy, containing guidelines and an accessibility checklist, was under consideration by the City Manager's Office, but had not yet been adopted. The recommendation that it be adopted is contained in the *Citywide Findings and Recommendations* section of this report.

Two Berkeley Mental Health programs, the AB 2034 Program and the Homeless Locker Program, use contractors to provide program services. The contractor Shattuck Self Storage, which provides storage locker facilities for the Homeless Locker Program, requires documentation of disability from the California Department of Motor Vehicles from individuals with mobility impairments, since these individuals must be accompanied by Shattuck Self Storage staff in the facility's freight elevator when they need to reach their lockers, which are located on the second floor. With disability documentation, Shattuck Self Storage staff will readily provide the required elevator escort. Eve Ahmed, the Berkeley Mental Health case manager who coordinates the Homeless Locker Program, can also provide certification of disability in some cases where an individual's mobility impairment is obvious. At the time of the self-evaluation, plans were beginning to be formulated to relocate this program to a more fully accessible facility.

The AB 2034 program of Berkeley Mental Health, through a contract with the Avondale Hotel, provides housing for chronically incarcerated or hospitalized individuals with severe and persistent mental illness. Per the self-evaluation consultant's telephone interview with Carlos Morales, AB 2034 program supervisor, the Avondale Hotel is held to HUD and Title II community care licensing standards, and has some wheelchair accessible rooms. It is not known whether service animals would be permitted in this facility.

At the time of the self-evaluation, Berkeley Mental Health did not have policies or procedures for monitoring the ADA compliance of its contractors.

### Recommendations

- Per Citywide service animal policy, consistently allow guide dogs and other service animals to accompany individuals with disabilities into all program facilities, including contractors' facilities. *Priority #1*

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- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to “Equally Effective Communication” in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures, CoBWEB pages, and meeting flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*
- As a long-term recommendation, fund a position either for a clinician fluent in American sign language, or an ASL interpreter. *Priority #2*
- Provide a TTY for Berkeley Mental Health Crisis Services. Train all program staff who have telephone contact with the public in techniques of TTY use. Publicize the TTY number in all program brochures, flyers, CoBWEB pages, and any other public listings. *Priority #1*
- Ascertain whether captioned copies of non-captioned videos which are currently shown to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*
- Provide information about the accessibility of program and meeting sites consistently on program brochures, program and meeting flyers, and program CoBWEB pages. *Priority #1*
- Relocate Family, Youth and Children’s Services to an accessible facility. *Priority #1*
- Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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- Utilize Citywide procedures and guidelines regarding the accessibility of special events in planning and implementing the “Recovery Month” special event, and any other special event sponsored by Berkeley Mental Health. Refer to “Other Citywide Issues: Special Events Accessibility” in the *Citywide Findings and Recommendations* section of this report regarding the use of a proposed Citywide *Special Events Accessibility* policy. *Priority #1*
- Once developed, utilize Citywide procedures for monitoring contractors’ compliance with relevant provisions of the ADA. Refer to “Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors” in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## **PUBLIC HEALTH**

### **Administration**

#### How the self-evaluation was conducted

Because, for the most part, Public Health Administration does not provide direct services to members of the public, the self-evaluation review concerning Public Health Administration was limited to the activities of the two City Commissions for which its staff provides support: the Community Health Commission and the Commission on the Status of Women. The consultants reviewed the CoBWEB pages and sample meeting agendas and minutes for these two Commissions in May and June, 2004.

#### Findings

Meeting agendas and minutes for the Commission on the Status of Women and the Community Health Commission are readable and downloadable from CoBWEB. From a review of these materials, the consultants found that the meetings are held at the North and South Berkeley Senior Centers, respectively. These are accessible locations. However, the agendas do not notify the public that the meeting sites are accessible.

The agendas and minutes are generally made available on CoBWEB in both .pdf and HTML formats, which increases the accessibility of the information they contain for those people with disabilities who use screen reader technology.

Contact information for requesting auxiliary aids and services is included at the bottom of the agenda for each of the two Commission's meetings. However, the contact information specified is for the City Clerk's Office, and the TTY number that is included is that for the City Clerk's Office. Since this department does not provide staff support for the Commissions, the agenda information should be changed to include contact information for Public Health Administration or for the two Commission secretaries, and the appropriate Public Health Division TTY number should also be listed.

Furthermore, the agenda information for both Commissions indicates that five days' notice is recommended for requesting auxiliary aids and services. If meeting agendas are not made available more than five days in advance of the meetings, the notification time should be concomitantly decreased, so that people with disabilities who are planning to attend the meetings will have an

adequate amount of time in which to request the auxiliary aids and services they will need.

### Recommendations

- Provide updated information for requesting auxiliary aids and services, which contains contact information for Public Health Administration or the Commissions' secretaries, and includes the appropriate TTY number, on the Commissions' meeting notices and agendas. *Priority #1*
- Ensure that the recommended notification time for requesting auxiliary aids and services at Commission meetings is congruent with the advance time in which meeting agendas and notices are provided to the public. *Priority #1*
- Review techniques of TTY use with staff, and ensure that staff members who provide the Commissions with support are familiar with the number for the appropriate TTY. Publicize this TTY number on Commission agendas and CoBWEB pages. *Priority #1*
- Include language on the Commissions' meeting notices and agendas which informs the public about the accessibility of the meeting sites. *Priority #1*

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### **AIDS Office**

#### How the self-evaluation was conducted

Mr. Leroy Blea, Director of the City of Berkeley AIDS Office, completed the self-evaluation staff questionnaire for all of the City's AIDS programs. Follow-up information was obtained in an extensive telephone interview with Mr. Blea in February 2004. AIDS program literature and program CoBWEB pages, as well as the web pages of selected linked AIDS informational services, were also reviewed.

Berkeley's AIDS programs and services are provided in a wide variety of locations throughout the City through extensive community outreach efforts, and through the involvement of many contracting community agencies; some testing and clinical services are provided at the City's Public Health Clinic at 830 University Avenue. This clinic was previously visited for purposes of the self-evaluation in December 2003, at which time some of the literature distributed to the public about AIDS services was collected for review.

## Findings

The AIDS Office is to be commended for its extensive and dedicated community outreach work. It offers eight programs to the public at a wide variety of community locations.

City of Berkeley AIDS programs include HIV/AIDS testing and counseling provided at the City's Public Health Clinic and at many other local community agencies (over 6000 people are tested per year at thirteen local sites, and all testing is linked to counseling and medical and other services, as needed). There are also a Needle Exchange Program; a Men's Project; a Latino Project; a Faith Project that offers HIV/AIDS outreach and education in several local churches; an AIDS Drug Assistance Program that provides financial assistance with purchasing AIDS medications for low income people with AIDS; HIV/AIDS education and prevention services that are offered onsite at several local community agencies and at the City's Public Health Clinic; and an HIV Street Outreach Program. Some HIV/AIDS testing services are also provided at various street locations by the AIDS Office's mobile testing van.

Because AIDS itself causes many secondary disabilities, Mr. Blea emphasized in his interview that program staff, as well as physicians to whom program participants are referred for medical services, have hands-on familiarity with a wide variety of disability related issues faced by people with AIDS. These issues include, for example, mobility limitations, breathing difficulties, vision loss, hearing loss, fatigue, cognitive limitations, mental disabilities, and the emotional stress of having a chronic, life threatening illness.

Program eligibility criteria do not exclude or tend to screen out individuals with disabilities, and any health or disability related information that is obtained in the course of service provision or program participation is kept confidential.

Service animals are permitted to accompany people with disabilities into program facilities. No surcharges are imposed for any disability related accommodations that have been provided. Though program modifications will readily be made in order to serve people with disabilities, members of the public are not informed of this practice.

A policy and procedure is in place for providing print materials in alternative formats on request, and an HIV/AIDS counselor who is Deaf and is an ASL user has been trained, and at the time of the self-evaluation was available at one of the community based program sites, the Berkeley Free Clinic. Mr. Blea

or other staff conduct daily walkthroughs at program facilities to ensure that clear pathways are maintained for access by people who have mobility disabilities.

Program staff have been trained in disability awareness, ADA compliance issues, and techniques of effective communication with people with disabilities through annual disability and diversity training sessions which are conducted for staff. The AIDS Office does not have its own text telephone (TTY/TDD). It lists the City Clerk's Office TTY number, (510) 981-6903, on its printed materials. Staff are familiar with using the California Relay Service to communicate by telephone with people with hearing and speech disabilities, but have not had TTY training.

The AIDS Office's mobile testing van is not wheelchair accessible; however, staff would be able to provide testing services to a wheelchair user outside the van, or at an alternate accessible location. The AIDS Office maintains a policy that no one requesting services is ever turned away.

Videos are usually not utilized for HIV/AIDS education activities in these programs, which have a philosophy and practice of being peer-based. However, occasionally some videos are used. Some of the videos, especially those produced by the Center for Disease Control, are captioned for Deaf and hard of hearing viewers. Spanish language videos are captioned in English. Other videos are not captioned.

Though state funds were used to obtain ASL interpreters in order to enable the Deaf HIV/AIDS counselor to complete her training, program staff have not had experience using procedures for providing sign language interpreters, or other auxiliary aids and services other than print materials in alternate formats, for HIV/AIDS program participants.

Though print materials are provided in alternate formats on request, no program literature or public meeting announcements, and none of the program information available on CoBWEB contains information about the City's ADA compliance, about procedures for requesting auxiliary aids and services to ensure effective communication, or for requesting other needed disability related accommodations.

The AIDS Office does not sponsor any public special events, but it does sponsor the public meetings of the HIV Prevention Planning Committee. These meetings are held in the meeting room at the City's Public Health Clinic

at 830 University Avenue, an accessible location. To date, there have been no requests for the provision of print materials in alternative formats, or other auxiliary aids and services, at the meetings.

The AIDS Office maintains contracts with several community based agencies which provide HIV/AIDS prevention, needle exchange, counseling, education and/or testing services to members of the public as part of the City's AIDS programs. These agencies include the Berkeley Free Clinic, mentioned above, the Pacific Center for Human Growth, Women's Day-Time Drop-In, the California Prevention and Education Project, and Needle Exchange Emergency Distribution. Two laboratories are also contracted with for the provision of laboratory services for HIV testing.

Semi-annual site reviews are conducted of the contracting agencies, which are required to provide services to anyone who comes to the door. These reviews include an informal assessment of disability access at each site. However, no standard questions concerning disability access or accessibility checklists have been formulated for use in the site reviews; Mr. Blea was eager to have tools of this nature to help with the process of monitoring contractors' ADA compliance.

### Recommendations

- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures and flyers, and public meeting announcements. Ensure that this notice is included in any new program literature that is produced. *Priority #1*
- Consistently provide sign language interpreting, other auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Ascertain whether captioned copies of non-captioned videos which are currently shown to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*

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- Once the Public Health Division’s new TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*
- Review techniques of TTY use with all staff who have telephone contact with the public, and ensure that staff members are familiar with the numbers for the Public Health Divisions’ new TTYs. *Priority #1*
- Develop a procedure for providing AIDS testing at alternate, accessible sites for wheelchair users who cannot access the mobile testing van. *Priority #1*
- Once developed, utilize Citywide procedures for monitoring contractors’ compliance with relevant provisions of the ADA. Refer to “Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors” in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## Reproductive and Sexual Health Program

### How the self-evaluation was conducted

Fern Kaukonen and Tiffany Simpson completed the staff ADA self-evaluation questionnaire, which was reviewed in November 2003. This questionnaire contained an attachment listing all of the URLs of the Public Health Division web pages made available to the public via CoBWEB. These pages were reviewed along with the questionnaire. Follow-up e-mail correspondence took place with Fern Kaukonen in late November and early December, and a clinic site visit was arranged for the Reproductive and Sexual Health Program in December 2003. At that time, a tour of the public health clinic at 830 University Avenue and a follow up-interview with Ms. Kaukonen took place, a sample of literature which the program distributes to the public was collected, and the program’s policies and procedures manual was reviewed.

### Findings

The Reproductive and Sexual Health Program offers four programs to the public: the Comprehensive Family Planning Program, the Sexually Transmitted Infection Clinic, Pregnancy Testing services, and the Family Planning Access



Care and Treatment Program (FPACT), which furnishes health insurance for low income persons needing reproductive and sexual care services. Income guidelines apply to this program.

In addition, tuberculosis testing, a Tuberculosis Diagnostic Clinic, and an Immunization Clinic, as well as HIV/AIDS testing, prevention and education services are offered at the 830 University Avenue facility. The tuberculosis and immunization programs are discussed in the Maternal, Child and Adolescent Health and the Public Health Nursing sections of this report, and HIV/AIDS services are discussed above, in the AIDS Office section of the report.

Eligibility criteria for the Reproductive and Sexual Health Program do not screen out individuals with disabilities, and questions about disability are not asked on intake forms. Service animals are permitted to accompany individuals with disabilities into the clinic facility. Surcharges are not charged for any disability related accommodations that are provided.

Though program policies and procedures will be modified, if necessary, in order to serve people with disabilities, at the time of the self-evaluation the means of notifying the public that program modifications would be made when needed to serve individuals with disabilities was unclear.

Staff have read print materials aloud to clients, and have provided materials in large print, but not in other alternate formats. They have provided note taking, but no other auxiliary aids and services. From time to time, the program has had staff members who are familiar with American Sign Language, but this was not the case at the time that the self-evaluation was being conducted.

The program does not have a text telephone (TTY/TDD) of its own. At the time of the self-evaluation, it used the City Clerk's Office TTY number: (510) 981-6903. Per ADA staff questionnaire responses, staff members are familiar with using the California Relay Service and with TTY use, and have received training in disability awareness and ADA compliance from the Clinic Director. However, they have not received training in techniques of effective communication with people with disabilities.

Program flyers, brochures, and the CoBWEB pages reviewed did not contain notification that auxiliary aids and services or other disability related accommodations are available, and did not describe procedures for requesting them. The wheelchair accessibility of the clinic facility was not indicated on brochures, or on the CoBWEB pages which were reviewed.

One of the clinic exam tables has a motorized feature which enables it to be raised and lowered for ease of transfer onto the table by persons with mobility disabilities.

The clinic itself did not appear to contain barriers to access, other than some counters which have not been lowered. However, staff will accommodate patrons at these counters by coming out from behind the counter to assist them with completing paperwork and other tasks. There were no formal procedures for maintaining the accessibility of clinic features such as the ramp, handrails, or clear pathways. The main accessible entrance is kept unlocked during business hours.

The Reproductive and Sexual Health Program, the Tuberculosis Diagnostic Clinic, and the Immunization Program do not sponsor any public meetings or public special events. They do not show videos to the public, and they do not provide any transportation services to program participants.

### Recommendations

- Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures, CoBWEB pages, and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*
- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*
- Once the Public Health Division's new TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*
- Review techniques of TTY use with staff, and ensure that staff members are familiar with the numbers for the Public Health Division's new TTYs. *Priority #1*

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- Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*
- Develop procedures for the periodic checking and maintenance of the accessible features of the clinic, including keeping accessible pathways clear of obstacles, keeping handrails free of bicycles and other barriers to use, and maintaining the operability of the motorized exam table. *Priority #1*

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## **Tobacco Prevention Program**

### How the self-evaluation was conducted

Marcia Brown-Machen completed the staff ADA self-evaluation questionnaire. Follow-up e-mail correspondence was conducted with Ms. Brown-Machen in November 2003. The Consultants also reviewed the Tobacco Prevention Program's CoBWEB page, and the available links it contained to other tobacco prevention information.

### Findings

The Tobacco Prevention program provides tobacco cessation classes for the public, and offers individual counseling and referrals to other community services for individuals who wish to stop smoking. A major focus of the program is community-wide education about the dangers of smoking and smoking prevention.

The program also works to uphold Berkeley anti-smoking ordinances, and to educate restaurant owners about anti-smoking laws. It works collaboratively with other community agencies, and with the University of California and Berkeley High school students and interns, to organize anti-smoking campaigns among high risk groups, such as high school and university students and people of color, including Latino immigrants. The program maintains a web page on CoBWEB with tobacco education information and links to community resources regarding smoking cessation and the demographics of tobacco use.

The program's eligibility criteria do not screen out individuals with disabilities. In the past, people with disabilities have been accommodated in tobacco

cessation classes with sign language interpreters. In one instance, individualized smoking cessation counseling was provided for an individual with a mobility disability who was unable to access mobile smoking cessation activities which were taking place inside an inaccessible bus. However, receiving individualized service is not the same experience as group participation, and may not be fully equivalent.

Program staff have not yet made written program materials available in alternate formats; the procedures for doing so, if alternate formats are ever requested, are somewhat unclear.

The program uses no contractors to provide its services. It does not offer transportation or sponsor any public special events. However, it does sponsor the public meetings of the Berkeley Tobacco Prevention Coalition. It was unclear from questionnaire responses whether these meetings are held in an accessible location. The procedure in place for requesting auxiliary aids and services at the meetings is somewhat unclear.

Staff are familiar with the use of the California Relay Service and with TTY use to communicate by telephone with individuals who are Deaf or hard of hearing, or who have speech disabilities. However the program has no text telephone (TTY/TDD) of its own. The City Clerk's Office TTY number is listed on its CoBWEB page.

### Recommendations

2. Notify the public about the availability of sign language interpreters and other auxiliary aids and services to provide effective communication for individuals with disabilities, by including appropriate language on class and event flyers, in program brochures, in public meeting announcements, and in other community advertising. *Priority #1*

- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

- Ensure that staff members are familiar with the numbers for the Public Health Division's new TTYs. Once the new TTY lines are functional,

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publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*

- Notify the public of the accessibility of these classes and events, and of the availability of sign language interpreters and other auxiliary aids and services to provide effective communication for individuals with disabilities, by including appropriate language on class and event flyers, in program brochures, in public meeting announcements, and in other community advertising. *Priority #1*
- Provide all tobacco cessation classes, public meetings and educational events in accessible locations. *Priority #1*
- Conduct outreach to, and seek input from, the disability community, including high school and university students with disabilities, as part of the planning and preparation for tobacco prevention events. *Priority #2*

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## Chronic Disease Prevention Program

### How the self-evaluation was conducted

Kate Clayton, coordinator of the program, completed the staff ADA self-evaluation questionnaire. After review of this questionnaire, additional follow-up questions were discussed during a detailed telephone interview in March 2004 with Ms. Clayton, who also submitted membership forms and literature from the Active Choices program, and a sample event poster, for review by the consultants.

### Findings

Chronic Disease Prevention consists of two programs, Berkeley Be Fit, which has no eligibility criteria and is open to all Berkeley residents of all ages, and Active Choices, open to adults over fifty in Berkeley.

The Active Choices program is a research project conducted in collaboration with the Robert Wood Johnson Foundation, which provides funding, has specific participant criteria, and distributes a standardized member packet to all prospective participants. This packet also includes a Notice of City of Berkeley Privacy Practices concerning privacy and confidentiality of medical information and medical records. In the packet, the participant is asked whether he or she has visited a doctor during the past six months.

Participants receive individual counseling and biweekly follow-up telephone consultation regarding their exercise practices.

The Berkeley Be Fit program, which has no eligibility criteria, offers nutritional counseling, health and exercise related outreach and education, and referrals for other health services for young children, school age children, high school students, adults of all ages and seniors at a variety of community locations. These include Head Start programs, Berkeley High School, the Berkeley Senior Centers, and a variety of community agencies. The program also co-sponsors some public special events, such as the "Summer Party for Your Health" health fair, and provides services such as blood pressure screenings at a number of other community events.

Program staff members have extensive experience with assisting participants who have difficulty reading standard print, whether due to disability or due to difficulties with literacy. They have provided large print copies of printed materials, have read written materials aloud, and have assisted program participants and applicants with filling out forms. They have also provided other disability related accommodations, such as a "talking pedometer," upon request for participants with disabilities. No surcharges have been imposed for the disability related accommodations that have been provided.

Provision of other auxiliary aids and services, such as materials in Braille, sign language interpreters and assistive listening systems, is more complex because some of the written materials are produced by other entities, such as the Robert Wood Johnson Foundation or the National Institute of Health.

Furthermore, no clear policies or procedures have been established for providing auxiliary aids and services and other disability related accommodations. In the past, this has from time to time created difficult situations for program staff, who have demonstrated a strong willingness to accommodate participants with disabilities. In one instance, staff purchased an accommodation personally to afford an individual equal participation in a program activity. They did so because the procedures for supplying the accommodation via the use of City funds were unclear, and would not have provided the accommodation in a timely manner.

In the written program materials and the event poster that was reviewed, members of the public were not notified that disability related accommodations or auxiliary aids and services are available and were not given instructions about how to request them. They also were not informed

as to whether service locations were accessible. Procedures for ensuring the accessibility of the co-sponsored special events were not specified.

Because services are provided in many locations around the community, including City facilities, the facilities of other community agencies and other public locations, no data was available as to policies allowing service animals to accompany individuals with disabilities into program facilities.

The two Chronic Disease Prevention programs use no contractors, show no videos to the public, provide no transportation services, and sponsor no public meetings. The programs do not have a text telephone (TTY/TDD). Staff have not been trained in use of the California Relay Service or in TTY use to communicate by telephone with people who have hearing and speech disabilities.

### Recommendations

1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program application forms, brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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• Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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2. Once the Public Health Division's new TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*

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3. Train staff in the use of the California Relay Service. *Priority #1*

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4. Review techniques of TTY use with staff, and ensure that staff members are familiar with the numbers for the Public Health Division's new TTYs. *Priority #1*

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4. Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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5. Utilize Citywide procedures and guidelines regarding the accessibility of special events when planning future special events. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed *Citywide Special Events Accessibility* policy and procedure which is currently under consideration. *Priority #1*

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## Public Health Nursing

### How the self-evaluation was conducted

Verdie Thompson, Director of Public Health Nursing, completed a self-evaluation staff questionnaire for all of the Public Health Nursing programs, which was reviewed by the consultants. Follow-up information was provided by Ms. Thompson in an onsite interview which took place at the Public Health Division offices at 2344 Sixth Street in March 2004. A generous sample of literature which is distributed to the public by the Public Health Nursing programs was collected for review at that time.

### Findings

The Public Health Division of the Health and Human Services Department offers a variety of Public Health Nursing programs. With the notable exception of the Nurse of the Day Program, a toll-free telephone advice nurse service, which is staffed at 2344 Sixth Street, and nurses who gather communicable disease follow up information and conduct case management activities over the telephone, the vast majority of program services are provided in people's homes, or at offsite locations such as homeless shelters, which a public health field nurse visits on a weekly basis. Tuberculosis screening services are provided at the City's Public Health Clinic at 830 University Avenue.

In addition to the Nurse of the Day, Public Health Nursing programs include Public Health Nursing Field Services; the Child Health and Disability Prevention Program (providing in home nursing services to mothers of infants and young



children at high risk); Every Child Counts (providing home based services to mothers of newborns); Early Periodic Screening, Diagnosis and Treatment, (clinic and home based screening and early treatment of communicable diseases); Communicable Disease Prevention and Follow-up (telephone based information gathering, and home visits); and Targeted Case Management.

Program eligibility criteria do not exclude people with disabilities. Questions about the person's general health and specific health conditions would be asked in initial nursing interviews with patients; this information would be kept confidential.

Service animals are not excluded from program facilities, and no surcharges have been imposed for any disability related accommodations which are provided.

The extensive community outreach and home based service delivery which City of Berkeley public health nurses provide helps to ensure that services reach the people who need them. However, there are a number of issues that affect the communication accessibility of the services which are provided.

Program literature does not contain ADA compliance notification or contact information for requesting auxiliary aids and services or other disability related accommodations, if needed by members of the public. The procedures by which auxiliary aids and services such as Braille or sign language interpreting would be provided are unclear to staff.

Staff have received training in disability awareness, ADA compliance, and techniques of effective communication with people with disabilities through the disability component of the City of Berkeley's Core Course in customer service. They are familiar with the use of the California Relay Service to reach individuals who are Deaf or hard of hearing, and the Nurse of the Day program has recently received a new TTY. However, staff have not received training in how to use the TTY. When the consultants tested the TTY line, they repeatedly found that it was busy. It was not clear whether staff were using the line to respond to TTY calls, or were using it out of necessity as an additional telephone line.

Some Public Health Nursing programs show videos to public, or make videos available for home use, as part of the health education services they provide. To the best of Ms. Thompson's knowledge, these videos were not captioned, which would render them inaccessible to individuals who are Deaf or hard of hearing.

Public Health Nursing does not hold or sponsor any public meetings, Commission meetings, or special events. It does not provide any transportation services, since the majority of services are provided in people's homes.

The Public Health Nursing programs use several contractors to provide services such as laboratory tests, x-rays, and foreign language translation. Members of the public are also referred for counseling, information, advocacy and other services from two community agencies, Through the Looking Glass and Positive Outlook, which have contracts with City of Berkeley Public Health Nursing. However, there is no set of procedures in place for monitoring these contractors' compliance with ADA requirements.

### Recommendations

1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced.

*Priority #1*

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2. Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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3. Include the Nurse of the Day TTY number in all program literature.

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4. Ascertain whether captioned copies of videos which are currently shown to the public are available, and obtain captioned copies of these videos, or alternative videos which are captioned, to show to the public. *Priority #2*

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5. Train all program staff which have telephone contact with the public, and especially Nurse of the Day staff, in techniques of TTY use. *Priority #1*

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6. Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" in the

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*Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

## **Maternal Child and Adolescent Health**

### How the self-evaluation was conducted

At the time of the self-evaluation, the Public Health Division of the Health and Human Services Department has eleven Maternal, Child and Adolescent Health Programs, which were provided at a number of sites, including the Public Health Clinic at 830 University Avenue, the Berkeley High School Health Center, the Black Infant Health Program at 1767 Alcatraz Avenue, and at various other community locations.

The Medical Director of these programs, Dr. Vicki Alexander, completed a self-evaluation questionnaire. More detailed follow-up information was provided during an interview with Dr. Alexander held at the Public Health Division's offices at 2344 Sixth Street in February 2004. At this time, a sample of the print materials which many of the programs distribute to the public was obtained for review as well.

Kimi Sakashita, Associate Director of the Berkeley High School Health Center, was interviewed onsite in February 2004. She also provided a sample application form, annual report, and a variety of health education brochures for review. Program site visits were also held at the Berkeley High School Health Center and at the Black Infant Health Program during February 2004.

### Findings

At the time of the self-evaluation, the range of Maternal, Child and Adolescent Health Programs included: Maternal and Child Health planning and administration; WIC; an Immunization Program for children and seniors; a Child Lead Poisoning Prevention Program for children and families; an Injury Prevention Program for young bicyclists; an Oral Health Program for elementary school children; the Berkeley High School Health Center, which provides medical, health education and mental health services; a Domestic Violence Program with counseling, education and prevention services provided at various community sites; the Black Infant Health Program; a comprehensive Perinatal Program; and the Community Capacity Building Program, (also called the "Walk the Walk Community Outreach Program"), which focuses on

neighborhood health needs assessments, community action teams, and local health planning in South and West Berkeley.

Some of the programs, most notably the Berkeley High School Health Center and the Oral Health Program, represent a collaboration between the City of Berkeley, the County of Alameda, and the Berkeley and Albany School Districts. Other programs, such as the Immunization Program and the Child Lead Poisoning Prevention Program, focus heavily on health care provider education.

None of the programs have eligibility criteria which would tend to screen out individuals with disabilities. In the instances where application forms are required, questions were not asked about disability on the application forms which were reviewed.

In the past, programs have made modifications in their procedures in order to serve individuals with disabilities. For example, meeting rooms have been changed in order to accommodate individuals with disabilities.

Service animals are permitted to accompany people with disabilities into program facilities, and no surcharges have been imposed for any disability related accommodations which have been provided.

The policies and procedures used to provide communication accessibility are often vague. A sign language interpreter was provided for a high school student using the Berkeley High School Health Center, but many of the other programs did not have sufficiently specific procedures to follow to provide print materials in alternate formats or other auxiliary aids and services.

Also, the print materials from various programs which were reviewed did not contain language notifying the public about the City's compliance with the ADA, or about how to request auxiliary aids and services or other disability related accommodations when needed.

During the onsite visit to the Berkeley High School Health Center, outreach to students with disabilities on campus was discussed. Although the Center's health services are provided to students with disabilities at any on-campus location, the Center's sexuality and reproductive health education services do not include components with information relevant to students with disabilities, and no specific outreach to students with disabilities is conducted in the area of sexuality education and reproductive health care. The self-evaluation consultant pointed out to Ms. Sakashita that this is an important unmet need

for many students with disabilities. Ms. Sakashita indicated a strong willingness to research the issue and develop possible program ideas.

Staff familiarity with the California Relay Service, and with TTY use, was inconsistent. Dr. Alexander's questionnaire responses indicated that staff had not had training in how to use the California Relay Service or a TTY. Staff also had not been trained in disability awareness, ADA compliance information, or techniques of effective communication with people with disabilities.

Some Maternal, Child and Adolescent Health programs show videos to public, or make videos available for home use, as part of the health education services they provide. To the best of Dr. Alexander's knowledge, these videos were not captioned, which would render them inaccessible to individuals who are Deaf or hard of hearing.

In the past, public meetings have been held in accessible locations, with the possible exception of a few of the Community Capacity Building neighborhood meetings that have sometimes been held in private homes in South and West Berkeley, which may or may not be accessible. Meetings of various community advisory groups take place at the Public Health Division's offices, at 2344 Sixth Street, or at the Overseas Health Clinic in downtown Berkeley.

Provisions for affording equally effective communication at public meetings were vague. In the past, print materials have not been made available in alternate formats, but whether this was due to lack of requests for this accommodation, or whether it was because staff did not have the means to fulfill the requests was unclear. Public meeting announcements do not contain information about how to request auxiliary aids and services or other disability related accommodations.

The Black Infant Health Program and the WIC Program provide emergency transportation to program participants through the use of taxi vouchers with participating local taxi companies. Dr. Alexander indicated in her questionnaire responses that accessible transportation would be provided if requested, but no specific procedure as to how this would be done was available for review.

Special events such as bicycle rodeos, health fairs, and breast feeding events are held annually or semi-annually. In the past these have taken place at accessible venues, but it was unclear how requests for printed materials in alternative formats or for other auxiliary aids and services would be fulfilled if

they arose. Staff members have an informal policy of responding to such requests, but no specific written procedures were available for review.

At some of the special events, certificates are awarded to those who attend. Qualified participants with disabilities receive certificates on the same basis as other qualified attendees.

Several of the Maternal and Child Health programs use contractors to provide key services. These contractors range from individuals who furnish health education, curriculum development or strategic planning services, to a foreign language translation agency and a sign language interpreting agency, to non-profit agencies providing support groups and counseling for victims of domestic violence, to laboratories offering services such as blood lead level screening.

At the time of the self-evaluation, no procedures were in place for monitoring any of these contractors' compliance with ADA requirements.

### Recommendations

1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures, flyers and meeting and special event announcements. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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2. Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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1. Once the Public Health Division's new TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*

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3. Ascertain whether captioned copies of videos which are currently shown to the public are available, and obtain captioned copies of these videos, or alternative videos which are captioned, to show to the public. *Priority #2*

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4. Train staff in the use of the California Relay Service. *Priority #1*

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5. Review techniques of TTY use with staff, and ensure that staff members are familiar with the numbers for the Public Health Division's new TTYs. *Priority #1*

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6. Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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7. For the Berkeley High School Health Center, a long-term recommendation is to develop a sexuality education and sexual health care curriculum with information relevant to students with disabilities, and use this curriculum as a basis for provide sexuality education and support services to students with disabilities. Since most of these services are provided using a peer based model, conduct outreach to students with disabilities to ascertain if any of them have an interest in becoming peer sexuality educators. *Priority #3*

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8. In collaboration with the City's ADA Coordinator and Berkeley Paratransit Services, develop a procedure to follow to provide accessible transportation when needed for clients who use the transportation services of WIC or of the Black Infant Health Center. *Priority #2*

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9. Utilize Citywide procedures and guidelines regarding the accessibility of special events when planning future special events, such as the Bicycle Rodeo, health fairs, or breastfeeding events. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure which is currently under consideration. *Priority #1*

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10. Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## Public Health Preparedness and Bioterrorism Response Program

### How the self-evaluation was conducted

Dina Quan, coordinator of the program, completed the staff ADA self-evaluation questionnaire. A follow-up telephone interview was conducted with Ms. Quan in February 2004. Subsequent to this interview, a telephone interview was conducted with Ms. Grace Maguire, Public Information Officer for the City Manager's Office, concerning the procedures for disseminating emergency information bulletins in cases of disaster and/or bioterrorism.

### Findings

At the time of the self-evaluation, the activities of the Public Health Preparedness and Bioterrorism Response Program consisted of providing training for City of Berkeley staff, including Berkeley Fire Department staff,

Berkeley Police Department staff and Office of Emergency Services staff, who are called upon to be the first responders in disaster situations.

The other public activity of the program was to provide two informational pages about smallpox and bioterrorism on the Public Health Division's CoBWEB site. These pages also link members of the public to informational pages from other entities about safety conditions in case of bioterrorism, and other disaster preparedness resources. In addition, the program is charged with developing plans for bioterrorism disaster related public health interventions such as mass vaccinations, and with conducting contact investigations in the case of an outbreak of bioterrorism. However, none of these activities were current at the time of the self-evaluation.

### Recommendations

1. Develop a policy and procedure for providing disability related accommodations, if needed, upon request to employees with disabilities who attend "First Responder" training sessions. Consult with the Department of Human Resources EEO Officer and the Disability Compliance Program, if necessary, for assistance with developing this policy and procedure. *Priority #1*

2. Develop a policy and procedure for providing emergency information to the public in alternative, accessible formats, such as Braille, large print and

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3. computer disk, and include radio dissemination of emergency information on Broadcast Services for the Blind. Also ensure that video broadcasts of emergency information bulletins are captioned. Work with the City's ADA Compliance Coordinator and the local public access channel to develop this policy and procedure. *Priority #1*

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## **Vital Statistics and Epidemiology**

### How the self-evaluation was conducted

Mr. Jose Ducos, Epidemiologist and Senior Health Analyst, completed the staff ADA self-evaluation questionnaire. After review of the questionnaire, follow-up e-mail correspondence with supplementary questions took place between one of the consultants and Mr. Ducos in November 2003. The CoBWEB page for the Vital Statistics Office was also reviewed by the consultants.

During the time period in which the self-evaluation took place, the Vital Statistics and Epidemiology Office was relocated from 2344 Sixth Street to the City building at 1947 Center Street. Both locations afforded wheelchair access. While emergency evacuation procedures were submitted and reviewed for the 2344 Sixth Street facility, they were not available for the 1947 Center Street location. This was because they were in the process of being developed on an interdepartmental basis for this entire facility by the City's Safety Officer, Mr. James Mason. It was anticipated that the procedures would be distributed to staff by late summer, 2004.

### Findings

The Disease Surveillance and Epidemiology program collects, analyses and disseminates public health statistical data pertaining to all Berkeley residents in order to monitor the health status of the community.

The Vital Records Office registers births and deaths which take place in Berkeley and makes copies of these certificates available to qualified members of the public for a fee of \$15.00. Marriage registrations take place through Alameda County; therefore the Vital Records Office does not issue marriage certificates.

Applications for obtaining birth certificates may be obtained from the Vital Records Office, or may be downloaded via a hyperlink from the Vital Records Office's CoBWEB page. The application form is available in .pdf format; Adobe

Acrobat Reader 6.0 automatically appears when the link is clicked, allowing the form to be read onscreen.

The application form asks no questions about disability. The qualifications for obtaining official copies of birth and death certificates have to do with one's family relationship with the individual, or with being a law enforcement official, attorney, or undertaker. No fees other than the \$15.00 fee are charged.

Service animals are permitted to accompany individuals with disabilities into the Office facilities. Printed materials have not yet been made available in alternate formats, but staff have assisted members of the public with reading and completing forms. The procedure for requesting these accommodations is informal. No other auxiliary aids and services have yet been provided.

Though staff have frequent telephone contact with the public, they have not been trained in techniques of effective communication with members of the public who have disabilities or in using the California Relay Service. Staff have also not received training in disability awareness or ADA compliance issues. Neither of the programs have a text telephone (TTY/TDD). The City Clerk's Office TTY number, (510) 981-6903, is listed on the Vital Records Office's CoBWEB homepage.

The ADA staff questionnaire, which was completed before the program relocated to 1947 Center Street, mentions that a program brochure and map indicated the accessible features of the program's facility at 2344 Sixth Street. Since the program has relocated, no map or brochure has been available for review.

Staff questionnaire responses also indicated that there are no policies or procedures for maintaining the accessible features of the program's facility. However, because the Vital Records Office is located in the City building at 1947 Center Street, maintenance procedures for the accessible features of its facilities have been established interdepartmentally for this building as a whole. These procedures include daily checking of the operability of all elevators and automatic door openers.

The Vital Records Office uses no contractors to provide its services. Neither Vital Records nor Epidemiology sponsor any public meetings, provide transportation, or show videos to the public.

Recommendations

1. Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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2. Establish a procedure to ensure that the downloadable application forms linked to the Vital Records Office's CoBWEB home page will be made available in alternate formats such as HTML or Word upon request, if necessary to afford equally effective communication to those screen reader users whose screen reader technology is incompatible with documents in .pdf format. Publicize this procedure on the Vital Records Office's CoBWEB home page. Consult with the City's ADA Compliance Coordinator for assistance with this process. *Priority #1*

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3. Once the Public Health Division's new TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*

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4. Train staff in the use of the California Relay Service. *Priority #1*

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5. Review techniques of TTY use with staff, and ensure that staff members are familiar with the numbers for the Public Health Division's new TTYs. *Priority #1*

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6. Provide staff with training in Disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of Citywide Training Core Course in Customer Service, as well as a Focus Course in Serving Customers with Disabilities. *Priority #1*

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## **SENIOR PROGRAMS**

### How the self-evaluation was conducted

The consultants reviewed the ADA self-evaluation staff questionnaire for Senior Programs that was completed by Lisa Ploss, Senior Programs Administrator, and Constance Wiggins, Senior Programs Office Specialist. Follow-up discussions and e-mail correspondence were conducted with Constance Wiggins and the directors of the Berkeley Senior Centers from December 2003 through February 2004. Site visits were made to each of Berkeley's three Senior Centers during December 2003 and January and February 2004. Meetings were held with Suzanne Ryan, Director at North Berkeley Senior Center, and Bettye Lowman, Director at South Berkeley Senior Center. Additional input was provided by Senior Services Specialists.

Senior Program participants also provided feedback about their experiences using City services in general, and Senior Programs in particular. The feedback received about the Senior Programs was, for the most part, very favorable. Comments regarding the Housing Department, and the programs and services Please refer to Appendix 4.2 for a summary of these comments.

A sample of print materials that are provided to the public by the Senior Programs and the three senior centers was collected. Materials reviewed included the "City of Berkeley Senior Programs Participant Guidelines and Staff Procedures," senior center monthly newsletters, trip registration forms and flyers, the Commission on Aging and Senior Center Advisory Council meeting agendas, the "Home Delivered Meals Initial Assessment" (Alameda County AAA), and each center's "Agency Emergency Plans." Information about Senior Programs that was available on CoBWEB was also reviewed.

### Findings

Senior Programs offers a variety of classes, activities, and social events for adults 55 and over at the North, South and West Berkeley Senior Centers. Congregate noon-time meals at the centers and home delivered meals are available to seniors 60 and older. The centers offer a variety of classes taught by volunteers, Berkeley Adult School, and Vista College instructors. Exercise classes and support groups are held at the centers, and staff provide information and referral services. Free local van transportation to and from the centers, to medical appointments, and to the grocery store is provided. Longer trips to Reno, Las Vegas, Napa, and other places are also offered.

Two other services available through Senior Programs during the period the self-evaluation was being conducted were the Senior Companion Family Caregiver Program and the Senior Injury Prevention Program. The Senior Family Companion Caregiver Program provides direct support services for caregivers, as well as indirect assistance to seniors. The Senior Injury Prevention Program works with older adults to reduce their risks of injury and to assist them in maintaining their independence.

The Senior Programs Administrator, Lisa Ploss, also serves as secretary to the City's Commission on Aging. This Commission meets at the South Berkeley Senior Center.

Many Senior Program participants are people with disabilities who have a wide range of physical and mental impairments. Senior center staff appeared very sensitive to, and aware of, the impairments and needs of participants. Center participants expressed a lot of appreciation for the centers in general, and gratitude for the meals, van transportation, classes, and the staff, in particular.

Although there are no eligibility criteria that exclude people with disabilities from the Senior Programs, as currently written, Rule One of the rules in the "North, South and West Berkeley Senior Centers Participant Guidelines and Rules" may inadvertently screen out some people with disabilities. It reads: "Individuals must be able to care for themselves independently while participating in Center activities. Senior center cannot provide personal care and will determine if participants are required to be accompanied by a care attendant while at the senior center. Individuals needing assistance (memory impairment, incontinence, wheelchair user unable to use restroom independently, etc.) may participate in senior center activities with the aid of a care attendant." In addition, this rule raises the issue of possible staff "determination of direct threat to health and safety." The issues regarding direct threat are addressed further in the "Recommendations" section below.

City of Berkeley Senior Programs does not offer separate programs or services for people with disabilities. However, some programs, such as the Senior Companion Caregiver Program, and certain classes offered at the centers, such as speech-reading for seniors with hearing impairments, may primarily serve people with disabilities.

Service animals are permitted to accompany people with disabilities into all the senior centers. No surcharges are imposed for any disability related accommodations that have been provided.

Program staff members have extensive experience with assisting participants who have difficulty reading standard print. Staff at all three centers reported that they have assisted program participants to read and complete forms, and have provided large print copies of printed materials. They have also provided telephone assistance to seniors who are hard of hearing. No surcharges have been levied for the disability related accommodations that have been provided.

Each of the senior centers has an assistive listening device (ALD) which can be made available for use by people who are hard of hearing. These devices can, for example, enhance communication in classes, during special events and presentations, and at commission meetings and other public hearings held at the centers. North Berkeley Senior Center has had the most use of its ALDs. Saulo Villatoro, Senior Services Specialist, reported that they are used about twice per week, in classes, and at presentations and lectures. However, among the senior centers overall, there was a reported underutilization of this equipment, which may be attributed to the following factors.

First, people don't seem to know that the ALDs are available. At the time the site visits were made to the centers, there was almost no signage posted at the centers about ALDs being available, nor was notice included in print materials such as the monthly calendars. Second, it was reported that some class teachers were unwilling to use the equipment, even when requested to by seniors who were hard of hearing. Finally, the equipment was not always charged and ready to use. It appeared that only the staff at the North Berkeley Senior Center were sufficiently trained in how to operate the ALDs, and had ALD maintenance procedures that were consistently followed.

Many of the print documents prepared by senior center staff were printed with sans serif font and in larger point size, which is helpful for people who have vision limitations. North Berkeley Senior Center is especially noteworthy in this regard. Staff at the centers also reported that they have, on occasion, provided material in an alternative accessible format, such as large print, when needed by people with disabilities.

Senior Program Administration staff reported that some of the videos shown are captioned, but none were available for viewing during program site visits.

People with disabilities were not portrayed in any of the Senior Programs' print materials that were reviewed by the consultants. However, staff reported that "Seniors often use walkers, hearing aids or other devices. We always portray seniors in a dignified manner that is not offensive or demeaning."

The Senior Programs do not have a text telephone (TTY/TDD) of their own. The City Clerk's Office TTY number is listed on Senior Program materials and CoBWEB pages.

At the time of the self-evaluation, none of the senior centers had a TTY with a designated phone line and listed TTY number. The North Berkeley Senior Center no longer has a TTY with which staff can communicate with the public, or with which the public can call the center. During the period the self-evaluation was being conducted, plans were being developed to install TTYS in the senior centers. It was reported to the consultants that the North Berkeley Senior Center had had a TTY in the past. Since it no longer does, a TTY will have to be purchased for this center if all senior centers are to have TTYS.

According to self-evaluation questionnaire responses, staff at Senior Programs Administration and at the senior centers had some experience using the California Relay Service.

Staff have attended the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist.

The Commission on Aging meeting announcements and agendas which were reviewed contained information about requesting auxiliary aids and services, and a notice to "please refrain from wearing scented products to public meetings." The City Clerk's Office was listed as the contact point for requesting auxiliary aids and services; however, in the Citywide recommendations section of this report it is recommended that this contact point should be changed, and a new procedure established. There was no information concerning the accessibility of the meeting location on the Commission meeting agendas. These meetings are held at the South Berkeley Senior Center, which is accessible.

The transportation services that the senior centers offer, such as rides to and from the centers and for shopping, are provided in wheelchair lift equipped vans.

The centers also offer recreational trips, such as those to gambling casinos. These are provided by several different private charter bus companies. The buses used for these trips are not wheelchair accessible. In some instances, individuals who have mobility impairments but are able to navigate stairs with help have been assisted with getting on and off the buses. Charter bus

companies have reported that there would be an increased cost per person to provide a lift equipped bus. Staff were concerned that charging a higher fee would prohibit some seniors from participating on these trips. However, having inaccessible buses excludes seniors with mobility impairments both from taking the trip and from having the important social interaction afforded on the bus.

### Recommendations

1. • Revise Rule One of the rules listed in the “North, South and West Berkeley Senior Centers Participant Guidelines and Rules” so that the need for attendant care is framed in a more positive and inclusive manner. (For example: “The Centers welcome seniors who may need attendant care. Because staff are not able to provide personal care services, we encourage people to bring an attendant with them if personal assistance is needed.”)  
*Priority #1*

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• Refer to “Other Citywide Issues: Determination of Direct Threat to Health and Safety” in the *Citywide Findings and Recommendations* section of this report for use of a Citywide recommended procedure whenever Center staff have concern that an individual may pose a threat to the health and safety of others. *Priority #1*

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• Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to “Effective Communication” in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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• Include notice about requesting auxiliary aids and services (print material in large print, Braille or cassette, or to request a sign language interpreter, real time captioning, an assistive listening device, or other accommodations) on flyers and other informational literature about the Senior Programs. Ensure that this notice is included in any new brochures that are produced. *Priority #1*

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• Post signage at the senior centers about the availability of assistive listening devices. This signage should explain what assistive listening devices are, and how they can be borrowed. Include this notice in print materials such as the monthly calendars. *Priority #1*

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- Train senior center staff in how to set up, operate, properly charge, and maintain the assistive listening devices. Consider having this training provided by North Berkeley Senior Center staff, especially Saulo Villatoro and Norma Ramos, who are knowledgeable and experienced in using these devices. *Priority #1*
- Inform class instructors about the availability of assistive listening devices, and the requirement that they be used if requested by a class participant who is hard of hearing. *Priority #1*
- Notice about the availability of assistive listening devices should be included on the meeting agendas of all of the Senior Center Advisory Councils, since all senior centers have these devices. *Priority #1*
- Revise the notice regarding the availability of an assistive listening device at the South Berkeley Senior Center. (See the North Berkeley Senior Center Advisory Council meeting agenda notice: "If you plan to attend the meeting and wish to use an Assistive Listening Device for the hearing impaired, you need to reserve the device by calling the North Berkeley Senior Center one working day prior to the meeting.") *Priority #1*
- Work collaboratively with the City's ADA Compliance Coordinator to ascertain which Senior Centers have the greatest need for designated TTY lines and TTYs. Once this determination is made, work with Information Technology staff to ensure that functioning TTY lines and TTYs are provided where they are most needed. *Priority #1*
- Once the new Senior Center TTY lines are functional, publicize these TTY numbers in program literature and on program CoBWEB pages. *Priority #1*
- Review techniques of TTY use with staff, and ensure that staff members are familiar with the numbers for any new senior center TTYs. *Priority #1*
- Include notice on Commission on Aging meeting announcements and agendas that the South Berkeley Senior Center is wheelchair accessible. *Priority #1*
- Have senior center Directors work collaboratively in trip planning in order to offset the additional cost of providing accessible buses which will be able to accommodate participants who use wheelchairs. *Priority #2*

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## HOUSING DEPARTMENT

### How the self-evaluation was conducted

Teri Piccolo completed the staff ADA self-evaluation questionnaire for all the Housing Department's programs, activities and services. After review of the questionnaire, follow-up meetings, e-mail correspondence and telephone interviews were conducted with Ms. Piccolo. Information was also provided by other Housing Department staff, including Andrew Wicker, Shelter Plus Care Program Coordinator; Eugene Biggins and Kimberly Willis-Starbuck, Berkeley Paratransit Services staff; and Kristen Lee, Community Services Specialist. In January and February 2004, onsite interviews were conducted at the Berkeley Housing Authority with Sharon Jackson, Director, and Wanda Drouillard, Housing Program Coordinator. All of these Housing Department staff, but especially Teri Piccolo and Kimberly Willis-Starbuck, graciously contributed information and assistance to the consultants during the course of the self-evaluation.

The consultants also reviewed a generous sample of literature which is distributed to the public by the Housing Department, the Berkeley Housing Authority, Berkeley Paratransit Services, the Energy Office, the Shelter Plus Care Program, the Housing Code Enforcement Program, the Program Planning, Management and Budget Division, and the Seniors and Disabled Home Rehabilitation Loan Program. This included program flyers, brochures, fact sheets, applications and client materials. Numerous CoBWEB pages for the Housing Department and meeting materials from City Commissions staffed by the Housing Department were also reviewed by the consultants.

In addition, the consultants read *The Housing Trust Fund Guidelines and Application*, the *Berkeley Homeless Continuum of Care Plan* (1998), *The Berkeley Shelter Plus Care Program Operating Procedures and Policies and Procedures* manuals, and the *Housing Authority Section 8 Housing Choice Voucher Program Administrative Plan* ("BHA Administrative Plan," March 1, 2000). A sample of the CDBG and ESG applications for the July 1, 2004-June 30, 2005 program year and *City of Berkeley Contract Monitoring Guides* from the Housing Department were also reviewed.

Comments regarding the Housing Department, and the programs and services it offers, were also received from people with disabilities, representatives of agencies that serve people with disabilities, and other interested individuals. Please refer to Appendix 4.2 for a summary of these comments.

## Findings

The Housing Department provides a wide range of programs and services in order to help produce, preserve and support affordable housing for Berkeley residents. These programs and services are delivered by four Divisions: Housing Services, Housing Authority, Program Planning, Management and Budget, and Energy Services. The Housing Department's services are especially targeted to meet the needs of people who are low-income, homeless, elderly, or who have disabilities or special needs.

The Housing Department administers housing development and rehabilitation programs, including the Housing Trust Fund and the Seniors and Disabled Home Rehabilitation Loan Program. The Department promotes community development through administration of City contracts with numerous community organizations which, according to the Department's CoBWEB home page, "help people overcome poverty through housing, employment and training, childcare and youth, health, homeless and other needed services."

The Housing Department is involved with implementation of the *Berkeley Homeless Continuum of Care Plan*, as well as the Shelter Plus Care Program which provides rental subsidies and supportive services to homeless people with special needs. Shelter Plus Care represents a collaboration of the Housing Department and community service agencies.

The Department provides enforcement of the Berkeley Housing Code in rental housing units through the two components of its Code Enforcement Program, the Rental Housing Safety Program and the Complaint-Generated Housing Inspection Program. The Energy Office promotes energy conservation and the use of alternative energy resources through a wide variety of programs, activities, information, and services

The Berkeley Housing Authority provides subsidized housing through the Section 8 Housing Assistance Voucher Program and the Public Housing Program. The Department also administers Berkeley Paratransit Services, a subsidized transportation program for seniors and people with disabilities.

In addition, the Housing Department staffs a number of City Commissions: the Housing Advisory Commission, the Human Welfare and Community Action Commission, the Homeless Commission, the Early Childhood Education Commission, and the Energy Commission.

Overall findings and recommendations for the entire Housing Department are described below. Additional findings and recommendations for the Berkeley Housing Authority and Berkeley Paratransit Services follow these sections.

Housing Department program eligibility criteria do not exclude people with disabilities. As previously mentioned, many of the Housing Department's programs, activities and services are directed toward meeting the needs of people who have disabilities or special needs. Some programs and services are provided only to people with disabilities or seniors. These include Berkeley Paratransit Services, the Shelter Plus Care Program, and the Seniors and Disabled Home Rehabilitation Loan Program.

Therefore, in some instances, having a disability is appropriately one of the eligibility criteria for the Department's programs and services. For example, the U.S. Department of Housing and Urban Development (HUD) requires that applicants for Shelter Plus Care must be homeless, disabled and very low income. HUD requires that program applicants provide documentation to substantiate that they have a disability due to severe mental illness, chronic drug and/or alcohol dependence, or HIV/AIDS, in order to qualify for this program. Furthermore, the Shelter Plus Care "Client File Face Sheet" asks questions about the person's special needs/disabilities. As reported by Andrew Wicker, all the information pertaining to disability of Shelter Plus Care program participants is kept confidential by both the Housing Department and the collaborating service agencies.

The questions pertaining to disability that are asked of applicants for the Home Energy Assistance Program (HEAP) and the Berkeley Home Repair Program are asked in order to collect demographic data. They are not used to screen out people with disabilities from the program.

Per staff questionnaire responses, the Housing Department is in the process of developing procedures for serving members of the public who come to their offices, including providing assistance to people with disabilities, and responding to situations which may be deemed to present a direct threat to the health and safety of others.

The consultants also talked with Andrew Wicker about the issue of direct threat for Shelter Plus Care program participants. Mr. Wicker explained that they "go to great lengths to keep people in the Shelter Plus Care Program and successfully housed." According to *The Berkeley Shelter Plus Care Program Operating Procedures* manual, "behavior that might be grounds for dismissal in

more traditional programs may not be appropriate grounds for dismissal from Shelter Plus Care...The Shelter Plus Care Program shall exercise judgment in determining whether violations are serious enough to warrant probation or termination” (pgs. 15-16). Collaborating service agency case managers work with tenants who are having serious behavior problems, and with landlords or managers, to try to keep the program participants from losing their housing.

Disability related accommodations have been provided to some Housing Department program participants. For example, Section 8 program participants have been certified for an additional bedroom because of medical and healthcare needs such as requiring the assistance of live-in attendant or needing room for storing medical equipment. Furthermore, Shelter Plus Care participants may retain their unit and certificate for up to 90 days while they complete a residential treatment program.

Print materials from Housing Department programs which were reviewed did not contain language notifying the public about the City’s compliance with the ADA, or about how to request auxiliary aids and services or other disability related accommodations when needed.

According to self-evaluation questionnaire responses, staff members have experience with assisting participants who have difficulty reading and filling out forms. They also have, on occasion, provided sign language interpreters, real time captioning, and assistive listening devices, as well as making home visits so that individuals with disabilities could complete applications for Energy and Home Rehabilitation Loan Programs. Staff have provided print materials in different alternate formats, including large print and Braille, and on audio tape and computer disk.

One disability community agency representative noted the Housing Department efforts “to make the meetings and applications accessible” when issuing applications for CDBG funds. No surcharges have been imposed for the disability related accommodations that have been provided.

Meeting announcements and agendas from City Commissions staffed by Housing Department personnel do not consistently contain information about how to request auxiliary aids and services, and the accessibility of the meeting locations.

The Housing Department does not have a text telephone (TTY/TDD) of its own. The City Clerk’s Office TTY number is listed on its CoBWEB pages and

program materials. As reported in the ADA staff questionnaire, staff who have frequent telephone contact with the public know how to use the California Relay Service. Staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist. However, because of their extensive contact with program participants who have disabilities, staff can benefit from additional specialized training concerning the needs of people who have specific disabilities. Don Brown offers a Citywide Training Focus Course in serving customers with disabilities.

Per the self-evaluation questionnaire, Housing Department programs show videos to the public. However, no information was available as whether these videos were captioned.

The Department does not sponsor special events and, except for its Paratransit program, it does not provide any transportation services. (For further discussion of Paratransit, refer to the *Berkeley Paratransit Services* section of this report.) However, a number of Housing Department contractors provide transportation to their program participants. At least two of these contractors, the Bay Area Outreach and Recreation Program and Easy Does It, provide transportation services specifically for people with disabilities.

The final series of findings concerns contract monitoring. Numerous community agencies that undertake a wide range of housing and community development activities receive CDBG/ESG/CSBG/General Funds that are administered by the Housing Department. These activities are targeted to meet the needs of low income residents, especially people who have disabilities and special needs. In fact, one of the eligible uses of CDBG funds, according to "CDBG Program Information" provided on CoBWEB, is for "projects to assist mobility of elderly or disabled persons."

Applications for consolidated CDBG/ ESG/CSBG/General Funds are required to respond to two questions which concern their agencies' compliance with Title III regulations of the Americans with Disabilities Act, and efforts that have been undertaken to serve program participants with disabilities. The first question asks the applicant to describe the auxiliary aids and services that have been provided by the agency. The second inquiry concerns the agency's plans to remove existing physical barriers to access and/or its plans to provide alternative methods of delivering services to individuals with disabilities. These questions are very appropriate.

Contractors are also informed about their ADA responsibilities at workshops that the Department convenes with contractors, and in the language of all Community Agency Contracts that they sign. Ms. Piccolo stated, "In all dealings with community agencies that contract with the City (at least those administered by the Housing Department), we stress the importance of accessibility, as does the Housing Advisory Commission when proposals are renewed so the agencies understand that accessibility is an important issue for the City and if they don't take it seriously their future funding could be jeopardized."

Nonetheless, from conversations with both members of the Deaf and disability community, and staff of community agencies under contract, it is not clear whether contractors fully understand the extent of their responsibilities. For example, a review of one application showed that the applicant clearly confused contract requirements regarding employment nondiscrimination with the ADA Title III requirements pertaining to program participants with disabilities.

Furthermore, a number of situations were brought to the attention of the consultants which raised concerns about contractors' understanding of, and compliance with, ADA Title III requirements. Among these situations was the lack of provision of sign language interpreters for agency clients who were Deaf. In another case, an individual with a disability was not accommodated by a homeless shelter under contract with the City because the contractor claimed it did not have either a sufficient number of staff, or staff trained to provide the assistance that this individual required. However, at the time of the self-evaluation there were existing community resources for providing emergency attendant services which this contractor could have utilized in order to include the person with the disability.

In addition, the ability to accommodate individuals with disabilities in at least one of the City's contracted homeless shelters is compromised by both shelter policies which require program participants to manage their own personal care, and by rules and procedures which necessitate that residents vacate the shelter by 7:00 a.m. Title III of the ADA addresses the issue of public accommodations making reasonable modifications in policies, practices, and procedures when necessary to afford goods and services to people with disabilities. Nonetheless, no reasonable modifications in this agency's policies and procedures have been developed by the contractor.

Staff have tried to respond to complaints regarding possible violations of Title III by community agencies which have been brought to the Department's

attention. Referrals have also been made to other agencies, such as Housing Rights, Inc. According to Ms. Piccolo, "sometimes a resolution is found, others are more complicated."

A number of Department staff expressed the desire to increase the accessibility of contractors' programs and services to people with a wide range of disabilities. Some agencies have received funds for rehabilitation project and, as a result, necessary access improvements occur as part of the construction or remodeling process. Staff have also made suggestions and referrals to other agencies, such as CIL Berkeley, that might be able to assist the contractor improve the accessibility of a facility.

Although the *Contract Monitoring Guide* contains a general question concerning "the accessibility of the program facilities," specific questions about physical, communication, and program accessibility are not asked. There is no "access checklist" to complete. Furthermore, it is unclear whether contract monitors themselves have enough training and information to make an accurate determination about the accessibility of the program facilities, or have the time to assist agencies to better serve people who have a wide range of disabilities.

### Recommendations

The following recommendations apply to the entire Housing Department and all of the programs and services it provides to the public.

- Refer to "Other Citywide Issues: Determination of Direct Threat to Health and Safety" in the *Citywide Findings and Recommendations* section of this report for use of a Citywide recommended procedure whenever staff have concern that an individual may pose a threat to the health and safety of others. *Priority #1*
- Include notice about requesting auxiliary aids and services (print material in large print, Braille or cassette, or to request a sign language interpreter, real time captioning, an assistive listening device, or other accommodations) on Housing Department brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*
- Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or

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attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

- Consistently include information about how to request auxiliary aids and services on all Housing Department Commission meeting notices. *Priority #1*
- Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*
- Ascertain whether captioned copies of any non-captioned videos which the Department or its programs currently shows to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*
- Provide staff with additional training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a Focus Course in serving customers with disabilities. *Priority #1*
- Once they are developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## **BERKELEY HOUSING AUTHORITY**

### How the self-evaluation was conducted

Teri Piccolo completed the staff ADA self-evaluation questionnaire for all the Housing Department's programs, activities and services, including the Berkeley Housing Authority. Additional information was provided by Berkeley Housing Authority staff. In January and February 2004, onsite interviews were conducted at the Berkeley Housing Authority with Sharon Jackson, Director, and Wanda Drouillard, Housing Program Coordinator. Angellique DeCoud also answered questions regarding BHA's test telephone (TTY/TDD) line.

The consultants reviewed Berkeley Housing Authority application forms, the Emergency Program Prioritization application packet, BHA program materials, flyers, sample participant notifications, and lists of available Section 8 rental units and BHA owned Public Housing units. In addition, the amended *Berkeley Housing Authority Section 8 Housing Choice Voucher Program Administrative Plan* ("BHA Administrative Plan," March 2000) was read. Print materials in the Housing Authority lobby that are provided by the U.S. Department of Housing and Urban Development (HUD) were also reviewed.

### Findings

The previous Housing Department *Findings* section of this report contains findings which also apply to the Berkeley Housing Authority. Refer to this section for an enumeration of the self-evaluation issues pertaining to all Housing Department programs, services and activities. Additional findings which specifically pertain to the Berkeley Housing Authority are described below.

The Berkeley Housing Authority administers the Section 8 Housing Voucher Program and the Public Housing Programs for low income Berkeley families and individuals. These programs are funded by the U.S. Department of Housing and Urban Development.

The Housing Authority collects "Unit Listing Information" from landlords who wish to participate in the Section 8 Housing Voucher Program. One of the questions that owners are asked is whether the unit is wheelchair accessible. Information about available units are made available to people in the Section 8 program. BHA rental unit inspections, which are conducted as part of the tenant and owner certification and re-certification process, assure that each unit meets federal health quality standards. It is during this inspection that BHA staff can determine how accessible a unit is for a person with a mobility disability.

Seventy-five Low income Public Housing units are owned by the City and managed by the Berkeley Housing Authority. Of these, seven units are considered to be wheelchair accessible.

Berkeley Housing Authority eligibility criteria do not appear to exclude people with disabilities. The Berkeley Housing Authority has adopted Federal Preferences and has included in its list of local preferences for program admissions, "Households with at least one member with a physical or mental impairment that substantially limits one or major life activities" (*BHA Administrative Plan*, 2002).

Question pertaining to disability are asked on BHA's Section 8 Waiting list Pre-Application and the Pre-Application Update Form. According to information provided in the BHA Administrative Plan, these questions are presumably asked because of the local preference for program admission that is given to people with disabilities.

One concern raised during the self-evaluation review pertained to how staff respond to an applicant who checks "yes" to the Pre-Application question "Are you, or a member of your household disabled?" There is no mechanism by which an affirmative response triggers any follow-up by staff. This can cause appreciable barriers for people with disabilities.

During the course of conducting the self-evaluation, the consultants were told of instances in which the Housing Authority did not provide accommodations which were requested. In one case, print materials were not provided in an alternate accessible format to a qualified individual with a disability, even after the individual identified himself as being blind and made repeated requests to BHA staff to have the material provided in Braille.

At other times the Berkeley Housing Authority has provided accommodations for people with disabilities. Public Housing program participants who have mobility disabilities have been provided one of the seven wheelchair accessible units owned by the Berkeley Housing Authority. Section 8 program participants can be certified for an additional bedroom because of medical need (such as requiring the assistance of live-in attendant or needing room for storing medical equipment). According to Ms. Jackson, a number of individuals and families are being provided with this accommodation currently. Furthermore, the BHA considers "reasonable accommodation" when making decisions about whether to terminate assistance because of action or inaction by members of a family in

the Section 8 program, if the family includes a person with disabilities (*BHA Administrative Plan*, 2002, p.57).

BHA staff have worked with people with a range of disabilities, including many people who have mental health disabilities. In one instance, a Section 8 program participant who was a "hoarder and clutterer" and at risk of not being re-certified was referred by BHA staff to Berkeley Mental Health. Mental Health staff were able to assist this person in making her apartment "safe, sanitary and accessible," and thus eligible to be re-certified for the Section 8 program.

Wanda Drouillard has also made accommodations for people with disabilities who have attended the Section 8 Briefings. For example, she has modified the "no food or drinks allowed" in order to accommodate a person who had diabetes. These briefings are conducted at the South Berkeley Senior Center, which is wheelchair accessible.

Large print copies of material have been provided upon request, and staff have assisted many people with reading and completing forms. When conducting a Section 8 eligibility interview with a Deaf person, Ms. Drouillard used the services of a sign language interpreter that was provided by the Berkeley Place Deaf/Disability and Hearing Project.

Although these and other disability related accommodations have been provided by BHA, no information about how to request an accommodation or auxiliary aids and services was included in any of the applications, program materials, or participant notifications that were reviewed by the consultants. This is contrary to the *BHA Administrative Plan* stated policy that its notifications "will include information about requesting a reasonable accommodation."

The Berkeley Housing Authority established and staffs the Section 8 Resident Advisory Board and the Public Housing Resident Advisory Board. Meeting announcements and agendas for these two Boards did not consistently contain information about how to request auxiliary aids and services, or about the accessibility of the meeting location. The City Clerk is the secretary at meetings of the Housing Authority.

At the time this report was being written, the Berkeley Housing Authority had installed a text telephone (TTY/TDD) in the clerical support area behind the front desk. However, the line was not yet operable. The clerks who will be answering this line will need to receive training in how to use a TTY. The TTY number for the City Clerk's Office, (510) 981-6903, is currently listed on BHA's CoBWEB page and in some of its program materials. This will need to be

replaced with the new BHA TTY number, (510) 981-5495, once the TTY line is operable.

Videos are shown to program participants. Staff did not know if the video that is shown at the Section 8 Briefing is captioned for people who are Deaf or hard of hearing.

Staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist. However, Sharon Jackson agreed that it would be beneficial for BHA staff to have additional training in working with people with disabilities, including individuals who have mental health disabilities.

No information was ascertained by the consultants regarding contractual relationships that the City has with contractors who provide services for the Berkeley Housing Authority.

### Recommendations

The following recommendations which apply to the entire Housing Department also apply to the Berkeley Housing Authority.

1. Refer to "Other Citywide Issues: Determination of Direct Threat to Health and Safety" in the *Citywide Findings and Recommendations* section of this report for use of a Citywide recommended procedure whenever staff have concern that an individual may pose a threat to the health and safety of others. *Priority #1*

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• Include notice about requesting auxiliary aids and services (print material in large print, Braille or cassette, or to request a sign language interpreter, real time captioning, an assistive listening device, or other accommodations) on all application materials, participant notifications, and other program brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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• Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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2. Consistently include information about how to request auxiliary aids and services on meeting announcements and agendas for the Berkeley Housing Authority, the Section 8 Resident Advisory Board and the Public Housing Resident Advisory Board. *Priority #1*

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Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

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Ascertain whether captioned copies of any non-captioned videos which BHA currently shows to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*

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Provide staff with additional training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a Focus Course in serving customers with disabilities. *Priority #1*

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Once they are developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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In addition to the recommendations for the entire Department which are listed above, the following recommendations specifically apply to BHA.

In collaboration with the City's ADA Compliance Coordinator, BHA should develop a procedure for providing information in alternate formats in a timely manner. *Priority #1*

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Ensure that the Berkeley Housing Authority TTY line is connected and operating properly. *Priority #1*

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Ensure that the correct TTY number is listed in all the printed material that the Berkeley Housing Authority distributes to the public, on BHA CoBWEB pages, and in any other public listings. *Priority #1*

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Provide BHA staff with training in how to use the BHA TTY.

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## **BERKELEY PARATRANSIT SERVICES**

### How the self-evaluation was conducted

Teri Piccolo completed the staff ADA self-evaluation questionnaire for all the Housing Department's programs, activities and services, including Berkeley Paratransit Services. Additional information was provided by Eugene Biggins and Kimberly Willis-Starbuck, Paratransit Services' staff.

The consultants also reviewed the Berkeley Paratransit Services' application and voucher order forms, Paratransit fact sheets, and other informational materials provided to the public either in print format or on CoBWEB.

### Findings

The previous Housing Department *Findings* section of this report contains findings which also apply to Berkeley Paratransit Services. Refer to this section for an enumeration of the self-evaluation issues pertaining to all Housing Department programs, services and activities. Additional findings for the Berkeley Paratransit Services follow.

Berkeley Paratransit Services administers four programs which provide transportation services to Berkeley residents with disabilities or people 70 years of age or over. They include taxi scrip, to pay for rides on conventional taxicabs or ramped-van vehicles; wheelchair van vouchers, for use by wheelchair users needing special van rides that are beyond the scope of services provided by East Bay Paratransit; East Bay Paratransit discounts, purchase of discounted East Bay Paratransit tickets; and Easy Does It co-payments for emergency ride services for people with disabilities. These programs have been funded by a combination of sources: General Fund, Alameda County Measure B transportation funds, Berkeley's Measure E, and customer sales revenue.

Comments from community members regarding Paratransit Services were mixed. Some expressed their appreciation for the services. One person stated, "I want to express my appreciation for the valuable assistance these programs have provided...If I didn't have these services my life would have been seriously affected." Other individuals expressed criticisms about the program. Refer to Appendix 4.2 *Disability and Deaf Community Participation in the Self-Evaluation Process* for a summary of all the feedback received. Two important disability access issues that were raised concerned the

accessibility of print materials, including taxi scrip, for people who are blind or have vision impairments, and the lack of sensitivity of taxicab drivers to the needs of passengers with disabilities.

Regarding the accessibility of the Paratransit program's print material, a positive finding is that many of the documents provided to program participants, including the application packet and voucher order forms, are printed with sans serif font and in larger point size. Also, some program participants communicate with staff and order vouchers by e-mail.

According to Kimberly Willis-Starbuck, consumers who have vision impairments receive a special scrip with indentations on the side indicating the different scrip denominations. Nonetheless, a few community members still voiced concerns about the accessibility of these scrips. One person felt that substituting a debit card for paper scrip, a program modification which is being undertaken by San Francisco Muni/Paratransit, might mitigate the accessibility barriers of scrip for some people who are blind or have vision impairments.

With regard to the telephone communication, staff reported that they have never received a TTY call. However, they have had experience using the California Relay Service.

A second issue raised by community members pertains to the behavior exhibited by taxi drivers when working with passengers with disabilities. A few individuals with disabilities praised the drivers. "All drivers are good people and cautious behind the wheel" wrote one woman. However, some community members reported having had negative experiences with taxi drivers. Comments included having "untrained and poorly trained taxi drivers" and "drivers who refused me help getting in and out of cabs."

The Berkeley Municipal Code Section 9.52.050, which pertains to driver's permits, requires an applicant for a permit to provide (12.a.) "A certificate that within the previous 12 months the driver has successfully completed a sensitivity training course approved by the Director of Finance for drivers who work with persons with disabilities." Drivers who work with seniors must also complete an approved sensitivity course. However, the Code goes on to state (12.c.) "In the event the Director of Finance has not approved any sensitivity training course responsive to subparagraph a. or b. by January 1 of any year, that subparagraph shall not apply." This latter statement caused the consultants much concern.



In a follow-up conversation with Cedric Cobb, Field Investigator with the Finance Department, it was reported that drivers' sensitivity trainings have been provided for the past two years. The Finance Department approves and arranges the training, which is paid for by the drivers. Taxi drivers are required to present proof of completion of the course when they apply for a permit. At the time this report was being written, a sensitivity training course for drivers was being scheduled, with sessions to be conducted on May 24 and 25, 2004.

Another issue that was raised concerned taxicab passengers who ride with service animals. One individual described an incident in which a driver demanded that he provide a blanket on the floor for his guide dog to lie upon. This driver's requirement was in direct violation of the rights of the passenger with a disability under Title III of the ADA. Although the City as a Title II entity has no direct control over the actions of a Title III public accommodation, it certainly has the ability to enforce its own requirement that drivers participate in a disability sensitivity training course which would prepare them to understand their obligation to appropriately serve passengers with disabilities.

The City contracts with a number of companies that participate in the Wheelchair-van Program. The companies under contract during the period of the self-evaluation included At Your Services/VIP, Friendly, and Veterans. Berkeley Paratransit Services contracts include requirements pertaining to vehicle maintenance and safety and to driver training. The Paratransit program conducts inspections and monitoring of van companies to ensure contract compliance.

### Recommendations

The following recommendations which apply to the entire Housing Department also apply to Berkeley Paratransit Services.

- Refer to "Other Citywide Issues: Determination of Direct Threat to Health and Safety" in the *Citywide Findings and Recommendations* section of this report for use of a Citywide recommended procedure whenever Center staff have concern that an individual may pose a threat to the health and safety of others. *Priority #1*
- Include notice about requesting auxiliary aids and services (print material in large print, Braille or cassette, or to request a sign language interpreter, real time captioning, an assistive listening device, or other accommodations) on Housing Department brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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- Consistently provide auxiliary aids and services, and printed materials such as taxi scrips, order forms, and applications, in alternate formats when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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- Provide staff with additional training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a Focus Course in serving customers with disabilities. *Priority #1*

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- Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report. This recommendation pertains to Easy Does It, as well as to the van companies participating in the Wheelchair-van Program. *Priority #2*

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In addition to the recommendations for the entire Department which are listed above, the following recommendations specifically apply to Paratransit Services.

- Because of the large number of seniors and people with vision disabilities who are served by the Paratransit program, ensure that all materials that the program provides to the public are printed with sans serif font and in larger point size. *Priority #1*

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- Work in collaboration with the Director of Finance and the City's ADA Compliance Coordinator to identify an appropriate disability sensitivity training course curriculum for taxicab drivers. *Priority #1*

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- Work with Finance Department staff to ensure that taxicab drivers fulfill the BMC 9.52.050 permit requirement that they complete a disability sensitivity training course approved by the Director of Finance annually. *Priority #1*

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- Consider creating an advisory group of consumers with a range of disabilities to provide input to staff regarding the delivery of Paratransit Services. *Priority #2*

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## HUMAN RESOURCES DEPARTMENT

### How the self-evaluation was conducted

Title II of the ADA prohibits all public entities from discriminating against qualified individuals with disabilities in their employment policies and practices. Title II (28 C.F.R. Sections 35.140) references Title I 29 C.F.R. Sections 1630.1-1630.16) of the ADA and Section 504 of the Rehabilitation Act of 1973 for specific requirements regarding nondiscrimination in employment.

Covered activities include the application process, testing, interviewing, hiring, assignments, evaluation, discipline, medical examination, compensation, promotion, on-the-job training, layoff/recall, termination, leave, and benefits. The ADA also requires that employers make reasonable accommodations to the known disability of qualified applicants and employees with disabilities.

The consultants developed a specific, employment related ADA Title II questionnaire concerning all of the above activities for use in the self-evaluation process. Dennis Feggans, the City of Berkeley's Equal Employment Officer, completed this questionnaire in November 2003, and submitted extensive supporting documentation at that time.

These documents, which were reviewed by the consultants in November and December 2003, included the City of Berkeley's *Procedures Manual for Responding to Requests for Reasonable Accommodation Under the Federal Americans with Disabilities Act (ADA) and California Fair Employment and Housing Act (FEHA)*.

Also reviewed were the City's "Notice to Employees of Their Right to Request Reasonable Accommodation," its "Reasonable Accommodation Application" form, its "Offer of Reasonable Accommodation" letter, a sample letter to employees requesting medical documentation to accompany the reasonable accommodation application, a sample "Job Search" form, the "City of Berkeley Human Resources Department Job Related Selection Guidelines" pamphlet, and the City's "Essential Job Functions Assessment" form.

Additionally, the consultants reviewed the City's *Harassment Prevention Policy*, its *Administrative Regulation for Family Care Leave (A.R. 2.4)*, and various memoranda of understanding which the City has entered into with several labor unions. These memoranda of understanding set forth procedures and requirements concerning the working conditions, and benefits and privileges of employment, which apply to City employees who belong to each of the unions.

Follow-up e-mail correspondence took place between the consultants and Mr. Feggans in December 2003 and January 2004. A follow-up meeting was held between the consultants, Mr. Feggans, and Nicki Spillane, Acting Director of the Human Resources Department, in late January 2004. Mr. James Mason, the City's Safety Officer and an employee of the Human Resources Department, was also consulted with at several times during the self-evaluation process.

After the initial presentation of the draft of this report to the City's Senior Leadership Collaborative members on June 18, 2004, telephone conversations were held with Mr. Feggans on June 28 and July 13, 2004. A July 19, 2004 follow-up memo from Ms. Spillane was also reviewed by the consultants.

The ADA Title II self-evaluation findings and recommendations concerning the City of Berkeley's employment policies and practices have been summarized in "Employment Policies and Practices," in the *Citywide Findings and Recommendations* section of Part II of this report. For staff convenience, they are also listed below.

### Findings

In conducting the self-evaluation, the consultants found that most ADA required policies and practices pertaining to all aspects of the employment process have been put in place by the Department of Human Resources. The Department has also provided for communication accessibility through having a working text telephone (TTY/TDD) line of its own. However, there are a few areas where proactive development of policies and practices is recommended.

The processes of developing job descriptions and analyzing essential job functions (which are crucial to determining employee eligibility for specific positions and eligibility for reasonable accommodations) currently begin with class specifications, rather than with detailed individual job descriptions. Class specifications, which are routinely used in employee recruitment, are not the same as detailed descriptions of specific individual positions. This can cause significant difficulties in a variety of situations.

For example, when requesting medical information to verify an incumbent's or new hire's eligibility for a disability related job accommodation, the form sent to the verifying physician does not currently contain a checklist of job functions which are specific to the individual's position, but rather a checklist which is in accordance with the specifications for the class of jobs to which the position belongs.

This may not give the physician adequate information to make a specific enough determination of the job related limitations caused by the individual's disability. If the limitations determined are not sufficiently specific to the position in question, an incorrect determination of whether the employee is a qualified individual with a disability may be made, or an ineffective job accommodation may be chosen.

A medical clinic to which the City of Berkeley sends workers who have sustained on the job injuries for evaluation was recently unable to furnish an ASL interpreter for a Deaf City employee. When requested to do so by Human Resources Worker's Compensation staff, the clinic staff replied that they had no means of providing this service, and the employee did not have an ASL interpreter for the medical evaluation.

According to verbal comments provided by Mr. Feggans, subsequent to this incident, the Human Resources Department's Worker's Compensation Analyst has been given the responsibility to provide disability accommodations for employees who are referred for medical visits. Ms. Spillane added in her memo that managers and supervisors will be instructed to tell employees to contact Human Resources Worker's Compensation staff prior to scheduling medical evaluation appointments. Managers and supervisors will be trained in this procedure during "refresher" training sessions planned for later in 2004.

After reviewing the written curriculum for ADA related training that is provided to managers and supervisors by the Human Resources Department's Equal Employment Officer, the consultants concluded that this curriculum does not contain sufficiently detailed information about conducting essential functions job analyses to give managers and supervisors a clear understanding of the type of analysis involved in this process.

It may also be useful for managers and supervisors trained by the Equal Employment Officer to have training in recognizing harmful disability stereotypes concerning employment, and in using conflict resolution techniques to help handle employee situations involving disability. According to verbal comments provided by Mr. Feggans, this alternative has been considered, but it has been found more effective for Mr. Feggans to intervene personally as a neutral party in conflicts which concern employees with disabilities and their colleagues and supervisors.

With regard to the reasonable accommodation process for employees, current procedure specifies that a written notice informing employees of their right to request reasonable accommodations, and of procedures for making these

requests, is included in the employee newsletter *Berkeley Matters* twice per year. This procedure is entirely appropriate. However, it can be helpful to employees if the information is listed more frequently, for example, at least quarterly.

Current City and Human Resource Department policies, forms and guidelines set forth an appropriately timely process for responding to requests from applicants and employees for reasonable accommodations, once verifying information is received from a physician. However, from self-evaluation feedback that was received from both current and past employees with disabilities, in practice the process can take far longer than is specified. This leads to employee disappointment and frustration, and can potentially impact employees' ability to perform their jobs.

### Recommendations

- At minimum, ensure that individual job descriptions containing specific essential job functions are developed, and are sent to physicians, whenever reasonable accommodations are requested at any phase of the employment process. This recommendation applies to all job applicants, new hires, and incumbents. *Priority #1*
- Ensure that clinics and other ADA Title III agencies which contract with the City to provide services to its employees are apprised of their ADA Title III obligation to be accessible to employees with disabilities. As planned, conduct training for all managers and supervisors in the procedure of instructing employees to contact the Human Resource Department's Worker's Compensation Analyst to request disability accommodations prior to medical evaluation visits. *Priority #1*
- Consider expanding the ADA training that is currently being provided to supervisors and managers by the Human Resources Department's Equal Employment Officer to include the following important ADA related topics:  
*Priority #2*
  - A more detailed presentation of the essential job functions analysis process, specific to how it is applied concerning City of Berkeley jobs;
  - A presentation concerning disability myths and stereotypes; and,
  - Basic conflict resolution techniques for use in employee situations concerning disability (for example, for use with colleagues who don't understand an incumbent's disability related needs).

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- Because of various departmental difficulties with providing reasonable accommodations to employees, funding allocated for employee job accommodations should originate from the Human Resources Department, or another centralized City source, rather than from the various individual City departments. *Priority #2*
- Ensure that the reasonable accommodation process be completed in a more timely manner. *Priority #1*
- ✚• Consider more frequent inclusion of the notice informing employees of their right to request reasonable accommodations, and of procedures for making these requests, in the employee newsletter *Berkeley Matters*. Listing this notice on at least a quarterly basis can be helpful to employees. *Priority #2*

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## INFORMATION TECHNOLOGY

### How the self-evaluation was conducted

The consultants wish to gratefully acknowledge the extensive assistance and support provided throughout the ADA Title II self-evaluation process by the staff of the Information Technology Department. Department staff provided a detailed orientation to CoBWEB and iCoBWEB, access to iCoBWEB, without which the project could not have taken place, and frequent consultation and technical support. They also graciously afforded the part-time use of a cubicle in the Department to the consultants. This made iCoBWEB access and collection of copies of application forms, brochures, flyers, policy manuals, and other documents from all City departments much easier.

The majority of self-evaluation data concerning the Information Technology Department is contained in the report, *City of Berkeley Website Accessibility Assessment*, prepared as a separate document as part of the self-evaluation by Sean Ennis of Ennis Web Design. This report includes an analysis of over 100 CoBWEB pages which are frequently used by members of the public to access information about, and forms and applications for, City of Berkeley programs and services. The report also contains a review of the accessibility of hyperlinks leading from City of Berkeley and departmental home pages to these frequently used pages.

During the course of conducting the self-evaluation, the consultants selected a sample of over 100 CoBWEB pages, from a great many City Departments, that would be highly useful to the public, and identified many hyperlinks to these pages. This list of CoBWEB pages and hyperlinks was sent to Mr. Ennis for his review.

The pages and hyperlinks were subsequently analyzed by Mr. Ennis and tested for accessibility by a screen reader user using JAWS software, and by a user of Dragon Naturally Speaking Software. The Gunnings Fog Index for each of the pages was also calculated, as an indication of the reading level required to access the information that the pages contain. Please refer to Mr. Ennis's *City of Berkeley Website Accessibility Assessment* report for a description of the process used in his analysis, a full, detailed discussion of findings regarding the City's CoBWEB pages and links, and recommendations for improving their accessibility.

In the course of conducting the self-evaluation, the consultants learned that the Information Technology Department is responsible for providing



functioning telephone and text telephone lines to City departments. Findings and recommendations concerning text telephone lines are included below. The "Employment Policies and Practices: Employment Related Findings and Recommendations for Information Technology" section in Part Two of the self-evaluation report contains findings and recommendations related to the accessibility of training information provided to City employees on iCoBWEB. It also includes recommendations concerning the means for obtaining disability related accommodations for employee training sessions offered by Information Technology. Please refer to this section for a listing of these findings and recommendations, which are also included below.

Although employees make extensive use of iCoBWEB during their work days, because of time and budget limitations, and most importantly, because of City security concerns, the self-evaluation did not include an accessibility review of iCoBWEB pages. However, some limited findings concerning the accessibility of those iCoBWEB pages which employees use to enroll in staff training courses, and the electronic format of some of the forms which employees utilize interdepartmentally on iCoBWEB, are discussed in the "Findings" section below.

### Findings

The Information Technology Department works with all City Departments to develop and maintain the City's broad array of municipal computing applications, and develop CoBWEB and iCoBWEB, the City of Berkeley's systems of public and internal web pages and web resources. The Department maintains the City's extremely large and complex computer and telephone network. It is responsible for installing City and departmental telephone and text telephone (TTY/TDD) lines.

The Department also provides technical support to all City departments and employees through the activities of its Help Desk staff. It facilitates access by the public to City department staff and City Council members via e-mail links on its CoBWEB home page. Its Community Notification System allows Berkeley residents to subscribe to regular informational updates from a variety of City programs. Residents may access this system via e-mail at [www.cityofberkeley.info/subscribe](http://www.cityofberkeley.info/subscribe). This web address is also listed as a contact point on certain other CoBWEB pages, such as the "View and Print Forms" page for the Online Service Center, for use by individuals with disabilities who may need access to online documents in alternate formats.

CoBWEB, the City's system of public web information, is vast, broad in scope, and contains a wealth of resources and public information. iCoBWEB, the City's system of internal web information for employees use, is similarly extensive. The Department has endeavored to make CoBWEB and iCoBWEB accessible by developing and promulgating its policy statement, *CoBWEB Universal Design Guidelines*, which was reviewed by the consultants and by Sean Ennis of Ennis Web Design, who conducted an accessibility assessment of CoBWEB as part of the self-evaluation.

Please refer to the *City of Berkeley Website Accessibility Assessment*, prepared by Mr. Ennis, for detailed analysis, information, and suggestions for improving the accessibility of CoBWEB pages and hyperlinks for screen reader users, individuals with mobility impairments, and persons with other disabilities. This report also includes the full list of CoBWEB pages and hyperlinks that the consultants submitted to Mr. Ennis for his review.

Briefly, Mr. Ennis analyzed over 100 CoBWEB pages, and many hyperlinks leading to them, with regard to their HTML validity (4.01 Transitional), CSS validity (2.01), compliance with the World Wide Web Consortium's (W3C) Web Accessibility Initiative Guidelines (WAI) 1.0, compliance with Section 508 of the Rehabilitation Act, and compliance with the City of Berkeley's CoBWEB Universal Design Guidelines. He also used the Gunnings Fog Index to determine the required grade level of education for comprehension of the narrative text in the pages. He tested the pages and links by having a blind computer user utilize speech and Braille output software to read and work with the information in the pages and links, and also tested them using voice recognition software.

Specific page-by-page recommendations for improving accessibility are contained in the City of Berkeley *Website Accessibility Assessment* report. However, in a summary of his overall recommendations, Mr. Ennis made the following general points.

- 2.1. Include DOCTYPE declarations in all web pages and design pages to comply with this DOCTYPE.
- 3.2. Check all pages for HTML and CSS validity, and avoid proprietary or deprecated tags and attributes.
- 4.3. Provide official style sheets and avoid an excessive number of page-specific or inline styles.

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5.4. Do not mix FONT tags with style sheets within the same documents.

6.5. Avoid the use of dynamic content, displays or navigational devices that rely on client-side scripting such as JavaScript.

7.6. Be sure that text-only or other alternative versions of resources are complete in respect to the "standard" version.

8.7. Label all graphics with an ALT attribute or set ALT to null.

9.8. For tables, provide a summary attribute and use colscope, rowscope and headers appropriately to ease navigation. Be sure the table still makes sense if presented linearly.

10.9. Give links to similar resources unique link phrases.

11.10. Check pages against WAI guidelines by using a tool such as Bobby.

12.11. All page authors should know, understand and use the WAI Guidelines.

In addition to their work with Mr. Ennis, in the course of conducting the self-evaluation, the consultants learned that the Information Technology Department has assisted with the installation of text telephone (TTY/TDD) lines for some City departments. At the time of the self-evaluation, several other City departments were still waiting to have their TTY lines installed.

The consultants recommend that Information Technology Department staff work closely with the City's ADA Compliance Coordinator to facilitate the timely installation and functioning of TTY lines in programs where they are most needed throughout the City.

At the time of the self-evaluation was conducted, it was found that the Berkeley Housing Authority, which has a TTY, was in immediate need of installation of its designated TTY line. The consultants also found an immediate need for text telephones and TTY lines at Berkeley Mental Health Crisis Services and at the Parks, Recreation and Waterfront Department's Recreation Inclusion Program. TTY machines and designated TTY lines will need to be provided for each of these programs.

In the case of three of the City departments which already have TTYs and designated TTY lines, City Center, Finance Customer Service, and the Mayor

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and City Council, the consultants tested these lines and found that they apparently either had never been connected, or had been disconnected. Information Technology staff will need to work closely with these departments to ensure that their TTY lines are working. Information Technology staff should also ascertain from the City's ADA Compliance Coordinator if the City plans to install TTYs at some or all of the senior centers. If so, staff should install the necessary designated TTY lines.

At the time of the self-evaluation, the South Berkeley and West Berkeley Senior Centers had TTYs available, but were waiting for the installation of designated TTY lines. The North Berkeley Senior Center actually did not have a TTY or TTY line, even though staff in many departments believe that it has one. This center will need both a TTY and a designated TTY line if it is determined that a text telephone is needed at this program.

With regard to iCoBWEB, some of the iCoBWEB pages which employees utilize, such as the pages used to request enrollment in staff training courses, do not appear to be accessible to employees using screen readers. Also, although contact information and clear instructions for requesting disability accommodations for Citywide training courses are posted, no such information and instructions were observable for employee courses specifically provided by the Information Technology Department.

As noted in Part II of this report, *Citywide Findings and Recommendations*, most City staff have limited, unclear knowledge of the City's disability related policies and procedures. The Information Technology Department can provide assistance with the process of developing a hyperlink and pages on iCoBWEB on which consolidated information about the City's disability related policies and procedures can be posted, to facilitate quick access to this information by staff.

During the period of the self-evaluation, it was found that the City's Disability Compliance Program has been in the process of developing expanded web page material for posting on CoBWEB, with more complete information about disability related programs and services offered by the City of Berkeley, and links to disability related community resources. The Information Technology Department should assist the City's ADA Compliance Coordinator to post these informational pages and links on CoBWEB as expeditiously as possible, so that members of the public with disabilities will have information about accessing services they need, which the City provides.

Additionally, in the "Recommendations" section below, the consultants have included a list of actions which the Information Technology Department can

take to assist other City departments with updating the information that they post on CoBWEB concerning the accessibility of their programs, their current text telephone (TTY/TDD) numbers, and contact information for requesting auxiliary aids and services and other disability related accommodations.

### Recommendations

- Refer to the *City of Berkeley Website Accessibility Assessment* for detailed analysis, information, and page-by-page suggestions for improving the accessibility of CoBWEB pages and hyperlinks for people with a variety of disabilities. Implement the suggested improvements as soon as is practicable. Also refer to the "Findings" section above for a brief list of overall recommendations for improving CoBWEB accessibility. *Priority #1*
- Assist the following City Departments and/or programs to connect their TTY lines, and ensure that their TTY numbers are subsequently included in public listings: the Berkeley Housing Authority, the City Center, the Finance Customer Service Center, and the Mayor's Office and City Council. *Priority #1*
- Provide a TTY and TTY line for Berkeley Mental Health Crisis Services. *Priority #1*
- Work with the Recreation Division of the Parks, Recreation and Waterfront Department to provide a TTY and TTY line for the Recreation Inclusion Program. Ensure that the TTY number is subsequently included in public listings. *Priority #1*
- Work with the City's ADA Compliance Coordinator to provide TTYS and establish TTY lines, where needed, at the City's senior centers and other program locations. Ensure that these TTY numbers are subsequently included in public listings. *Priority #2*
- Check the compatibility of iCoBWEB pages used for employees to request benefits and privileges of employment (such as enrolling in Citywide and Information Technology Department mandatory and elective training courses, for example) with screen reader technology (such as JAWS). If these pages are incompatible with screen reader programs, provide alternate, text only linked pages, or provide another means by which employees can request the benefits or privileges in question. *Priority #1*

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- Provide a means for employees with disabilities to request disability accommodations at training sessions conducted by the Information Technology Department. *Priority #1*
- Ensure that downloadable forms provided to employees on iCoBWEB are in formats compatible with screen reader technology. *Priority #2*
- Work with the City’s ADA Compliance Coordinator to develop a single source or resource for City staff to go to in order to access the City’s disability related policies and procedures. For example, required policies and procedures could be developed (if necessary) and then compiled and listed on a specific web page with hyperlinks to a main menu on iCoBWEB. *Priority #1*
- Work with the City’s ADA Compliance Coordinator to update and expand the Disability Compliance Program’s CoBWEB pages and hyperlinks, and ensure that these updated pages and links are posted on CoBWEB. *Priority #1*
- Provide a “Disability” hyperlink on the navigational menu on the City of Berkeley’s home page; ensure that this link will lead users to the Disability Compliance Program’s CoBWEB page, the Commission on Disability’s CoBWEB pages and the disability resource pages posted by the Disability Compliance Program. *Priority #1*
- Assist City Departments to post other updated information on their CoBWEB pages pertaining to the communication accessibility of their programs, and of the Boards and Commissions to which they provide staff support. This information should include instructions for requesting auxiliary aids and services, and other disability related accommodations which may be needed for participation in department and commission programs, activities, and public meetings. It should also include updated text telephone (TTY/TDD) numbers, where applicable. *Priority #1*
- Assist City Departments to post updated information about the accessibility of their program sites on their program CoBWEB pages. *Priority #1*

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## **LIBRARY**

### How the self-evaluation was conducted

Alan Bern, who was Special Services Coordinator for the Berkeley Public Library at the time of the self-evaluation, completed the ADA self-evaluation staff questionnaire and submitted additional Library documents for review. These included "On the Job," the Library's Policies and Procedures Manual, which also includes its personnel policies and procedures (It should be noted that applicants for positions at the Berkeley Public Library must follow City of Berkeley employment application policies and procedures.); the Library's "Security and Emergencies Handbook"; the Extended Services Program (for patrons with disabilities) application packet and application form; the Library's complaint form, and the "Notice to Patrons of the Berkeley Public Library," a notification of the Library's code of conduct for patrons, posted at all branches.

Also reviewed were a map of the Central Branch of the Library; a Library informational brochure; various flyers and brochures concerning accessible community services in Berkeley; flyers and press releases announcing educational workshops held at the Library on topics such as available assistive technology for people with disabilities; a flyer and a press release announcing the availability of informational materials for voters in both standard print and audio tape formats at the Library's Central Branch; standard and large print training materials on how to use adaptive computer software and keyboards available at the Library; and two videos dealing with the building of the Central Branch, which depict people with disabilities commenting about the Library.

The Berkeley Public Library's web pages are not provided to the public through CoBWEB, but can be reached via CoBWEB through a link leading from CoBWEB to the Library's home page. The consultants reviewed the Library's home page and its "Services for People with Disabilities" web page. As part of a report on the accessibility of City of Berkeley CoBWEB pages prepared by a web accessibility consultant for the self-evaluation project, a user of screen reader technology and a user of Dragon Naturally Speaking software also reviewed the accessibility of the Library's home page, and its "Renew Books Online" page, "Web Based Catalogue" page, "Author Search" page, "Teen Services" page, and "Booklists" page, as well as the accessibility of the sequence of links between these pages. Both users reported no accessibility problems with these web pages and links.

Extensive follow-up e-mail correspondence between the consultants and Mr. Bern took place in September and October 2003 and February 2004. One of the consultants toured the Central Branch of the Library in February 2004; a follow up interview with Mr. Bern took place at that time. This consultant also toured the Claremont Branch in February 2004. Mr. Bern also attended two of the community meetings held by the consultants in January and February 2004 in order to hear comments from members of the public who have disabilities about Library services and programs. Please refer to Appendix 4.2 for more information about the comments obtained in these community meetings.

### Findings

Berkeley Public Library services and programs are provided at the Central Branch of the Library and at the Claremont, North Berkeley, South Berkeley and West Berkeley Branches. Services offered to the public at all branches include General (Circulation) Services, Inter-Library Loan, Reference Services, Children's Services, Teen Services, Extended Services (adaptive equipment and other accommodations for patrons with disabilities), Web Services, and Administrative Services.

In addition, an Art and Music Department featuring books, records, audio tapes, CDs, sheet music, and slides is located in the Central Branch, and a Tool Lending Library is located adjacent to the South Berkeley Branch. Special Services includes the Library's Outreach Program, which provides home delivery of books for qualified seniors and people with disabilities who cannot get to a Library branch; a literacy program, "Berkeley Reads;" Library tours for the public; Library staff training; and various Library volunteer programs. The Technical Services Department, located at the Central Branch, obtains and repairs Library materials and supports the Library's computer network and web pages, but does not appear to have public contact.

Eligibility for Library services is generally contingent upon having a Library card. Library cards are issued free of charge; there is a one dollar fee for replacement of a lost Library card. To obtain a Library card, applicants must present picture identification, and complete a registration form which asks for name, address and social security number. Those who do not have picture identification may present rent receipts, a bill, a printed check, or a school schedule as proof of their address. Children must have a parent's signature on their application. Children's and Teen Services have the additional eligibility criterion of age; 0-13 for Children's Services and 14-18 for Teen Services.



Many of the ADA staff questionnaire responses dealt in detail with the services provided by the Extended Services program, which oversees the provision of disability related accommodations at all branches, and affords access to adaptive software, keyboards, computers and other equipment at the Central, West Berkeley and South Berkeley Branches.

Eligibility criteria for the Extended Services program and the disability related accommodations it provides include verification of disability from a physician, social worker, registered nurse, psychologist, learning disabilities or rehabilitation specialist, or special education teacher. A Department of Motor Vehicles parking placard, East Bay Paratransit Certification, or other disability transit pass is also accepted as verification of having a disability.

Two questions about disability are asked on the application form for Extended Services. One of these questions, "How does your disability affect your ability to use the Library?" can be helpful for determining the type of disability related accommodations that an individual will need. Although it is voluntary, the other question, "What is your disability?" is unnecessary and impermissible under the ADA.

With regard to eligibility for participation in the Library's volunteer programs, the Berkeley Public Library's Volunteer Registration Form contains one item asking the volunteer applicant to list any physical limitations which he or she has. It is unclear why this information is being requested. While people with disabilities are not necessarily excluded from participating in volunteer programs, this question should not be asked at the initial phase of application for a volunteer position. The information may be requested after a volunteer position is offered, if it is kept confidential and used solely for the purpose of providing a disability accommodation for a person who has already been accepted into one of the Library's volunteer programs.

The "Notice to Patrons of the Berkeley Public Library," which outlines the Library's code of conduct, contains a list of behaviors which are prohibited and may be considered a threat to health and safety of others. The notice explains that violations of the prohibitions against any of these behaviors "may warrant exclusion from the Library." None of the behaviors are specifically disability related, and Library staff have the right to exclude patrons who violate Library rules. However, in problematic situations related to disability, it may also be advisable for Library staff to consult with the City of Berkeley Disability Services Specialist and staff from the City Attorney's Office to determine if a specific disability related threat to health or safety may be mitigated by the provision of a reasonable disability accommodation.

At the time of the self-evaluation, the Berkeley Public Library did not have any special programs exclusively for people with disabilities. Qualified people with disabilities were eligible to participate in all Library programs and services. Staff questionnaire responses indicated that if any special programs for people with disabilities were created in the future, auxiliary aids and services would be provided on request, and people with disabilities would also be able to participate in any other Library programs and services which they desired to.

Qualified persons with disabilities are eligible for extended use time on Library computers (including the computers at adaptive work stations), and extended circulation periods for all Library materials (such as books, audio tapes, videotapes and CDs) which they borrow. As of March 2004, patron time on Library computer work stations may also be reserved in advance online. Close captioned videos and videos with audio description are available to be borrowed from the Library, as are books on tape, and books and other print materials in large print and Braille. Proxy borrowing is also arranged for as a disability accommodation. Both the borrower's and the proxy borrower's identification and Library cards, as well as an authorization letter from the borrower, must be presented at the time that materials are checked out by the proxy borrower.

Automated check-out machines are available near the circulation desk at the Central Branch. Some of the machines have been placed at heights which are conducive to their use by wheelchair users.

Other disability related accommodations available at the Central Branch for in-Library use include a CCTV enlarger, adjustable tables, accessible computer terminals, adaptive Intellikeys keyboards, IBM Home Page Reader computer software, and JAWS, WYNN, Kurzweil 3000, Zoom Text, Read and Write, and Reading Edge computer software.

Other pieces of adaptive equipment, such as book and paper holders, lap desks, foot and forearm rests, track ball mice, and tape recorders for listening to Braille and Talking Books taped magazines, are available to be checked out for in-Library use by eligible patrons from the Central Branch's second floor reference desk. Large print handouts listing the availability and location of this equipment, and large print instructions for using adaptive software, are available at this reference desk. Voter information materials in both standard print and audio tape formats can also be checked out from this desk. In addition, some adaptive computers and software are also available at the South Berkeley and West Berkeley branches of the Library.

No surcharges are imposed for these or any other disability related accommodations provided by the Library.

Service animals are welcome in all Library branches. However, there have been a few instances where service animals have exhibited behavior that staff have determined to be dangerous and/or unhealthful. In these cases, per Citywide service animal policy, the owner was asked to have the animal remain outside while the owner was in the Library.

The Berkeley Public Library's complaint form was reviewed for purposes of the self-evaluation, and appeared appropriate. Though no written complaint procedures were submitted for review, a detailed description of the Library's complaint process was included in the staff questionnaire responses by Alan Bern. This process includes direct follow up of patron complaints and suggestions by Library staff. If the patron is not satisfied by the follow up actions taken, further review of the complaint or suggestion takes place by an appropriate Library management team and/or by the Library's General Director. The City of Berkeley's Disability Services Specialists are also consulted during this process as needed, if any disability issues are involved. The Library utilizes the City of Berkeley's ADA grievance procedure in any cases of perceived disability discrimination.

Sign language interpreters, real time captioning, and print materials in large print or Braille, have been provided on request for Library sponsored community programs and events. Per the staff questionnaire response of Alan Bern, "For some events we provide interpreters and materials [in large print or Braille] without a request because they are large enough to warrant it." Other auxiliary aids and services such as qualified readers, note takers, and assistive listening systems, and print materials on audio tape and computer disk have also been provided on request for Library patrons with disabilities. Procedures for requesting these auxiliary aids and services are printed on the application packet for the Library's Extended Services program.

Upon request, Library staff members also assist patrons to read and complete forms, retrieve books from shelves, and retrieve and view slides in the Art and Music Department.

Children's and Teen Services sponsor book talks, a regular "story time" for children, and Library tours, especially tours for school groups. Library tours can be requested by calling the Library's Special Services Coordinator. Disability related accommodations for book talk, story time or tour participants can be requested from the Special Services Coordinator via telephone request.

No brochures or application forms have been produced for the purpose of requesting Library tours.

The Library sponsors the monthly public meetings of the Board of Library Trustees. Per Alan Bern's ADA staff questionnaire response, eight out of twelve meetings take place each year at the accessible Community Meeting room in the Central Branch. The remaining four meetings take place at other Library branches. Though Alan Bern commented in his questionnaire responses that all of the branches at which the meetings are held have accessible entrances, the meeting agendas and minutes posted on CoBWEB do not include information about requesting auxiliary aids and services, or about the accessibility of the meeting site.

It is Berkeley Public Library policy to place standard language which includes information about, and procedures for, requesting auxiliary aids and services on flyers for all events that the Library sponsors. Request procedures for auxiliary aids and services are also included on many, but not all, Library brochures. In addition, one Library brochure that was reviewed, "Berkeley Public Library Information," contained a statement that it, as well as some other brochures, was available in alternate formats upon request at the information desk of the Central Branch.

The Library loans many videos to the public. Close captioned videos are generally available at all branches. Videos with audio description are available at the Central Branch. People with disabilities have been portrayed in two videos which the Library created to inform the public about the process by which the new Central Branch Library was built in the late 1990s. These videos, "Do You Love the Library?" and "We Built This Library!" portray people with disabilities with dignity and respect, and show them actively commenting, participating and using the Library.

Library reference services are available both in person at all branches and over the telephone. Reference services are also provided via text telephone (TTY/TDD). The Library's TTY number, (510) 548-1240, rings at the reference desk in the Central Branch. This TTY number is included in print materials and on the Library's web pages. Staff members who have frequent telephone contact with the public are familiar with both the use of the California Relay Service and with use of a text telephone. A TTY for public use is available inside the main entrance of the Central Branch.

Library staff receive annual training in disability awareness, ADA compliance and techniques of effective communication with people with disabilities. This

training is provided via the Library's New Employee Orientation and Difficult Situation training programs, with the assistance of Don Brown, City of Berkeley Disability Services Specialist.

In addition, the Library's "On the Job" policies and procedures manual includes some statements of guidelines for serving patrons with disabilities. While these statements are helpful, the consultants noted that there was no guidelines statement in the manual about serving patrons who have learning disabilities.

During the period of the self-evaluation, the Berkeley Public Library was updating its emergency evacuation procedures. At the time of their review by the consultants, they contained provisions for how to assist people with mobility, vision, hearing and cognitive disabilities in situations where emergency evacuation is required. Evacuation routes and procedures were reviewed for the Central Branch and all Library branches. Except for the evacuation routes indicated on the North Berkeley Branch evacuation map, all evacuation routes appeared to be accessible. On the North Berkeley Branch evacuation map, the evacuation routes appeared from the map to lead down steps.

The Central Branch and all Library branches have accessibility features. However, though the Central Branch is accessible, not all branches are fully accessible. Per the ADA staff questionnaire responses provided by Alan Bern, all Library branches have accessible entrances, and staff at all branches assist people with disabilities to retrieve Library materials. Per Mr. Bern's questionnaire responses, accessibility modifications are being implemented at all branches on a schedule of branch renovation projects which will be taking place over the next several years.

Though there is no written maintenance policy, the Library's Maintenance Department staff maintains the accessibility of disability access features, including elevators, equipment, and clear paths of travel and handrails. The Maintenance Department prioritizes this work on a case-by-case basis if required to do so by budget constraints. However, from public comments concerning the Library's accessibility, it was noted that appropriate actions had been promptly taken to maintain the clear use of the entrance ramp and handrails at the Central Branch, by clearing the handrails of bicycles and posting a sign prohibiting tying bicycles and other objects to the handrails.

During the consultant's tour of the Central Branch, the only maintenance problem which was observed concerned the operability of the sound system of the WYNN software on one of the fourth floor accessible computer work

stations. It will be important to include periodic maintenance checks of adaptive computer equipment and software as part of the Library's regular maintenance procedures.

Other than maintaining contract with the agency "Hands On" for providing sign language interpreter services, the Berkeley Public Library does not use contractors to provide any of its services. The Library does not provide transportation services, and though it offers many community activities, it does not sponsor special events.

Those Library employment policies and procedures which were contained in its "On the Job" policies and procedures manual were reviewed and appeared to be in conformance with ADA requirements. Other employment policies and procedures followed by Library managers and staff are the same as Citywide employment policies and procedures, which are discussed in the *Citywide Findings and Recommendations* section of this report.

The great majority of public comments concerning Library services for people with disabilities were very positive. Nine people mentioned Berkeley Public Library staff in general, and Alan Bern in particular, for commendation. Some of the comments made included: "Outreach home delivery works well." "Staff are unfailingly helpful in getting out-of-reach material"; "very helpful to blind individuals"; and "their public event advertisements always include information about how to request an interpreter or other accommodation." One person stated, "I complained about bicycles parked on the wheelchair ramp. Next time I went there, there was a sign up forbidding the practice." Another praised Alan Bern for being "wonderful in soliciting advice from a very passionate disabled community. He was attentive, patient and pragmatic as we went through options when considering the redesign of the BPL."

Criticisms of Library services for people with disabilities were few. Four people provided critical comments. Chief among them was disappointment that screen reader software (and/or other adaptive software) was only available at certain computer terminals in the Central and South Berkeley branches, and was not available throughout the Library's entire Local Area Network of computer terminals. One blind person also suggested that the Library purchase a Braille printer. A further comment was that while reference staff were generally helpful, and did provide materials in some alternate formats, it was not always possible to obtain Braille copies of the reference materials that were requested.

One person with a mobility disability commented, "I have seen a lot of physical access problems with the Main Library." However, this individual did not list what these problems were. Another criticism came from a person with a mobility disability who had difficulty waiting in lines and accessing the accessible restroom in the Central Branch, which is located on the second floor, and can be reached by elevator. This person felt that providing more seating in waiting areas near the circulation desk and near accessible computers, and having an accessible restroom on the ground floor, would make Library use easier for people with mobility disabilities.

### Recommendations

2. Remove the question, "What is your disability?" from the Berkeley Public Library's Extended Services Application form. *Priority #1*

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3. Remove the item asking volunteer applicants to list their physical limitations from the Berkeley Public Library Volunteer Registration Form. This information may only be asked for after an applicant has been accepted into one of the Library's volunteer programs, and only as part of providing a disability accommodation for the applicant. The information must be kept confidential. *Priority #1*

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4. When appropriate, consult with City's ADA Compliance Coordinator and staff of the City Attorney's Office to explore means of mitigating through reasonable accommodation any disability related behaviors by patrons that may be considered a direct threat to the health and safety of others. *Priority #1*

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2. Ensure that all Library brochures, public event and public meeting announcements, and public meeting agendas contain information about procedures for requesting auxiliary aids and services and other disability related accommodations, and information about the accessibility features of meeting sites. This is already done on many event flyers and informational brochures. The recommendation is that this procedure be extended consistently to all of them, and to all public meeting announcements. *Priority #1*

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3. If brochures, flyers or application forms for requesting Library tours are developed in the future, ensure that these materials contain information about the accessibility of the tours, and about how to request auxiliary aids and services or other disability related accommodations. *Priority #2*

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1. As fiscal constraints permit, consider purchasing a Braille printer for use with Library computers having screen reader software. *Priority #3*

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2. As fiscal constraints permit, consider installing screen reader and other adaptive software on the Library's Local Area computer network. *Priority #3*

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3. Consider providing future staff training and/or developing written staff guidelines for serving Library patrons who have learning disabilities. If possible, include input of people with learning disabilities in the development of this training and these guidelines. *Priority #2*

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4. Ensure that evacuation routes at the North Berkeley Branch are accessible. *Priority #1*

5. As fiscal constraints permit, provide additional seating in waiting areas near public computer work stations and near the circulation desk in all Library branches. *Priority #3*

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6. Post large print signage at the circulation desk in each branch notifying patrons with mobility disabilities to come to the head of the line for assistance. *Priority #1*

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7. Ensure that regular Library maintenance procedures include periodic checking of the full operability of adaptive software at accessible computer work stations. *Priority #1*

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## **PARKS RECREATION AND WATERFRONT DEPARTMENT**

The self-evaluation findings and recommendations for the Parks, Recreation and Waterfront Department is presented in four sections: Parks and Trees/Urban Forestry, Recreation, Marina, and Planning and Design.

### **PARKS AND TREES/URBAN FORESTRY**

#### How the self-evaluation was conducted

Jerry Koch, Senior Forestry Supervisor, completed the self-evaluation staff questionnaire for the Parks Division. Follow-up conversations were also held with Roland Anolin, Senior Building Maintenance Supervisor with the Parks, Recreation and Waterfront Department.

The consultants reviewed a sample of literature which is distributed to the public by the Parks Division and the Trees/Urban Forestry Program, including program brochures and applications. CoBWEB pages for the Parks Division and Trees/Urban Forestry Program were also examined by the consultants.

#### Findings

The Parks Division maintains and improves the City's parks and park facilities, grounds, medians, urban forest, and waterfront, through its landscaping, building maintenance, and trees/urban forestry programs and services. According to information on CoBWEB, the Parks Division maintains 52 parks that include 48 play areas; 21 turf medians, triangles, and dividers; 44 parking and vacant lots; 75 paths, walks and steps; 40 undeveloped paths; and the Berkeley Marina. Landscaped areas are maintained by the Parks Division's Landscape Maintenance staff; facilities are maintained by the Building Maintenance staff.

Berkeley's park system provides the community with play and picnic areas, community gardens, vistas, trails, rock climbing outcrops, and a variety of water sports at the Berkeley Marina. The parks also provide activities such as athletic fields, swimming pools, and tennis and basketball courts.

The Trees/Urban Forestry Management Program of the Parks Division is responsible for the management of the City's street and park trees. The Forestry Unit of the Parks Division oversees all planting, maintenance and removal of public trees in the City. It also is responsible for the chipping of private vegetation in the Berkeley hills in order to assist in fire fuel reductions.

According to the self-evaluation staff questionnaire completed by Jerry Koch, the Trees/Urban Forestry Management Program do not have any eligibility criteria that would screen out qualified people with disabilities; nor are questions about disability asked on any applications.

The Parks Division and the Trees/Urban Forestry Management Program provide information to the public via CoBWEB and in print format. The Parks Division produces a "Guide to City Parks and Recreation Facilities," a brochure which contains a map of the parks system, and a table listing the features of each park. The Guide Contains no information about the accessibility of the parks and any of its facilities.

"An Index of Local Parks," is also available on CoBWEB. It is a table with the name of the park and location, the mobile unit responsible for the park's maintenance, and an accessibility icon indicating if "all/part of the park" is wheelchair accessible. It includes links which provide more information about each park: directions for getting to the park, the park's features and history, and, toward the bottom of the page, the park's accessibility. It is commendable that information about access is provided; however, there is a lack of consistency in the information that is listed.

The Trees/Urban Forestry Management Program makes a considerable amount of information available to the public regarding planting, pruning and removal policies and schedules. These include, "A Guide to Healthy and Safe Trees for Berkeley," Berkeley Municipal Code Trees and Shrubs Ordinances, the "Street Tree Planting Program" cover letter and application, and the "Tree Pruning Schedule." Much of this material is available in both print format and via CoBWEB. Online, these documents are only offered in .pdf format, a format which presents an accessibility barrier for some screen reader users. Viewers who are unable to access this material online are requested to contact the Department via e-mail, telephone, or TDD/TTY. The TTY number listed is the City Clerk's Office TTY number.

Per the self-evaluation questionnaire, the Trees/Urban Forestry Management Program have not provided print materials in alternate formats, nor have auxiliary aids and services.

The Division staffs the Trees Subcommittee. The meeting announcements contain information about requesting auxiliary aids and services. No information is provided about the accessibility of the meeting site.

Staff at the Park's Field Office/Customer Service Office at the City's Corporation Yard have frequent telephone contact with the public. They answer questions and address concerns about park maintenance, rules, or features, and the Trees, Urban Forestry Management Program. They can be reached by telephone, fax, or e-mail.

According to the questionnaire, the Park's Field Office/Customer Service Office does not have a text telephone (TTY/TDD), and staff do not know how to use the California relay Service. Parks Division staff have not received disability awareness and ADA compliance training, or training in techniques of effective communication with people with disabilities.

Concerns about park accessibility were expressed by a number of community members who have asthma, multiple chemical sensitivities, allergies, and other respiratory impairments. In response to questions from residents regarding the possible use of pesticides in City parks, the consultants were told by staff that the Parks Division has had a long standing policy of not spraying with pesticides in City parks which dates back to the early 1980s. Members of the public may not be aware of which parks are City, County, Regional or State Parks.

Another issue that was raised concerned the barriers to access in Parks, Recreation and Waterfront buildings and park restrooms caused by the use of certain building cleaning products and restroom air fresheners/deodorizers.

The consultants discussed the barriers to access related to facilities maintenance with Roland Anolin, Senior Building Maintenance Supervisor in the Parks, Recreation and Waterfront Department, and with Stan Norton, Facilities Maintenance Superintendent in the Public Works Department.

After talking with Mr. Anolin and Mr. Norton, it was the consultants' understanding that the Parks Division Building Maintenance staff and the Public Works janitorial staff generally utilize the same cleaning products. The staff from both Departments use products that are "green friendly" and are made of natural substances. They do not use ammonia, chlorine, fluorocarbons, or products containing caustic chemicals.

Mr. Anolin stated that his Department tries to use those products that are the safest for both the public and for his staff. He said they only use simple disinfectants, and avoid using restroom deodorizers. Some janitorial services and tree removal services are provided by contractors.

## Recommendations

1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in alternate formats, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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2. Consistently provide auxiliary aids and services, and print materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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3. With regard to the documents available online, add to the CoBWEB statement, "If you are unable to access this information online, please contact us via email, telephone, or TDD," the following, "so that we can provide the document in an accessible format." *Priority #1*

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4. Include language on meeting notices which informs the public about the accessibility of the Trees Subcommittee meeting site. *Priority #1*

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5. Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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6. Train all staff who have telephone contact with the public in how to use the California Relay Service. *Priority #1*

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7. Continue to use products that are "green friendly," are made of natural substances, contain no ammonia, chlorine, fluorocarbons, or caustic chemicals, and, if possible, are unscented. Also refer to the *Citywide Findings and Recommendations* section regarding "Program Accessibility" for persons who have asthma, multiple chemical sensitivities, environmental illness, allergies, or other respiratory impairments. *Priority #1*

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8. Ensure that contractors who provide janitorial services use the above products. *Priority #1*

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## **RECREATION**

This section presents the self-evaluation findings and recommendations for the programs and services offered by the Recreation Division, including: Aquatics, Camps, After School, Fun Club, Fun Camp, and Teen Programs, Inclusion Programs, Sports, and the Young Adult Project.

### How the self-evaluation was conducted

Numerous Recreation Division staff contributed information about the programs, activities, and services offered to the public during the course of the self-evaluation.

ADA self-evaluation staff questionnaires were completed by seven Recreation Coordinators: Lisa Kelley, Aquatics Programs; Patricia Hirabara, Live Oak Recreation Center; Nicholas Traylor, James Kenney Recreation Center; Deborah Jordan, Frances Albrier Community Center; Theodore Scates, Willard Park Clubhouse; Patty Thomas, Inclusion Program; and Harold Bennett, Sports Programs. David Pooch, Camps Program Administrator, and Philip Harper-Cotton, Youth Services Coordinator, also completed questionnaires.

In November 2003 e-mail correspondence and telephone interviews were conducted with Lisa Kelley, Patricia Hirabara, Deborah Jordan, Theodore Scates, Nicholas Traylor, and Tracy Vesely, a Senior Management Analyst with Parks Recreation and Waterfront at the time of the self-evaluation was being conducted. The consultants had extensive conversations with Patty Thomas throughout the self-evaluation process.

In December 2003 and February 2004, site visits were made to Live Oak Recreation Center, the Martin Luther King, Jr. Youth Services Center, and the Frances Albrier Recreation Center. During these visits, interviews were conducted with Mia Yamauchi, Recreation Activity Leader, Inclusion Program; Philip Harper-Cotton, Youth Services Coordinator, and Jim Wells, Recreation Activity Leader, Inclusion Program.

All these Recreation Division staff, but especially Patty Thomas, graciously contributed information and assistance to the consultants during the course of the self-evaluation.

The consultants also reviewed a generous sample of literature which is distributed to the public by the Recreation Division. This included the "Fall/Winter/Spring 2003-2004 Recreation Brochure" and "Summer 2003

Brochure"; numerous flyers and brochures for Recreation Center, Young Adult Project, and Sports Program activities; and participant applications. Summer staff orientation and procedures' materials, volunteer packets, and meeting materials from City Commissions staffed by the Recreation Division, the Youth Commission and the Parks and Recreation Commission, were also reviewed by the consultants, as well as CoBWEB pages for the Recreation Division.

During the course of conducting the self-evaluation, the consultants received comments from community members regarding the programs and services offered by the Recreation Division. Please refer to Appendix 4.2 for a summary of the comments received from people with disabilities, representatives of agencies that serve people with disabilities, and other interested individuals.

### Findings

The Recreation Division of the Parks Recreation and Waterfront Department offers a wide range of aquatics, recreation and sports programs and services for children, youth and adults. These activities are held at a number of different facilities, including, the King, West Campus, and Willard Swim Centers, and the Berkeley High School Warm Pool; the James Kenney Recreation Center and James Kenney Park; the Live Pak Recreation Center and Live Oak Park; the Frances Albrier Community Center and San Pablo Park; the Willard Park Clubhouse and Willard Park; and the Martin Luther King, Jr. Youth Services Center and Grove Park.

Numerous programs and services are offered. After school programs, winter and spring break and summer fun camps, and teen programs are available at the City's recreation centers. The Young Adult Project provides tutorial and homework assistance, counseling services, pre-college advising, computer lab, and parenting programs, and the twilight basketball league.

Aquatics offers lap and family swim programs, diving and swimming lessons, water aerobics classes, and swim teams. Youth baseball, basketball and flag football programs, tennis lessons, and adult softball, basketball and volleyball are all available sports programs. In addition, a wide variety of "community programs," classes, clubs, councils, associations, and activities, are held at the recreation centers.

The Division also provides Summer Camp programs: the Berkeley Day Camp, the Echo Lake Youth Camp, the Counselor-in-Training Program, and the Berkeley Tuolumne Camp.

The Recreation Division offers an Inclusion Program for children and adults with disabilities, the Aquatics' Senior and Disabled Swim Program at the Berkeley High School Warm Pool, and a Berkeley Tuolumne Camp "Disabled Family Camp." Community member provided comments regarding these three specific programs during the course of the self-evaluation.

Three people acknowledged the importance of the Senior and Disabled Swim Program. "It is generally a good experience...When the pool is closed it presents a real hardship," wrote one person. The Tuolumne Family Camp for people with disabilities was mentioned by two people. Four community members praised the Recreation Inclusion Program, "My child has had very good experiences with the Inclusion Program, including community outings," one parent wrote. Another said, "Mia is outstanding." A third community member noted, "A good, supportive, social and educational environment...A unique service for everyone, for both kids with and without disabilities."

Recreation Division staff are to be commended for their efforts at integrating children and adults with physical and mental disabilities in all of their programs and services. Staff throughout the Division reported having had program participants with a wide range of disabilities, including children and adults who have mobility impairments, ADHD, learning disabilities, vision impairments, developmental disabilities, deafness and hearing impairments, and mental health disabilities.

The mission of the Department's Inclusion Program "is to integrate youth and adults with disabilities into recreational programming," including After School, Winter and Spring Break Fun Camps, and Summer Fun Camp programs.

In reviewing program policies and procedures, the consultants noted two Aquatics Programs' policies that effect individuals with disabilities: the "Swim Center Policy" and the Senior and Disabled Swim "Attendant Policy." The initial Swim Center Policy reads, "Any person 6 years and under OR under 42 inches must be accompanied on deck or in the pool by a parent or guardian 16 years or older." As some adults who are short stature are less than 42 inches tall, it would be advisable to change the word "person" to "child."

The Attendant Policy states, "Because safety is our first concern, lifeguards may require patrons to have an attendant with them in the water, assist in changing, and help in wheelchair transfers. Attendants are not charged admission." Safety is appropriately the first concern of lifeguards. However, it is inappropriate to link safety and attendants. Having an attendant does not

necessarily ensure the safety of an individual with a disability in the pool, unless that attendant has received the applicable water safety training.

This same Attendant Policy could be presented as an informational statement, such as, "Safety is our first concern. Lifeguards are not available to assist patrons to get in and out of the water or with changing. If this type of assistance is needed, swimmers should bring an attendant with them. Attendants are not charged admission."

As reported by the Recreation Division's staff, program eligibility criteria generally do not exclude people with disabilities from participating in programs. Participants with disabilities are provided an equal opportunity to benefit from services. David Poock, Camps Program Administrator, felt that a child with a mobility impairment would be screened out of the Berkeley Day Camp program if he or she was unable to board a school bus, or to hike in Tilden Park or at the Berkeley Marina.

Inclusion Program staff have extended themselves to accommodate children with multiple significant disabilities. As one staff member noted, "Sometimes parents of a non-disabled child will say how glad that their child has been with disabled children because it expanded their consciousness to thinking of things beyond themselves."

The Inclusion Program's inability to provide one-to-one staffing for every child in their program does impact on the Recreation Division's capacity to serve some participants with disabilities. The Regional Center of the East Bay has paid a portion of an aides' salary for one-to-one pairings. However, they are no longer providing this funding for new participants or for children with behavioral disabilities. Given the current fiscal climate, and the Regional Center's limitations on allocation for participants, it is especially important for staff to problem solve all possible resources, in order to ensure recreation inclusion.

One situation which came to the consultants' attention in the course of conducting the self-evaluation concerned an individual who participates in the Senior and Disabled Swim Program. Recreation Division staff were concerned about safety, and possible liability issues related to disability, when the participant appeared to have seizures while swimming. This situation raised questions about the possible need for clear eligibility criteria for program participation. It also raised questions about the process that is used when making determinations as to whether the behavior or condition of a program participant poses a direct threat to the health or safety of others.



Most of the Recreation Division staff did not believe that individuals with disabilities have been denied the opportunity to participate in programs and services because they had a condition, or exhibited behavior, which was considered a direct threat to the health or safety of others. However, as reported on the staff questionnaires, there have been occasions in which an individual with a disability has been denied the opportunity to participate in a program or service because the person was deemed to be a direct threat.

There have been instances in which children who exhibited violence toward other children have been asked to leave a program. When this behavior was exhibited by some children in the Young Adult Project, Patty Thomas was asked to provide advice to staff, in order to try to mitigate the behavior. In another situation, a child who had seizures may have been excluded from participation in a program because of the inability to provide a full time aide, and staff fears of possible liability if the child incurred an injury while in the program.

Per staff questionnaire responses, the Parks, Recreation and Waterfront Department does not have policies or procedures for making a determination of direct threat. It is very important that the staff of this Department, as well as staff throughout the City, have procedures to make a determination of direct threat, and the tools to determine how to ensure the safe participation of certain individuals with disabilities in their programs, activities and services. Otherwise, staff may inadvertently and inappropriately exclude an individual whose behavior could have been rendered safe with the provision of a needed auxiliary aid or service, or a program modification.

The ADA requires that the determination of direct threat be conducted on a case by case basis for each individual, and that this determination must be based on reliable information specific to that individual's current disability, not on myths, fears or stereotypes about a disability or disabilities. If an individual poses such a direct threat, the public entity must then try to mitigate the threat to a level consistent with safety through the provision of auxiliary aids and services, or program modifications. For a further explanation of this process, refer to the "Other Citywide Issues: The Determination of Direct Threat to Health or Safety" in the *Citywide Findings and Recommendations* section of this report.

Questions about disability are not asked on most of the application materials reviewed by the consultants. However, the "Young Adult Project Intake Form" contains questions about disability, including any physical limitations and emotional/behavioral problems that the child has, and medications that the child takes. These questions should not be asked prior to the enrollment of a child in

a program, as the information could be used to screen out individuals with disabilities from participation.

The "After School/Winter & Spring Fun Camp Application" also contains a question, "Does your child have needs requiring special accommodations, such as allergies, dietary issues, or anything else?" It is appropriate for staff to have this information about the participants in their programs. This data should be collected separately, and not included on an application for the program, as it could be used to screen out otherwise qualified program participants with disabilities. Once a participant is enrolled, the questions asked on both the "Young Adult Project Intake Form" and the "After School/Winter & Spring Fun Camp Application" may be asked if they are necessary to accommodate children with disabilities or special needs.

Though there are separate programs for people with disabilities, including a Saturday program for adults who have autism or autism-like disabilities, the Seniors and Disabled Swim Program, and the Berkeley Tuolumne Camp "Disabled Family Camp," people with disabilities are given the opportunity to participate in the regular programs. They are not restricted to these separate programs.

Furthermore, as mentioned earlier, the intent of the Inclusion Program is to support and promote the integration of disabled and Deaf and hard of hearing children and young adults into the regular programs offered by the Department. For example, a child who attended the Inclusion Programs at Frances Albrier but lived near the MLK Center and wanted to participate in the Young Adult Project (YAP), would, according to Inclusion Programs staff, be supported to make the transition to YAP.

Guide dogs and other service animals are permitted to accompany individuals with disabilities into all program facilities.

Modifications have been made in order to accommodate Recreation Division program participants with disabilities. Specialists hired to offer specific classes in after school programs, have, for example, modified movement or rhythm activities, or ceramics projects, in order to accommodate children with disabilities and any level of skill. David Poock reported that Day Camp staff have modified group activities to accommodate children who have mobility impairments that limit the range that they can hike, and have also have provided alternative meals for participants who have food restrictions. The Bay Area Outreach and Recreation Program (BORP) is allowed to modify the James

Kenney Recreation Center gym by moving equipment and adding lines in order to accommodate participants in their Saturday sports program.

The Recreation Division provides information to the public in both print format and via CoBWEB, including: recreation program catalogues, flyers, brochures, announcements, schedules, and application forms. The brochures, flyers, schedules, and applications available on CoBWEB are only provided in .pdf format, a format which presents an accessibility barrier for some screen reader users. Some Parks, Recreation and Waterfront Department CoBWEB pages contain a statement informing persons who are unable to access the information online to contact the Department via e-mail, telephone or TDD/TTY. The TTY number listed is the City Clerk's Office TTY number.

As reported in the self-evaluation questionnaires, the Recreation Division staff have not received any requests for print material in alternate formats. However, there are resources and funds available in the Inclusion Program budget to respond to these requests.

Some auxiliary aids and services are provided by the Recreation Division. Recreation Center staff reported that they have provided program participants with sign language interpreters and assistive listening devices, as well as assistance with reading and competing forms. The Department has also employed staff to work with participants who are Deaf. At the time the self-evaluation was being conducted, two part-time staff members who are Deaf were employed to work with a child who is Deaf at Frances Albrier Community Center. A TTY was made available at the Center. It was loaned to staff by the Berkeley Place Deaf and Hearing Project.

The "Fall/Winter/Spring 2003-2004 Recreation Brochure" included information about requesting disability related accommodations for any recreation activities, but did not specify which auxiliary aids and services are available. This brochure also contained a very good statement describing the mission of the Inclusion Programs. However, no other program or services flyers or brochures reviewed by the consultants contained information about how to request disability related accommodations, or which auxiliary aids and services were available from the Department.

The Recreation Division staffs two City Commissions, the Youth Commission and the Parks and Recreation Commission. In addition, the Young Adult Project has staffed the MLK, Jr. Youth Services Center Advisory Board and the Oregon Street Neighborhood Association. Meeting notices for the two Commissions

contained information about how to request auxiliary aids and services, a request to refrain from wearing scented products to meetings, and a statement concerning the accessibility of the meeting location. The meeting announcements for the MLK, Jr. Youth Services Center Advisory Board did not contain any of this information. The consultants did not receive Oregon Street Neighborhood Association meeting announcements for review.

According to Philip Harper-Cotton, the secretary to the Youth Commission, there have never been Commission members who had apparent disabilities, though there may have been members who had disabilities that are not visible.

Videos and films are shown at some of the Recreation Division programs. Staff did not know if these videos are captioned for people who are Deaf or hard of hearing.

People with disabilities are portrayed in some of the print materials produced by the Department, including the "Fall/Winter/Spring 2003-2004 Recreation Brochure." Whenever they are portrayed, they are presented in a dignified manner.

The Parks, Recreation and Waterfront Department does not have a text telephone (TTY/TDD) of its own. The Department lists the City Clerk's Office TTY number on its CoBWEB pages and program materials. Patty Thomas believed that the Department was going to get a TTY for her program, and that it would then be kept at her desk. However, at the time the self-evaluation was being conducted, the Inclusion Program had not received a TTY, and did not have a dedicated TTY line. Staff at some of the recreation centers reported knowing how to use the California Relay Service.

Some staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist. Don Brown and Patty Thomas have also provided disability awareness training during orientation sessions for summer employees. Additional training and consultation to members of the Recreation Division and the entire Parks and Recreation Department have been offered by Inclusion Program staff.

The Recreation Division utilizes emergency evacuation procedures which were developed when this Division was part of the Health and Human Services Department. Additional evacuation procedures were prepared for each of the four Aquatics facilities.

Some Recreation Division staff who work with children and young adults who have vision, hearing or cognitive disabilities reported that in an emergency, they would communicate with these participants with "gestures, staff guidance." In the event of an emergency evacuation, aides who work one-to-one or one-to-two with program participants with disabilities in the Inclusion Program would assist the individuals they are assigned to. Although Aquatics staff assist with emergency evacuation of facilities, they have not received training on how best to assist people with disabilities with evacuation procedures.

The Department provides some transportation services as part of its programs. When children in fun camp programs attend local field trips, they usually travel by AC Transit buses or by BART, which are accessible means of public transportation. When special excursions such as snow trips have been offered, accessible buses have been rented, or an accessible van borrowed from one of the Senior Centers, in order to accommodate Inclusion Program participants.

The Young Adult Project does provide van transportation services. Some of the students enrolled in the tutorial/counseling components of YAP receive pickup from elementary and junior high schools, as well as evening drop-off at home, in a van which is not wheelchair accessible. This van is also sometimes used for field trips.

There were no students with mobility impairments enrolled in YAP during the period the self-evaluation was being conducted, and it was unclear to the consultants what the staff would do in order to provide a child with a mobility impairment an equal opportunity to use this van service. The staff suggestion that "we would carry the child on and off the van," is unacceptable according to the ADA.

### Recommendations

1. Revise the Swim Center Policy to read, "Any ~~person~~ child 6 years and under OR under 42 inches must be accompanied on deck or in the pool by a parent or guardian 16 years or older," as some adults who are short stature are under 42 inches tall. *Priority #1*

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1. Revise the Senior and Disabled Swim Program attendant policy, as having an attendant does not necessarily ensure the safety of an individual with a disability in the pool, unless that attendant has received the applicable water safety training. A revised policy statement could read, for example, "Safety is our first concern. Lifeguards are not available to assist patrons to get in

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and out of the water or with changing. If assistance is needed swimmers should bring an attendant with them. Attendants are not charged admission." *Priority #1*

1. Given the current fiscal climate, and the Regional Center's limitations on allocation for participants, it is especially important for staff to consult with other recreation inclusion and problem-solve all possible resources, in order to ensure recreation inclusion. *Priority #1*

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2. Once developed, utilize the "direct threat" policy and procedure when it is necessary to make a determination of whether a program participant poses a direct threat to the health or safety of others. For a further explanation, refer to "Other Citywide Issues: The Determination of Direct Threat to Health or Safety" in the *Citywide Findings and Recommendations* section of this report. *Priority #1*

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3. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program and services' brochures and flyers in addition to the "Recreation Brochure." Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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4. Consistently provide auxiliary aids and services, and print materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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5. With regard to the documents available online, add to the CoBWEB statement, "If you are unable to access this information online, please contact us via email, telephone, or TDD," the following, " so that we can provide the document in an accessible format." *Priority #1*

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6. On MLK, Jr. Youth Services Center Advisory Board and Oregon Street Neighborhood Association meeting announcements, include information about requesting auxiliary aids and services, and the accessibility of the meeting location. *Priority #1*

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1. Ascertain whether captioned copies of non-captioned videos which are currently shown to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*

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2. Provide the Parks, Recreation and Waterfront Department with its own TTY. Currently, the Inclusion Program is the most appropriate site for the Department's dedicated TTY line, as it has both Deaf program participants and Deaf staff members.

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3. Once the Parks, Recreation and Waterfront Department has installed a TTY, publicize the TTY number in all Department program materials, flyers, CoBWEB pages, and any other public listings. *Priority #1*

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4. Provide the Inclusion Program with a second, portable TTY which can be used at Frances Albrier, or at any other Parks, Recreation and Waterfront facility where a Deaf participant is attending a program, and/or where Deaf staff members are assigned to work. *Priority #1*

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1. The Inclusion Program and the Marina staff should collaborate closely to create additional opportunities for participation by children and adolescents with disabilities in the Marina Experience and Adventure Playground programs. *Priority #1*

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2. Appoint at least one youth with a disability to the City's Youth Commission. It is important to have the perspective of a student or young adult with a disability when the Commission reviews and recommends youth services and programs. *Priority #2*

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## **MARINA**

### How the self-evaluation was conducted

ADA self-evaluation staff questionnaires were completed by Clifford Marchetti, Waterfront Manager, for the Berkeley Marina Operations, and Denise Brown, Assistant Recreation Coordinator, for the Berkeley Marina Experience Program. In November 2004, follow-up e-mail correspondence and telephone discussions were conducted with both Mr. Marchetti and Ms. Brown. Barbara Perry, Office Specialist III, with the Marina Division also provided additional information to the consultants in May 2004. A site visit was made to the Marina, the Shorebird Nature Center and the Adventure Playground in March 2004. During this visit, additional discussions were held with Denise Brown and Patty Donald.

All of these Marina Division staff graciously contributed information and assistance to the consultants during the course of the self-evaluation.

The consultants also reviewed a generous sample of literature which is distributed to the public by the Marina Division. This included program flyers, brochures, applications and participant materials, as well as a section of the *Adventure Playground Manual 2003*. Numerous CoBWEB pages for the Marina Division and meeting materials from the Waterfront Commission.

### Findings

The Marina Division affords the public a wide range of services at the Berkeley Marina including boat berthing, dry storage and launching. Berths have storage lockers, water, electrical outlets, night lighting, parking, restrooms and showers, and locked gates. On the south shore is a public fishing pier.

The Marina Experience Program offers both indoor and outdoor environmental education programs for children and adults. The indoor program is conducted at the Shorebird Nature Center, and the new Straw Bale building. Outdoor programs include teacher in-service training, high tide and low tide programs, research boat trips, and sailing experiences offered during the school year; marine biology, on the water programs, and Marina Adventures programs during the summer; the Adventure Playground; the Bay Interpretive Training Program (BayIT); the shoreline clean-up; and the Berkeley Bay Festival. An annual Fourth of July Festival is also held at the Berkeley Marina.



Landscape gardeners, building maintenance staff, and a grounds keeping crew maintain the marina and its facilities, including Shorebird and Cesar Chavez Parks. The Marina Division also staffs the City's Waterfront Commission.

Private enterprises also lease City property, and offer the public additional recreational opportunities.

Neither Berkeley Marina Operations nor the Marina Experience Program have program eligibility criteria that would exclude people with disabilities from participating in programs. Participants with disabilities are provided an equal opportunity to benefit from services. There are no questions about disability asked on any application or registration forms reviewed by the consultants.

Per staff questionnaire responses, many individuals with disabilities have participated in Marina Division programs, including children and adults who have mobility impairments, learning disabilities, vision impairments, developmental disabilities, deafness and hearing impairments, and mental health disabilities.

Individuals with disabilities have not been denied the opportunity to participate in programs and services because they had a condition, or exhibited behavior, which was considered a direct threat to the health or safety of others. The *Adventure Playground Manual 2003* contains suggested actions for staff to take "if a child is misbehaving by causing possible harm to themselves or others." Consequences can include a child being asked to leave the Playground or, if the behavior is extreme and repeated, needing to have the parent at the Playground with them during a probationary period of time. When necessary, staff talk with parents and at staff meetings about the best ways to work with a child who has behavioral problems.

The Marina Division does not offer any separate programs or services for people with disabilities. However, the Bay Area Association of Disabled Sailors (BAADS), a nonprofit organization which does offer programs and activities for individuals with disabilities, is provided with a free berth at the Marina.

Service animals are permitted to accompany people with disabilities into program facilities, and no surcharges have been imposed for any disability related accommodations which have been provided.

Reasonable modifications in policies and procedures have been made to accommodate participants with disabilities in the Marina Experience Program and at the Adventure Playground. For example, when working with children

who have developmental disabilities, staff have modified hands on activities to make them developmentally appropriate. In another situation, a child who used a wheelchair was brought to the edge of the rocky shore, and classmates collected animals, rocks and shells for her to examine. Volunteer docents can also provide additional one-to-one support, if necessary.

At the Adventure Playground, children with disabilities have been assisted onto climbing structures, and with various building and painting activities. "There is something for anyone at any level of ability, for a person with limited ability to too much ability," explained Ms. Brown.

Disability related accommodations have also been provided to boaters. When the new F & G dock, which has an accessible ramp, was built and slips assigned, slips along the main walkway were reserved for berthers with disabilities. Cliff Marchetti cited a number of instances when structural modifications were made in order to achieve program accessibility, including the installation of a wheelchair accessible boat ramp and an accessible entrance to the Marina Office, and complete renovation of the path around the Marina basin to make it accessible.

The Marina Division provides program information in both print format and via CoBWEB. It produces brochures, flyers, announcements of special events. None of the program materials reviewed by the consultants, contained information about how to request disability related accommodations, or which auxiliary aids and services are available from the Division.

According to self-evaluation questionnaire responses, few auxiliary aids and services have been requested. Large print versions of documents have been made available. Staff have provided assistance with reading and completing print materials. The Marina Experience Program have had students and staff who are hard of hearing use assistive listening devices during a program, but the devices were brought by the school.

Denise Brown believed that people with disabilities have attended the BayIT program, but none of the participants have requested accommodations or auxiliary aids or services.

The films, videos and slide that are shown by the Marina Division are not captioned. People with disabilities are portrayed in some of the materials produced by the Division. Whenever they are portrayed, they are presented in a dignified manner. One of the slides that the Marina Experience Program

frequently uses in its presentations shows a young girl happily painting, making a fish print. The girl is wearing a hearing aid.

Cliff Marchetti is the secretary of the City's Waterfront Commission, which meets at the Marina Administration Office Conference Room. Meeting notices contained information about how to request auxiliary aids and services and a statement asking people to refrain from wearing scented products. There was no information concerning the accessibility of the meeting location.

The Marina Division does not have a text telephone (TTY/TDD). The Division lists the City Clerk's Office TTY number on its CoBWEB pages and program materials. Some staff have had experience using the California Relay Service.

Marina Experience Program and Adventure Playground staff have received training in inclusion, and in utilizing developmentally appropriate approaches when working with all children. Staff who have been hired by these programs have a lot of experience in working with children, including children with disabilities.

It was unclear from the questionnaire responses which Marina Division staff have attended the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, or Mr. Brown's Focus Course in serving customers with disabilities.

According to Mr. Marchetti, in the event of an emergency evacuation, people with vision, hearing and cognitive disabilities would be communicated with on a "case-by-case basis." Marina personnel would also assist people with mobility disabilities on a case-by-case basis.

Concerns about park accessibility were expressed by a number of community members who have asthma, multiple chemical sensitivities, allergies, and other respiratory impairments. One issue that was raised concerned barriers to access caused by the use of certain cleaning products in park restrooms. For maintenance procedures regarding the use of "green friendly" cleaning products, see the findings and recommendations in the Parks Division and Public Works sections of this report.

Contractors provide a range of maintenance and repair services to the docks and marina. ADA requirements and nondiscrimination clauses are included in written contracts.

Marina property leases and license agreements have been entered into with a variety of long term tenants, including a hotel, restaurants, a sailing club, and a

bait shop. The license agreement reviewed by the consultants contained language prohibiting discrimination against persons with disabilities in the licensee's employment practices, and in the goods, services, facilities, privileges, advantages, or accommodations that the licensee offers. It requires that the licensee observe and comply with Titles II and III of the ADA.

It also requires that that licensee observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability, as well as the City's employment nondiscrimination ordinance (B.M.C. Chapter 13.26). Furthermore, it states that the licensee is solely responsible for complying with applicable provisions of these laws, ordinances, codes and regulations.

Some lessees and licensees have entered into tenant agreements with the City that were written before these nondiscrimination sections were included in the agreement language. Whenever these tenants' agreements are renegotiated, the current nondiscrimination language is utilized.

### Recommendations

1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program and services' brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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1. Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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1. Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

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1. Ascertain whether captioned copies of non-captioned videos which are currently shown to the public are available, and obtain captioned copies of these videos whenever possible. *Priority #2*

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2. With the exception of Marina Experience and Adventure Playground staff, provide Marina Division staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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3. The Marina and Inclusion Program staff should collaborate closely to create additional opportunities for participation by children and adolescents with disabilities in the Marina Experience and Adventure Playground programs. *Priority #1*

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4. Continue to use products that are "green friendly," are made of natural substances, and contain no ammonia, chlorine, fluorocarbons, or caustic chemicals. Also refer to the *Citywide Findings and Recommendations* section regarding "Program Accessibility" for persons who have asthma, multiple chemical sensitivities, environmental illness, allergies, or other respiratory impairments. *Priority #1*

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5. While it is not required, it would be advantageous for the City to provide information to its tenants regarding the compliance obligations of Title III of the ADA for public accommodations. An information packet could be distributed which explains the readily achievable barrier removal standard, the requirement to provide services to patrons with disabilities in alternative ways when physical access cannot be achieved, and the obligations to provide auxiliary aids and services when necessary to afford equally effective communication for individuals with disabilities. These materials have been developed by, and are available from, the U.S. Department of Justice and the U.S. Small Business Administration. Refer to "Other Citywide Issues: ADA Compliance of City of Berkeley Tenants" in the *Citywide Findings and Recommendations* section of this report, for a discussion of this issue. *Priority #3*

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6. Utilize Citywide procedures and guidelines regarding the accessibility of future special events, including the Berkeley Bay Festival and the Fourth of July Festival. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure. *Priority #1*

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## **PARKS PLANNING AND DESIGN SECTION**

### How the self-evaluation was conducted

Brad Ricards, Landscape Architect, completed the ADA self-evaluation questionnaire for the Parks Planning and Design Section of the Department. CoBWEB pages regarding Planning and Design projects and the Parks Mini-Grant Program were also examined by the consultants.

### Findings

The Parks Planning and Design Section responsibilities include management of the Department's Capital Improvement Projects and the Parks Mini-Grant Program.

Planning and Design Section staff manage many capital improvement projects, such as the Aquatic Park Natural Resources Management Study, the Berkeley Bicycle/ Pedestrian Bridge Site & Access Improvements, and the San Pablo Park Pathway. According to information on CoBWEB, "These improvements include replacement of hazardous play equipment; parks furniture improvement; improvements to existing playing fields for increased youth sports opportunities; basic infrastructure improvements, including rehabilitation of sports courts, lighting, eroded walkways and renovations to irrigation systems."

Planning and Design staff also oversee the Mini-Grant Program. The purpose of this program is to stimulate community interest and involvement in the development and care of the City's parks and open space. This is achieved by distributing small amounts of seed money to volunteer groups for community sponsored improvements.

Planning and Design staff have contact with the public in a number of ways. These include: responding to inquiries regarding the capital improvement projects and Mini-Grants by telephone and e-mail; and providing assistance to people who come to their office at 1947 Center Street. They also attend the Parks Subcommittee as well as numerous Design Review Public Meetings.

According to the self-evaluation staff questionnaire completed by Brad Ricards, the Planning and Design Section does not have any eligibility criteria that would screen out qualified people with disabilities.

The Planning and Design Section provides information to the public regarding current and recently completed projects, requests for proposals, the Parks Mini-Grant Program, and public meetings. Much of this material is available in both print format and via CoBWEB. Per the questionnaire, the print materials have not been provided in alternate formats, but would be available in alternate formats if requested.

Online, these documents are generally only offered in .pdf format (a format which presents an accessibility barrier for some screen reader users). The Parks Mini-Grant Program Application Form is available in both html and .pdf formats. CoBWEB users who are unable to read or submit documents online are requested to contact the Department via e-mail, telephone, or TDD/TTY. The TTY number given is the City Clerk's Office TTY number.

As reported on the questionnaire, staff have provided auxiliary aids and services to people with disabilities. Examples listed include staff assistance with competing forms, verbal descriptions of presentation materials, sign language interpreters for meetings, and assistive listening devices.

The meeting announcement reviewed by the consultants contained information about requesting assistive listening devices, but no other auxiliary aids and services. As indicated in the *Citywide Findings and Recommendations* section of this report, that information is obsolete. Also, no information was included on the agendas concerning the accessibility of the meeting location.

Planning and Design Section staff have frequent telephone contact with the public. There was no indication as to whether staff know how to use the California Relay Service. They have not received disability awareness and ADA compliance training, or training in techniques of effective communication with people with disabilities.

Planning and Design staff manage some of the City's capital improvement projects that are performed by contractors. ADA requirements and nondiscrimination clauses are included in written contracts, and contractors are informed of their responsibility to comply with ADA requirements. According to Mr. Ricards, payment is withheld on contracts if the contractor fails to comply with their ADA responsibilities.

### Recommendations

- 2. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette,

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sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced.

*Priority #1*

3. Consistently provide auxiliary aids and services, and print materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in programs or attending public meetings. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

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4. Include language on meeting notices which informs the public about the wheelchair accessibility of the meeting site of Design Review public meetings. *Priority #1*

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5. With regard to the documents available online, add to the CoBWEB statement, "If you are unable to access this information online, please contact us via email, telephone, or TDD," the following, "so that we can provide the document in an alternate format." *Priority #1*

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6. Provide staff with training in disability awareness, ADA compliance, and techniques of equally effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a component on disability as part of the Citywide Training Core Course in Customer Service, as well as a Focus Course in serving customers with disabilities. *Priority #1*

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7. Train all staff who have telephone contact with the public in how to use the California Relay Service. *Priority #1*

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## **PLANNING AND DEVELOPMENT DEPARTMENT**

### How the self-evaluation was conducted

Wendy Cosin, Deputy Director of the Planning and Development Department, completed the ADA self-evaluation staff questionnaire in September 2003. She also submitted a copy of the Planning and Development Department's *Emergency Action Plan* to the consultants for their review. Follow up e-mail correspondence took place between the consultants and Ms. Cosin throughout October 2003.

The consultants also visited the Permit Center and its conference room in October 2003. During this visit, they obtained an extensive sample of permit applications of all types, posted meeting notices, agendas and summaries for the Landmarks Preservation Commission, the Zoning Adjustments Board, the Design Review Committee, the Community Environmental Advisory Commission, and the West Berkeley Project Area Committee, as well as the Department's posted "Communications Access Policy," and a brochure, "Guide to Hiring a Contractor: Contractor Hiring Tips," all of which were subsequently reviewed.

In addition, the consultants reviewed many of the Planning and Development Department's web pages available on CoBWEB, including the Department's home page and its "Frequently Asked Questions" pages, the Land Use Planning Division, Redevelopment Division and Building and Safety Division web pages, the Permit Service Center web page, and the "Online Service Center: Forms, Permits and Licenses" web page.

### Findings

The Planning and Development Department provides a broad array of services to the public through the activities of its Land Use Planning, Building and Safety, Redevelopment, and Toxics Management Divisions, and its Permit Service Center. These services range from issuing many types of permits and reviewing building plans to inspecting buildings, regulating hazardous materials, reviewing development projects, enforcing zoning regulations, and planning, financing and constructing capital projects.

Members of the public may call, visit or e-mail the Department's Permit Service Center to apply for and obtain building, construction parking,

electrical, fire prevention, mechanical and plumbing permits, plan revisions, zoning certificates, and to submit complaints and requests for services, such as building inspections. Many of the permit applications and other forms are also downloadable in .pdf format from the Online Service Center's "Forms, Permits and Licenses" CoBWEB page. In addition, the Department sponsors the public meetings of the City's Planning Commission, Zoning Adjustments Board, Landmarks Preservation Commission, Project Area Commission, Community Environmental Advisory Commission, and Design Review Committee.

Per staff questionnaire responses, there are no eligibility criteria for the services that the Planning and Development Department provides to the public, and no individuals with disabilities have ever been denied services. No questions about disability are asked on any applications for permits or other services. No separate programs for people with disabilities are offered by the Department.

Staff post a "Communications Access Policy" notice on Permit Service Center bulletin boards which informs members of the public with disabilities to "Please let staff know if you need: agendas or other written material in large print, Braille, on cassette, or other alternative formats; auxiliary aids and services, such as sign language interpreters or reader services; and assistance with filling out applications." This notice also informs people with disabilities that there is a Departmental procedure by which they may file a grievance with the Planning Director if they believe they have been subjected to discrimination on the basis of disability. However, contact information for reaching the Planning Director, such as a telephone or TTY number, or e-mail address, is not included on the notice.

Per staff questionnaire responses, staff members have provided assistance with filling out applications and assistance with file review to people with disabilities. They have also provided forms in large print. Print materials in other alternate formats have not been provided. Because posted Departmental policy clearly states that these formats are made available on request, the consultants concluded that members of the public have not asked for them.

However, although the posted "Communications Access Policy" notice is in very large print, members of the public who cannot read large print because of more severe vision disabilities, learning disabilities, or other disabilities would not be able to access this information. Therefore, it is appropriate for staff to also inform the public verbally, either in person or over the telephone, about the availability of print materials in alternate formats.

The Department's CoBWEB pages which were reviewed by the consultants were generally found to be easy to use. One problem area for some users of screen reader technology may lie in the fact that the Department's downloadable applications and forms, which are accessed via Online Service Center CoBWEB pages, are only available in .pdf format. However, the Online Service Center's "Forms, Permits and Licenses" CoBWEB page contains the printed announcement, "If you cannot view or print these documents, please contact us via email ([webmanager@ci.berkeley.ca.us](mailto:webmanager@ci.berkeley.ca.us)), telephone (510) 981-CITY (2489) or TDD (510) 981-6903." Thus, there is an advertised means available for requesting assistance with accessing these forms. It would be helpful to also include the telephone and TTY numbers for the Department's Permit Service Center in this announcement, and to specify in the announcement that forms in alternate accessible formats will be provided on request.

Guide dogs and other service animals are permitted to accompany individuals with disabilities into Department facilities.

The Department charges a variety of fees for permits and for some of the other services it provides, but it does not impose any surcharges for disability related accommodations. It does not issue any licenses or certifications to members of the public.

As noted above, the Department sponsors a large number of public meetings of City Boards and Commissions. Review of the sample of posted notices for these meetings indicated that they all included information about the accessibility of the meeting sites, and about how people with disabilities planning to attend the meetings can request auxiliary aids and services. This information was consistently included on meeting notices, and was exemplary for its completeness.

It was notable that the indicated contact person for requesting auxiliary aids and services for meetings was often a staff member within the Planning and Development Department, and not always the City Clerk, except in the cases of Design Review Committee and the Project Area Committee meetings. One example of this is the listed contact person for the Landmarks Preservation Commission, who is the Commission's Secretary. Having a Department staff member, or a Commission's Secretary, listed as the initial contact person for requesting auxiliary aids and services is more functionally appropriate than involving the City Clerk's Office, which does not currently have the capability to fully address these requests.

Please refer to "Equally Effective Communication," in the *Citywide Findings and Recommendations* section of this report, for a discussion of the recommendation that Citywide procedures for requesting auxiliary aids and services be updated to incorporate oversight of the process by the City's ADA Compliance Coordinator.

In addition, unless meeting notices are posted more than five days in advance of public meetings, people with disabilities will not have adequate time to request the auxiliary aids and services that they need, and still comply with the requirement that staff be given five days' notice of their request. This problem is discussed in more detail in "Equally Effective Communication," in the *Citywide Findings and Recommendations* section of this report.

The Department does not show films or videos to the public. People with disabilities are not portrayed in any materials which it distributes to the public.

The Department has its own text telephone (TTY/TDD). Staff are familiar with its use, and with how to use the California Relay Service to communicate by telephone with people who are Deaf or hard of hearing, or who have speech disabilities. When the consultants tested the Department's TTY line, it rang without being answered, and no outgoing message was provided.

The Department's TTY number is posted on its CoBWEB pages, but is not included on all public meeting announcements, or on the brochure "Guide to Hiring a Contractor: Contractor Hiring Tips," which the consultants reviewed.

For some public meeting announcements, the TTY number listed for requesting auxiliary aids and services is that of the City's Disability Compliance Program; for other public meeting announcements it is the TTY number for the City Clerk's Office. This public meeting contact information for requesting auxiliary aids and services needs to be consolidated and clarified, and the correct TTY numbers need to be consistently posted.

Per staff questionnaire responses, at least one staff member has received some training in disability awareness and ADA compliance, but staff have not received training in techniques of equally effective communication with people with disabilities.

Staff members assist with the emergency evacuation of facilities. According to staff ADA questionnaire responses, the Department has designated floor monitors who would provide assistance to people with disabilities as needed.

The Department's *Emergency Action Plan* was also reviewed by the consultants. Ms. Cosin indicated that this plan was in the process of being updated at the time of the self-evaluation. The version of the *Emergency Action Plan* which the consultants reviewed specifically stated that persons with disabilities would be assisted in evacuations occasioned by various types emergencies, but did not provide clear and specific instructions as to how people with disabilities were to be assisted.

An area of particular interest to the consultants is plan checking policies and procedures for ensuring that new construction and alterations undertaken by the City of Berkeley meet the requirements of both the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Title 24 of the California Code of Regulations. The staff questionnaire response concerning the Planning and Development Department's plan checking policies and procedures was as follows.

"With regard to ADA compliance on City building, the Building and Safety Division [of the Planning and Development Department is] not legally mandated for enforcing ADA requirements on City owned or any buildings that go through the permit process. We are responsible for enforcing Title 24 disabled access regulations in conjunction with remodeling and new construction. The physical requirements, such as accessible entrances, restrooms and path of travel, of each law are very similar. Through plan check and inspection procedures, we assure that Title 24 regulations are enforced. [The Department of] Public Works Capital Projects Division is responsible for assuring that City facilities comply with ADA."

A discussion of the plan checking procedures followed by Paul Church, Disability Services Specialist, who conducts plan checking in the City's Public Works Department for the purpose of ensuring compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), is contained in the *Disability Compliance Program* section of this report.

Briefly, Mr. Church reviews plans for any new construction and alterations undertaken by the City at both the inception of these projects and at the halfway point of their completion, in order to ascertain whether they are in conformance with ADAAG standards. If they are found not to be in conformance, Mr. Church advocates for any necessary changes to ensure ADAAG compliance.

The City of Berkeley leases the building in which the Department of Planning and Development's Offices are located. Maintenance procedures for the

Department's facilities consist of periodic review of this building, in which the Permit Service Center and Conference Room are also located, by the Department's Safety Monitor. Additionally, staff responded on the ADA self-evaluation questionnaire that, "We are in a leased facility; if there is a problem, we have it fixed."

The Department does not provide any of its services in inaccessible locations. It does not offer transportation services to the public, and does not sponsor any public special events. It does not use contractors to provide any of its services.

### Recommendations

1. Provide contact information for the Planning Director on the grievance procedure portion of the "Communications Access Policy" notice that is posted on the Permit Service Center's bulletin boards. *Priority #1*

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2. Ensure that staff verbally inform members of the public with disabilities, whether over the telephone or in person at the Permit Service Center, staff assistance and print materials in alternate formats are available on request. *Priority #1*

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3. Add Planning and Development Department contact information to all CoBWEB pages from which the Department's applications and forms can be read and downloaded. Specify that these documents are available in alternate formats on request if persons with disabilities are unable to read, download or print them in .pdf format. Consider making them available on CoBWEB in HTML format, if this is feasible. *Priority #2*

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4. Ensure that appropriate staff members are designated on meeting notices as contact persons for requesting auxiliary aids and services or other disability related accommodations at those public meetings which the Department sponsors. *Priority #1*

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1. Ensure that the Department's TTY line is working properly, and that an appropriate outgoing TTY message is provided on the TTY line. *Priority #1*

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2. List the Department's telephone and TTY numbers on meeting notices, as applicable. *Priority #1*

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3. Print the Department's TTY number on all flyers, notices, brochures, applications and forms which are distributed to the public. *Priority #1*

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1. Post public meeting notices more than five days in advance of meeting dates, to ensure that people with disabilities will have adequate time to request any needed auxiliary aids and services at the meetings. Alternatively, if it is possible, shorten the posted request time for auxiliary aids and services to conform to the time frame in which meeting notices are routinely posted. *Priority #1*

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2. Provide staff with additional training in effective communication with people with disabilities. Don Brown, Disability Services Specialist, offers a Citywide Training Focus Course in serving customers with disabilities. *Priority #2*

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3. Ensure that specific information concerning how to assist people with mobility, vision, hearing, learning and cognitive disabilities in emergency evacuations is developed and included in the updated version of the Department's *Emergency Action Plan*. *Priority #1*

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## **POLICE DEPARTMENT**

### How the self-evaluation was conducted

Captain Bobby Miller, ADA Coordinator for the Berkeley Police Department, requested that the consultants provide his staff with an orientation to the self-evaluation process that would be specific to police activities. This orientation session was held for sixteen staff members in August, 2003. Lieutenant Sherrie Aldinger, who had just completed the Berkeley Police Department Written Directives Revision Project, which included the consolidation and updating of Police Department written policies and procedures, submitted the ADA Title II self-evaluation staff questionnaire in late September, 2003. She also provided the consultants with detailed, thorough and comprehensive supplementary written materials at that time.

These materials included, but were not limited to: the Police Department's Americans with Disabilities Act compliance policy (BPD General Order T-19); its equal employment, sexual harassment and nondiscrimination policies and procedures; its policy concerning the admission of service animals into facilities and permissible inquiries regarding service animals (BPD Training and Information Bulletin 278); several Training Bulletins and Berkeley Police Department directives dealing with appropriate procedures for working with individuals with various disabilities; the Department's Training Policy (BPD General Order T-7); the disability awareness and ADA training curriculum that is provided to all officers by the California Commission on Peace Officer Standards and Training; procedures for the recognition and response to seizures (BPD Training and Information Bulletin 251); procedures for the apprehension of people with mental health disabilities and people addicted to drugs (BPD General Order I-16); interviewing and interrogation procedures (BPD General Order I-18); and procedures for the handcuffing and transportation of detainees (BPD General Orders H-6 and T-2).

Also provided and reviewed were: the Department's Jail Regulations and Jail Manual; its Fire and Life Safety Regulations and Jail medical procedures; the emergency evacuation procedures for the Public Safety Building and for the Jail; a wide variety of forms used for police reports, requesting the release of vehicles, and booking and other Jail procedures; and forms used by Jail staff for the observation of detainees who are in Detox Cells, in Safety Cells, or who are otherwise at medical risk.

The consultants also examined the application forms, flyers and brochures for the Citizen's Academy and the Volunteers in Police Services (VIPS) program;



the Curriculum for the Citizen's Academy; citizen complaint forms; the "Berkeley Police Complaint Information" brochure and complaint form; and flyers, brochures and sample letters from Police Department Area Coordinators concerning the Neighborhood Watch and Kid Print programs. Many of the pages on the Berkeley Police Department's Website were reviewed as well. Follow-up discussions and e-mail correspondence with Lieutenant Aldinger took place from October, 2003 through February, 2004.

A tour of the Public Safety Building and Jail by the consultants was held with the assistance of Jail Operations Sergeant Joe Sanchez in late February, 2004. Additional self-evaluation questions were answered by Sergeant Sanchez and Lieutenant Aldinger at that time. A follow-up telephone interview in early June, 2004 with Rich Wolfman, Volunteer Coordinator for the Police Department's Community Services Bureau, provided the consultants with additional information about the Volunteers in Police Services (VIPS) program.

### Findings

The Berkeley Police Department is to be commended for the thoroughness and sensitivity of its policy development efforts in the area of ADA Title II compliance. The Department has many detailed and generally comprehensive written policies and procedures which address nondiscrimination, disability awareness in situations specific to police work, staff training concerning a great many types of disabilities, provision of auxiliary aids and services to afford equally effective communication for persons with disabilities, accessibility of facilities and transportation, and procedures for safeguarding the rights, health and safety of detainees who have, or may have, disabilities.

The Department provides services to the public through the Office of the Chief and the activities of its four divisions: Administration, Patrol, Field Support, and Support Services. Several bureaus in each of these divisions, for example the Traffic Bureau and the Community Services Bureau, also provide services to, and have extensive contact with, members of the public.

Among the responsibilities of the Office of the Chief is the investigation of citizen complaints. The Department has its own complaint procedures and forms, but it additionally uses the City's ADA grievance procedure in cases of perceived disability discrimination.

The Administrative Division includes the Personnel and Training Bureau, which provides both initial and ongoing training to Department employees. This Division also oversees policies and procedures for the Department.

The Patrol Division provides police services directly to the public through the activities of Patrol Teams throughout the City of Berkeley, at the Berkeley Marina, in City parks, and on waterways. Officers patrol on foot, on motorcycles, in squad cars, and via a Bike Patrol. At the Marina, the Division also operates a patrol boat. In addition, it includes special teams and units such as the Barricaded Subject Hostage Negotiation Team, the Crowd Control Team, and the Bomb Unit. There is also a unit of Reserve Officers who provide additional support to the Department.

The Field Support Division includes the Traffic Bureau and its Motor Officers, Parking Enforcement Representatives, and Crossing Guards.

The Community Services Bureau, which is in this Division, provides community based services through the activities of Police Department Area Coordinators, Public Information Officers, the Volunteers in Police Services (VIPS) program, the Citizens' Academy, Vacation Watch, Neighborhood Watch, and other community based crime prevention programs. The Community Services Bureau also loans crime prevention videotapes to City of Berkeley residents and businesses free of charge. However, not all of these videotapes are captioned for accessibility to people who are Deaf or hard of hearing.

The Field Support Division also develops and maintains the Berkeley Police Department Website, and provides a variety of support services directly to police, such as crime analysis and chaplain services.

The Police Department Website, which can be reached on CoBWEB, contains a rich variety of resources and crime prevention information for members of the public. Some of this information is available in the form of downloadable brochures, which are often in .pdf format. On its "Publications, Brochures and Information" web page, the Department includes the following announcement, "If you are unable to access this information online, please participate by contacting us via e-mail (policewebmaster), or by phone (510) 981-5808, or TDD (510) 981-5799."

The Support Services Division maintains police records and operates the Department's Public Counter, at which members of the public may request copies of letters, police reports, and other documents, initiate requests for restraining and protective orders, and request the release of vehicles that have been impounded. The Division also operates the Jail, provides oversight of the Public Safety Building, maintains all Police Department computer equipment, serves warrants, maintains liaison with the District Attorney, and

operates the Court Optional Program, which allows citizens with warrants to arrange court dates and avoid incarceration.

In addition, the Division includes a Detective Bureau which has several specialized units for crime investigation: the Crime Scene Unit, Homicide Detail, Robbery Detail, Property Crimes Detail, Sex Crimes Detail, Youth Services Detail, and Domestic Violence Prevention Unit. The Domestic Violence Prevention Unit works via contract with the Family Violence Law Center, a non-profit community based agency, to conduct community outreach activities and provide support to victims of domestic violence. The Youth Services Detail, Sex Crimes Detail, Homicide Detail, Robbery Detail and Property Crimes Detail also periodically conduct community outreach activities.

For example, "Kid Print Days" are frequently organized with the assistance of Police Department Area Coordinators and interested community members. At these events, concerned parents have their children's fingerprints and photographs taken and stored by the Berkeley Police Department as a precaution in case a child becomes lost or missing.

The Public Safety Communications Center, which is in the Support Services Division, handles incoming telephone calls for both the Berkeley Police Department and the Fire Department. Emergency 911 calls from a text telephone (TTY/TDD) user are directly responded to via TTY through this Center. In addition, a non-emergency TTY number, (510) 981-5799, is maintained in the Center for both departments, so that callers requesting information or services of a non-emergency nature from the Police and Fire Departments can communicate directly with staff via TTY. The consultants tested this TTY number, and found that it was promptly and appropriately responded to by staff.

However, although the number is listed on most Police Department letterhead, on the Berkeley Police Department's Website, and on many other print materials, in a few cases the TTY number for the City Clerk's Office, or an even older TTY number, was listed instead. The TTY number was sometimes missing entirely. These instances were primarily, but not exclusively, noted on older program brochures. In any case, the Communications Center non-emergency TTY number should be listed consistently on all print and electronic informational materials provided to the public.

The Berkeley Police Department works extremely closely with Berkeley Mental Health's Mobile Crisis Team in responding to emergencies and other police situations involving people with mental health disabilities. The Mental Health

Crisis Team is on call to respond to these situations at Police request. It also is called in to assess the mental status of, and degree of suicide risk for, detainees who may be exhibiting highly stressed, violent, or suicidal behavior.

With the exception of its volunteer programs, most of the Berkeley Police Department's programs, activities and services do not have eligibility criteria, except where these criteria are an essential to the nature of the program, such as the "Kid Print" program, in which parents request that their children's fingerprints and photographs be kept on file in case of emergency. This program is, by its very nature, for parents and children who reside in Berkeley. Similarly, the Neighborhood Watch Program is for residents of specific Berkeley neighborhoods who are concerned about crime prevention in the areas in which they live.

The Volunteers in Police Services (VIPS) program and the Police Department's Citizen's Academy have as their only criteria that participants be over eighteen years of age and have no serious criminal history. The application forms for the VIPS program and Citizen's Academy were reviewed by the consultants and found to contain no questions about disability, and no eligibility criteria that would intentionally or unintentionally screen out applicants with disabilities. For example, although a few specific volunteer assignments may require applicants to have a valid California Driver's License, many others do not.

From the consultants' review of an extremely comprehensive array of Berkeley Police Department documents, it appeared that the only inquiries about disability that are standard in Police Department procedures are certain Jail intake questions used to determine any disability related needs of detainees. Jail policies and procedures were carefully reviewed, and were found to contain extensive safeguards pertaining to the rights, health and safety of detainees with disabilities.

There are no separate programs for individuals with disabilities, and people with disabilities have not been denied the opportunity to receive police services or participate in Berkeley Police Department activities.

The Department's "Americans with Disability Act" policy (Berkeley Police Department General Order T-19, issued January 10, 2000) is quite comprehensive. It designates an ADA service coordinator for the Department, reviews ADA related complaint procedures, and commits staff to provide auxiliary aids and services and other disability related accommodations in order to ensure access to quality services by people with disabilities. It sets forth guidelines for

responding to requests for accommodations, and presents an overview of various types of disabilities, so that staff will be familiar with how to respond appropriately in a variety of situations concerning people with disabilities.

As only one example, instructions for identifying oneself verbally to a person with a vision disability and guidelines for escorting people with vision disabilities are included in the "Visual Disabilities" section of the policy. Similarly specific information is provided for mental, emotional and psychiatric disabilities, cognitive disabilities, mobility disabilities, speech and hearing disabilities, and hidden disabilities.

Further information and guidance concerning interactions with people with disabilities at various stages of policing, and the incarceration process, is provided to staff through: additional Police Department Training and Information Bulletins; supplementary staff training courses on topics such as elder abuse; and the California Commission on Peace Officer Standards and Training (POST) *Basic Course Workbook, Learning Domain 37: Persons with Disabilities, Version One* (1999), which is included as part of POST's Basic Police Academy training.

The Department has provided some of its printed materials in large print on request, and staff have assisted persons with disabilities to read and complete forms. Staff at the Public Safety Building's public counter have communicated with persons who are Deaf by means of writing notes. Qualified interpreters have also been provided, and in one instance, an assistive listening device was furnished at a tow hearing for an individual who was hard of hearing. The Department does not impose any surcharges for any actions taken to comply with the ADA, including the provision of disability related accommodations.

However, the public is not notified on the Police Department's brochures, flyers, public meeting announcements, or web pages that auxiliary aids and services are available if requested by people with disabilities. Furthermore, no instructions or contact information for requesting auxiliary aids and services are provided on Department brochures, flyers, meeting announcements or web pages. The sole exception to this finding is the instructions that are provided online for requesting brochures and other information in alternate formats from the Department's "Publications, Brochures and Information" web page. Furthermore, although the public meetings that the Department sponsors are generally held at accessible locations, information concerning the accessibility of the meeting site is not included on meeting announcements and flyers.

The Department has a detailed service animal policy, which permits service animals to accompany individuals with disabilities into program facilities and specifies the narrow scope of inquiries which Police personnel may make concerning whether the animal is actually providing services for the person it accompanies. In general, this policy states that service animals must be allowed to accompany persons with disabilities into Police facilities.

However, procedures have not yet been developed concerning the care, feeding and exercise of those service animals belonging to Jail detainees. At the time of the writing of this report, the Police Department was in the process of developing a policy and procedure concerning the care of these animals, who would ordinarily be admitted into the Jail at the time their owners are detained. It is recommended that Police Department staff closely consult with staff of the City Attorney's Office and with the City's ADA Compliance Coordinator in the development of this policy and procedure.

The Department does provide some licenses and certificates to members of the public. Qualified individuals with disabilities are not denied the opportunity to obtain these licenses and certificates.

Except for the many services which are provided onsite directly in the community, the Berkeley Police Department's programs, activities and services are located at the City's Public Safety Building at 2100 Martin Luther King, Jr. Way, and at the Traffic Bureau Parking Enforcement Office (the "Traffic Substation"), at 3140 Martin Luther King, Jr. Way.

During the time the self-evaluation was conducted, the Traffic Substation appeared to have barriers to physical accessibility. Per information provided to the consultants in follow-up interviews with Police Department staff, members of the public do visit the facility for assistance with installing children's car seats in their vehicles, and to request retrieval of vehicles that have been towed. Accordingly, the facility should be surveyed to identify architectural barriers to accessibility as part of the development of the City of Berkeley's transition plan.

The Public Safety Building, and the Jail facility, which is located in this building, have many accessibility features such as accessible entrances, exits, restrooms, elevators, and cells. The Police Department has regular maintenance procedures for the accessible features of these facilities.

As part of the self-evaluation, the "Emergency Action Plan" for the Public Safety Building, the emergency evacuation procedures for the Jail and the

Police Department document, "Evacuations: Standard Operating Procedures" were reviewed. The evacuation procedures for the Jail included detailed instructions for assisting detainees with disabilities. The "Public Safety Building Emergency Action Plan" and the Department's "Evacuations: Standard Operating Procedures" document did not contain instructions for assisting persons with disabilities that were as complete as the Jail procedures. However, from staff ADA questionnaire responses, it was implied that staff who were using the standard operating procedures for evacuations would also be referring to the Department's "Americans with Disability Act" policy (General Order T-19), which contains detailed information for providing assistance to people with various disabilities.

The Department should consider adding more detailed information concerning assisting people with disabilities to its standard operating procedures for evacuations. At minimum, information concerning providing assistance to people with vision, cognitive, mental, emotional or psychiatric disabilities and hidden disabilities should be added to these procedures. Alternatively, the Department could take steps to ensure that staff also refer to its "Americans with Disability Act" policy when utilizing the standard operating procedures for evacuations.

The Police Department is often required to provide transportation to members of the public. It maintains accessible vehicles, which are sent for in cases where accessible transportation is needed.

Though the Berkeley Police Department sponsors many public meetings, from the self-evaluation data it was unclear whether the Department sponsors any public special events. A Citywide special events policy, containing guidelines and an accessibility checklist, is currently under review by the City manager. In the Citywide Findings and Recommendations section of this report, it is recommended that this policy be adopted. Upon its adoption, the Department should utilize it to ensure the accessibility of any public special events it may sponsor in the future.

The Police Department maintains an agreement for providing sign language interpreters with "Hands On," a community agency which offers sign language interpreter services. Sign language interpreters are requested by the Department from "Hands On" via a purchase order process. In addition, one officer who is employed by the Police Department is familiar with American Sign Language (ASL) and can facilitate some ASL communication with Deaf persons.

However, this is not equivalent to utilizing the services of a qualified interpreter. In the course of the self-evaluation process, one community

provider of support services for Deaf persons informed the consultants that some of his constituents have had to wait an inordinate amount of time to obtain the services of a qualified interpreter in police situations. Accordingly, Police Department staff should make every effort to obtain interpreter services as expeditiously as possible when Deaf individuals have need of them.

The Department uses only one other contractor to provide services to the public, the Family Violence Law Center, which offers outreach services in cases of domestic violence. Per ADA self-evaluation staff questionnaire responses, the language of this contract contains "ADA requirements and nondiscrimination clauses," the contractor has been informed of the responsibility to comply with the ADA, and the contract is renewed annually.

One of the Citywide recommendations contained in this report is that more detailed, standard contract monitoring procedures be developed for all City departments. It is recommended that these procedures contain a checklist for monitoring the physical and communication accessibility of the services provided by contractors. Once these Citywide procedures are developed, it will be helpful for the Police Department to use them in monitoring the ADA compliance of the Family Violence Law Center and any other future contractors.

### Recommendations

1. Post public notices concerning the City of Berkeley's compliance with the ADA at all Police Department facilities. *Priority #1*

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2. Consult closely with staff of the City Attorney's Office and with the City's ADA Compliance Coordinator in the development of policies and procedures for the care of service animals belonging to detainees who are in custody. *Priority #1*

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3. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on program brochures and flyers, program CoBWEB pages, and public meeting announcements. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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4. Ensure that the Department's non-emergency TTY number, (510) 981-5799, is consistently listed on Department letterhead, program brochures

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and all other print and electronic informational materials provided to the public, and on public meeting announcements. *Priority #1*

5. Ascertain whether captioned copies of videos which are currently loaned or shown to the public are available. Whenever possible, obtain captioned copies of these videos, or alternative videos which are captioned, to loan or show to the public. *Priority #2*

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6. When they are requested, provide sign language interpreting services as expeditiously as possible. *Priority #1*

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7. When fiscal constraints ease, consider hiring a qualified sign language interpreter for employment in police, legal and emergency rescue situations. *Priority #3*

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8. Include language on Department sponsored public meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

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9. Add more specific instructions concerning providing assistance to persons with vision, cognitive, mental, emotional or psychiatric, and hidden disabilities to the Department's "Evacuations: Standard Operating Procedures" document. Alternatively, ensure that staff carefully review the specific disability related information provided in the Departments "Americans with Disability Act" policy (General Order T-19) in conjunction with the standard operating procedures for evacuations. *Priority #1*

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10. Conduct an accessibility review of the Berkeley Police Department's Traffic Bureau Parking Enforcement Office (currently located at 3140 Martin Luther King, Jr. Way). *Priority #1*

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11. Utilize Citywide procedures and guidelines regarding the accessibility of future special events. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure. *Priority #1*

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12. Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## **POLICE REVIEW COMMISSION**

### How the self-evaluation was conducted

Barbara Attard, Police Review Commission Officer, who is also Secretary to the Commission, completed the staff ADA self-evaluation questionnaire in March 2004. The Commission's brochure was obtained by the consultants during their tour of the City of Berkeley's Public Safety Building in February 2004.

Various CoBWEB pages for the Police Review Commission were reviewed, including its home page, "Introduction," "The Police Review Commission Mandate," "Policy Development," "Regulations for Handling Complaints Against Members of the Police Department," and "Agendas and Minutes" pages. In addition, the Commission's complaint filing instructions, a Police Review Commission Complaint Form, and the *Police Review Commission 2002 Statistical Report*, were all obtained from CoBWEB and reviewed by the consultants in March 2004.

### Findings

The Berkeley Police Review Commission is an independent civilian commission, staffed by civilian investigators, that was created by Berkeley voters in 1973 to investigate complaints of misconduct against Berkeley police officers. In addition to receiving and investigating complaints, the Commission oversees policy with the goal of ensuring that police policies and practices reflect the needs of the community. It also provides an avenue for community participation in setting and reviewing police policies and practices.

The Commission meets twice per month at, alternately, the North Berkeley and South Berkeley Senior Centers. In addition, investigations of complaints conclude with either a public hearing by a Commission Board of Inquiry or a mediation session. Special public hearings are also held in response any police policy issues raised by a petition of fifty or more Berkeley residents. Hearings take place at the West Berkeley Senior Center. Meeting minutes and agendas are posted on CoBWEB in both HTML and .pdf formats.

The Commission also conducts public outreach presentations upon request at schools, in community meetings, and in places of public worship.

Members of the community may serve on the Police Review Commission in two-year terms. Information about Commission vacancies is available via the

Commission's "Commission Vacancies" CoBWEB page. There are no eligibility criteria established by the Commission or questions about disability asked on complaint or application forms. People with disabilities may participate on an equal basis with others in Commission activities, and there are no separate programs or services offered for persons with disabilities.

Complaint procedures are described to the public via Commission brochures and CoBWEB pages. These include instructions for filing a complaint, and downloadable complaint forms in .pdf format. Complaint forms can also be obtained from the Commission by mail, or in person from the Commission's office at 1947 Center Street.

No surcharges are imposed for any disability related accommodations which are provided. Per the ADA staff questionnaire response, "The City requires that guide dogs be allowed to all functions."

The Commission does not post any notices concerning the City of Berkeley's compliance with the ADA or contact information for its Disability Compliance Program in its office. However, the Commission does utilize the City of Berkeley grievance procedure by which members of the public may report cases of perceived disability discrimination.

Commission brochures, flyers and forms have not yet been made available to the public in alternate formats such as Braille, large print, audio tape or computer disk, and the Commission does not have a policy or procedure for doing so. However, staff members do offer assistance with reading and completing forms, and sign language interpreter services have been provided for a Deaf complainant at Commission meetings.

Meeting agendas contain information about requesting auxiliary aids and services to ensure effective communication for people with disabilities attending the meetings. However, the agendas do not contain any information regarding the accessibility of Commission meeting locations. The contact point listed for requesting auxiliary aids and services for the Commission's meetings is the City Clerk's Office. Please refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report for the recommendation that this contact point be changed to incorporate oversight by the City's ADA Compliance Coordinator on a Citywide basis.

The Commission's brochure and other forms do not contain information about the accessibility of Commission meeting or hearing locations, or any information or instructions for requesting auxiliary aids and services.

The Commission does not show films or videos to the public. People with disabilities have not been portrayed in any of the materials which it disseminates to the public.

The Commission does not have its own text telephone (TTY/TDD). However, the City Clerk's Office TTY number is listed on Commission brochures, forms and CoBWEB pages, and staff are familiar with TTY use. Staff members also have been trained in how to use the California Relay Service to communicate with persons who have speech and hearing disabilities.

Staff have received training in techniques of effective communication with people with disabilities, but have not had disability awareness or ADA compliance training. Staff members do not assist with the emergency evacuation of facilities.

Per the ADA staff questionnaire response concerning maintenance of accessible features of the Commission's facilities, "The City ensures that systems are in good working order and has a policy of ensuring that spaces have accessible paths."

The Commission does not provide any transportation services to the public, sponsor any public special events, or use any contractors to provide any of its services.

### Recommendations

1. Post a public notice concerning the City of Berkeley's compliance with the ADA and providing contact information for the City's Disability Compliance Program at the Police Review Commission's office. *Priority #1*

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2. Consistently provide auxiliary aids and services, and printed materials in alternate formats, when needed to afford equally effective communication for individuals with disabilities who are participating in Commission meetings, hearings and other public activities. Refer to "Equally Effective Communication" in the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for auxiliary aids and services, and other disability related accommodations. *Priority #1*

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3. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening

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devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new Commission literature that is produced. *Priority #1*

4. Include language on all Commission meeting and hearing notices which informs the public about the accessibility of the meeting site. *Priority #1*

5. Provide staff with additional training in disability awareness and ADA compliance. Don Brown, Disability Services Specialist, offers a Citywide Training Focus Course in serving customers with disabilities. *Priority #1*

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## **PUBLIC WORKS DEPARTMENT**

### How the self-evaluation was conducted

Numerous Public Works Department staff contributed information about the programs, activities, and services offered to the public during the course of the ADA self-evaluation.

ADA self-evaluation questionnaires were completed by the following staff members. Beverly Small, Senior Management Analyst, responded for Corporation Yard Customer and Budget Services. Jeff Egeberg, Manager of Engineering, completed a questionnaire for the Engineering Division. Sherman Jackson, Public Works Maintenance Superintendent, reported for the Streets and Utilities Division. Thomas Farrell, Manager of Solid Waste and Recycling, responded for the Solid Waste Management Division. John Rosenbrock, Facilities Manager and Paul Church, Disability Services Specialist, supplied the data for the Facilities Division. These five questionnaires were delivered to the consultants between August and December 2003.

Additional e-mail correspondence and telephone interviews were conducted with Patrick Keilch, Deputy Director of the Public Works Department; Kenneth Emeziem, Supervising Civil Engineer, Engineering Division; Stan Norton, Facilities Maintenance Superintendent, Facilities Division; and Bill Foley, Property Management, Facilities Division. Throughout the entire self-evaluation, the consultants had extensive conversations with Paul Church.

In December 2003, a site visit was made to the Corporation Yard at 1326 Alston Way, and a follow-up interview was conducted with Beverly Small.

All these Public Works Department staff, but especially Paul Church and Beverly Small, graciously contributed information and assistance to the consultants during the course of the self-evaluation.

The consultants also reviewed a generous sample of information and literature which is made available to the public in both print format and via CoBWEB.

### Findings

The Public Works Department is responsible for the maintenance of the City's streets, streetlights, sewers, storm drains, sidewalks and pathways, as well as the maintenance of hundreds of City vehicles and pieces of equipment, and numerous

public buildings. Department staff manage and coordinate projects and contracts pertaining to the construction and improvement of City facilities, sanitary sewers, storm drain sewers, streets and sidewalks, and underground utilities. The Department is also responsible for solid waste management. In addition, one of the City's two Disability Services Specialists works within the Public Works Administration Division of the Department.

There are numerous opportunities for members of the public to have contact with the Department when utilizing the following programs and services of Public Works.

The Public Works Customer Service Office staff receive service requests regarding the cleaning and repair of sewer and storm drain systems, streets and sidewalks, street lights, City buildings and facilities, and illegal dumped materials. Most of the contact is made by telephone or e-mail. The City's Corporation Yard also provides City residents with storm sandbags, and barricades for neighborhood block parties.

The Solid Waste Management Division provides curbside refuse and recycling collection services, plant debris collection, special seasonal pickups, and a dumpster service. Residents also can dispose of trash and recycle at the City's Transfer Station. In addition, the Solid Waste Division offers public education: community members can receive both telephone and written information regarding solid waste from Division staff.

Programs and services of the Streets and Utilities Division include street sweeping on all public thoroughfares in the City, leaf removal, sidewalk sweeping and cleaning, litter can collection, illegal dumping pickup, and graffiti abatement and illegal sign removal, street and sidewalk repair, and sewer and storm drain maintenance.

Staff in the Engineering Services Division are responsible for program planning and management of the City's infrastructure systems such as: streets, sidewalks, storm and sanitary sewer lines. They provide general engineering services, inspection and information.

The Facilities Management Division oversees the planning, designing and managing of capital improvement contracts for City buildings and facilities. Providing an accessible environment in which the public can obtain City services is one of the Department's stated objectives for its building projects. This Division is also responsible for lease and sale of City-owned properties, and for the repairs and maintenance of a wide range of City-owned or leased structures.

The Disability Services Specialist within the Public Works Department is responsible for issues related to facilities accessibility, and serves as secretary to the City's Commission on Disability. The services offered by the Disability Services Specialist within the Department provide direct benefits to people with disabilities; but these services are not exclusively offered to people with disabilities. For a more detailed description of the responsibilities of the Disability Services Specialists in Public Works and the Office of Transportation refer to the *Disability Compliance Program* section of this report.

Per the questionnaire responses, none of the Public Works Department's numerous programs, activities or services described above have eligibility criteria that exclude people with disabilities. Persons with disabilities are given an equal opportunity to participate in and benefit from their programs and activities.

There are no questions about disability asked on any applications for Public Works programs and services except on the "Exemption Request Form" for elderly and disabled residents who apply for an exemption from curbside service backyard refuse collection. If the exemption is granted, garbage will be collected from the residents' yard, at no additional cost. The collection service is provided by Solid Waste Management refuse workers; but the request form is provided and processed by the Finance Customer Service Center.

The backyard refuse collection service, in which refuse workers provide assistance with rolling backyard refuse containers to the curbside, is one Public Works program which is offered specifically for people with disabilities and seniors. Though this service is only made available to residents who are either elderly or disabled, people with disabilities can choose to bring their refuse containers to the curb. The curbside exemption service is described in both the Department's brochure, "Your Solid Waste and Recycling Guide," and on CoBWEB. However, only in the brochure are people informed that they need to ask for an *Exemption* when setting up their refuse collection account with the Finance Customer Service Center.

Other Department programs which directly benefit people with disabilities are curb ramp installation, and sidewalk repair.

The sidewalk repair program, though not exclusively for people with disabilities, is critically important to ensuring equal access and opportunity. Inspections are conducted within 5 working days of receipt of sidewalk complaints. According to Kenneth Emeziem, Supervising Civil Engineer, the sidewalk repair work is



then performed between 24 hours and 10 months after the inspection is completed, depending on the severity of the damage and the repairs that are required.

No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA, including providing disability related accommodations.

The Public Works Department makes a generous amount of information and literature available to the public in both print format and via CoBWEB. This includes numerous CoBWEB pages describing the Departments programs and services, staff and services contact information, program brochures, fact sheets and flyers, information about bids and contracts, educational materials, and meeting notices and agendas.

Per the questionnaire responses, the Department has made print materials available in the following alternate formats upon request: in large print, Braille, and on computer disk. When print material in alternate format was requested, Disability Compliance Program staff often provided the requested format.

Public Works provides information on CoBWEB regarding current construction project opportunities, projects which are already bid, and those projects under construction. Also, Requests for Proposals are made available online. Some of these document are only offered in .pdf format, a format which presents an accessibility barrier for some screen reader users. CoBWEB users are advised " to obtain this information in an accessible format" by contacting the Department by telephone or TTY/TDD. The TTY number given is the TTY number in the City Clerk's Office.

The following auxiliary aids and services have been provided to people with disabilities: assistance with reading and completing forms, sign language interpreters, real time captioning, note takers, and assistive listening devices. Most auxiliary aids and services have been made available to people participating in Disability Compliance Programs' activities or when utilizing its services.

The Department provides staff support to three City Commissions: Public Works, Solid Waste Management, and the Commission on Disability. There is inconsistency regarding the access information that is included on meeting notices and agendas posted on CoBWEB. Of these three Commissions, only the Commission on Disability meeting notices and the agendas include information

about requesting auxiliary aids and services and the accessibility of the meeting location, as well as the request that attendees refrain from wearing scented products to public meetings.

Public Works sponsors other community meetings, such as meetings of the Underground Utilities Task Force, or a meeting that was held to discuss the demolition of a portion of the Facilities Maintenance Building at the City Corporation Yard. The announcement for the meeting at the Corporation Yard Assembly Building contained no information about requesting auxiliary aids and services, or about the accessibility of the meeting location.

With the exception of Commission meeting announcements and Disability Compliance Program information, Public Works brochures and CoBWEB pages do not contain notification of the City's compliance with the ADA or the availability of disability related accommodations and auxiliary aids and services.

Per self-evaluation questionnaire responses, some of the Department's Divisions and programs do show films or videos. Staff did not know if these were captioned for people who are Deaf or hard of hearing.

Department staff have frequent telephone contact with the public. Some program staff know how to use the California Relay. The Disability Services Specialist within the Department has a text telephone (TTY/TDD). This TTY number is listed on Disability Compliance Program print materials and its CoBWEB pages. However, all other Public Works Department CoBWEB pages list the City Clerk's Office TTY number, (510) 981-6903.

Some staff reported attending the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist within the Office of Transportation.

During the course of conducting the self-evaluation, concerns about the accessibility of City facilities were expressed by a number of community members who have asthma, multiple chemical sensitivities, environmental illnesses, allergies, and other respiratory impairments. Some City residents reported that buildings were inaccessible to them because of the cleaning products used by janitorial staff.

The consultants talked with Stan Norton, Facilities Maintenance Superintendent, about the buildings that Public Works maintains and to which it provides janitorial services. Other Departments, including Health and Human Services,

the Fire Department, and Parks, Recreation and Waterfront are responsible for janitorial services in some of their own facilities. The following information was provided by Mr. Norton about the cleaning products used by both Facilities Maintenance janitorial staff and contractors.

There are California State health and safety standards that the City is required to meet which provide some constraints on what tasks must be undertaken by maintenance staff. Mr. Norton has researched janitorial products extensively, reviewing chemical and safety findings reported in the *Material Safety Data Sheets*, and testing products that have the "Green Seal" logo. Facilities Maintenance staff have evaluated products from different companies, including Rochester Midland, Naturally Yours, Sierra Environmental, and S.C. Johnson.

Facilities Maintenance only uses products that are "green friendly." According to Mr. Norton, janitors are using only those products that Facilities Maintenance considers to be "most effective for their purpose as well as least offensive regarding the 'smell sensitivity' concern. They do not use ammonia, chlorine, fluorocarbons, products containing caustic chemicals, or restroom deodorizers.

At the time of the self-evaluation, products currently used include: Ivory hand soap, Glance Window Cleaner, Triad III Disinfectant, and Stride Citrus Neutral Cleaner. Facilities Maintenance staff will be evaluating furniture polishes and floor products in the future.

According to questionnaire responses, one special event that the Department sponsors is Public Works Week. No information about this event was provided to the consultants.

The Department utilizes contractors when, for example, undertaking construction and capital improvement projects, in the Clean City Program, in the operation of recycling centers. ADA requirements and nondiscrimination clauses are included in written contracts. According to questionnaire responses, "staff monitor for compliance," though how this ADA monitoring occurs was not specified.

### Recommendations

- 1. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures and flyers. Ensure that this notice is included in any new program literature that is produced. *Priority #1*

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2. Include language on all public meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

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3. On the CoBWEB page, "Refuse Collection Services," inform people that they apply for backyard collection by requesting an *Exemption* from the Finance Customer Service Center. *Priority #1*

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4. Train all staff who have telephone contact with the public in how to use the California Relay Service. *Priority #1*

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5. Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Monitoring ADA Compliance of City of Berkeley Contractors," in the *Citywide Findings and Recommendations* section of this report, regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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6. Provide information to City tenants regarding the ADA compliance obligations for public accommodations. Refer to "Other Citywide Issues: ADA Compliance of City of Berkeley Tenants" in the *Citywide Findings and Recommendations* section of this report. *Priority #3*

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7. Utilize Citywide procedures and guidelines regarding the accessibility of future special events. Refer to "Other Citywide Issues: Special Events Accessibility" in the *Citywide Findings and Recommendations* section of this report regarding the adoption and use of a proposed Citywide *Special Events Accessibility* policy and procedure. *Priority #1*

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## **RENT STABILIZATION BOARD**

### How the self-evaluation was conducted

The ADA self-evaluation questionnaire for the Rent Stabilization Board and the programs and services it offers to the public, was completed by Jay Kelekian, Executive Director of the Rent Board.

A selection of print materials that are provided to the public were reviewed, including The Guide to Rent Control and the Rent Stabilization Board's regulations, as well as a sample of newsletters, and tenant and landlord information, forms and petitions. Many of these materials are available from the Rent Board Stabilization Program, and on CoBWEB. In addition, the consultants reviewed selected written policies and procedures that were provided as part of the self-evaluation.

### Findings

The Rent Stabilization Board enacts regulations, sets the annual allowable rent adjustments, hears petition appeals, and administers a program to implement the "Rent Stabilization and Eviction for Good Cause" Ordinance. Rent Board staff provide information and counseling to landlords and tenants, calculate and certify rent ceilings, conduct administrative hearings, issue decisions on landlord and tenant rent adjustment petitions, collect registration fees, and maintain a database of registered rental units.

In addition to the semi-monthly regular meetings of the Rent Stabilization Board, and the 20 to 25 Board subcommittees that are held each year, workshops on targeted topics are also offered to the public.

As reported on the self-evaluation questionnaire, the Rent Stabilization Board's programs, activities and services contain no eligibility criteria that exclude people with disabilities; no questions about disability are asked on any forms. Individuals with disabilities are given an equal opportunity to participate in and benefit from their programs and activities.

A detailed policy and procedure for making program modifications, when necessary to ensure the equal participation of a person with a disability, was submitted as a response to one of the questionnaire items.

Service animals are not excluded from program facilities, and no surcharges have been levied for any disability related accommodations which are provided.

Staff members have provided some auxiliary aids and services to clients with disabilities. They have assisted program participants to read and complete forms, and have used sign language interpreters and assistive listening devices.

In addition, they have provided print material in two alternate formats: in Braille and in converted ASCII format. Their stated policy is that they work with the individual to find an appropriate format on request. However, one community member reported that when the Rent Board newsletters were sent in Braille or via e-mail, as requested, "sooner or later, it stopped coming in either medium, and when I did receive it, it arrived unduly late, compared to the print edition."

Jay Kelekian also reported that the Rent Stabilization Board's Web pages have been "altered to more comprehensively comply with the ADA."

Commission meeting notices contained information about requesting auxiliary aids and services. Unlike most other City Commission and Board meeting agendas, the notice from the Rent Stabilization Board lists both its own telephone number and the City Clerk's Office telephone number as contact points regarding requests for disability related accommodations. It also includes a more extensive statement regarding access for people with asthma, multiple chemical sensitivities, and other respiratory problems. However, it does not contain the standard Citywide statement, "please refrain from wearing scented products to public meetings." Furthermore, Rent Stabilization Board meeting announcements do not include notification that meetings are held in wheelchair accessible locations.

The Rent Stabilization Board was one of the few City programs to recognize that, "issuing a public notice 72-96 hours in advance before the start of a public meeting might not give us enough time to [provide an accommodation such as] have something converted to Braille prior to the meeting...The official [accommodations and auxiliary aids and services] policy is that requests must be received 5 days prior to the meeting/event but, as noted, many of our agendas go out 3-4 days before the meeting is scheduled. Clearly, we would do whatever we can to [satisfy] a request and not perfunctorily apply the rule."

According to questionnaire responses, people with disabilities are portrayed in printed, electronic or audiovisual materials, and are portrayed in a dignified manner. However, none of these materials were available for review.

The Rent Stabilization Board does not have its own text telephone (TTY/TDD). Its brochures, stationery and CoBWEB pages list the City Clerk's Office TTY number. Staff have not been formally trained in how to use the California Relay Service or how to use a TTY. However, according to the ADA staff questionnaire, some staff have had experience using the California Relay Service.

It was reported that all receptionists and other staff that have frequent public contact have attended the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist. Mr. Brown also offers a Citywide Training Focus Course in serving customers with disabilities.

Rent Board questionnaire responses concerning emergency evacuation procedures were highly detailed. It was noted by Mr. Kelekian that, "Neither the City nor the Rent Board's procedures go into any detail about how to assist someone with something other a mobility related disability other than to say that 'the disabled should be assisted to the Evacuation Assistance Areas'...The Rent Board's [own] Emergency Evacuation Procedures make a special provision for people with 'mobility concerns' (including our lead attorney, who is in a wheelchair) that are on the second floor. In the case of an evacuation, there designated staff are to stay behind with someone with a 'mobility concern.' The policy reads, 'They (staff and the individual) should go immediately into the fire-protected men's room until the Fire Department arrives. A second floor safety monitor will inform the fire Department of their whereabouts.'"

Regarding issues pertaining to structural barriers to program accessibility, it was reported that the Rent Stabilization Board's front door has been recently modified to improve access. Also, the space within the office which is utilized by the public is "always kept free from obstructions."

The Rent Stabilization Board does not usually provide transportation services. However, when it offered transportation to Sacramento for activities in support of rent control legislation, staff reported having provided "at least one fully accessible bus."

Some services are provided via the use of contractors: these contractors have served clients with disabilities. The Rent Stabilization Board uses City "boilerplate" contract language to refer to nondiscrimination requirements. Other than by the language in contracts, contractors have not been informed about their responsibilities to comply with the ADA.

### Recommendations

1. Include information about requesting auxiliary aids and services (print material in large print, Braille or cassette, or to request a sign language interpreter, real time captioning, an assistive listening device, or other accommodations) on flyers and other informational literature about Rent Stabilization Board programs. Ensure that this information is included in the *Guide to Rent Control* and other pamphlets and brochures when they are reissued. *Priority #1*

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1. Include notification that meetings are held in wheelchair accessible locations on Rent Stabilization Board meeting agendas. *Priority #1*

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2. Provide staff who have frequent telephone with the public with training in how to use the California Relay Service. *Priority #1*

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3. Receptionists and other staff who have frequent public contact should consider taking the Citywide Training Focus Course in Serving Customers with Disabilities that is presented by Don Brown, Disability Services Specialist. *Priority #1*

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4. Include the request that attendees refrain from wearing scented products to public meetings on Rent Stabilization Board meeting agendas. *Priority #1*

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Once they are developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to "Other Citywide Issues: Monitoring ADA Compliance of City of Berkeley Contractors" in the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #2*

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## **TRANSPORTATION**

### How the self-evaluation was conducted

The ADA self-evaluation questionnaire for the Office of Transportation was completed by Peter Hillier, Assistant City Manager for Transportation. Follow-up discussions and e-mail correspondence were conducted with Peggy Kiriara, Senior Management Analyst with the Office of Transportation in November 2003.

A sample of print materials that are provided to the public was reviewed, including the *Request for On-Street Accessible Parking Zone Application*, the *Block Party Activity Application*, and Transportation Commission meeting agendas. The City Council report on "Guidelines for Installation of Audible Pedestrian Signals" (May 13, 2003), and the Office of Transportation CoBWEB pages were also reviewed.

### Findings

The Office of Transportation oversees Citywide transportation planning, traffic engineering, transportation demand management traffic maintenance, and parking programs. The Office's responsibilities include implementation of the transportation element of the Berkeley General Plan; the use and placement of traffic control devices such as signs, speed humps, and traffic diverters; and oversight of block party activities and other temporary street closures. It also has responsibility for parking enforcement and restrictions as described in the Berkeley Municipal Code; parking meter maintenance, and the operation of four City parking garages and lots.

This Office of Transportation oversees a number of the City's disability related services: installing on-street blue zones (accessible parking zones on residential streets); installing off-street blue zones in City operated lots and garages; and determining priorities for design and operation of Audible Pedestrian Signals. (Note: The 'Audible Pedestrian Signals' are in fact "Accessible Pedestrian Signals" which, in addition to emitting audible signals, can be operated by hand with a push button and by foot with a kick plate/ foot sensitive pad located near the bottom of the signal pole. The City of Berkeley was the first community to incorporate both types of controls into its Accessible Pedestrian Signals.)

In addition, one of the City's two Disability Services Specialists works within the Office of Transportation.

Per staff questionnaire responses, none of the programs and services provided by the Office of Transportation have eligibility criteria that screen out people with disabilities. Persons with disabilities are given an equal opportunity to participate in and benefit from their programs and activities. Appropriate questions about disability are asked on the *Request for On-Street Accessible Parking Zone Application*.

No surcharges have been levied on people with disabilities to cover the costs of any actions taken to comply with the ADA, including providing disability related accommodations.

Information about transportation planning, traffic engineering, parking and alternative transportation programs is made available to the public in both print format and via CoBWEB. A few of the Office of Transportation CoBWEB pages contain the statement, "If you are unable to access these documents online, please contact us via email ([transportation@ci.berkeley.ca.us](mailto:transportation@ci.berkeley.ca.us)), telephone (981-7010), or TDD (981-6903) so that we can provide an alternate format."

Per self-questionnaire responses, the Office of Transportation has not provided its print material in alternate formats, but would make materials available in large print, Braille, audio tape, or computer disk, if requested. Staff have provided assistance with reading and completing forms.

The Office of Transportation provides staffing for the City's Transportation Commission and subcommittee meetings. The Office also sponsors public meetings regarding transportation issues. It does not sponsor any special events.

Transportation Commission meeting agendas and minutes, are available from CoBWEB in both .pdf and HTML formats, which increases their accessibility to persons with disabilities who use screen reader technology. Commission meeting notices contained information about requesting auxiliary aids and services, but, as indicated in the *Citywide Findings and Recommendations* section of this report, this information is obsolete. Also, no information was included on the agendas posted on CoBWEB concerning the accessibility of the meeting location.

The Office of Transportation does not have a text telephone (TTY/TDD) of its own. The City Clerk's Office TTY number is listed on its CoBWEB pages and program materials. As reported in the ADA staff questionnaire, staff who have frequent telephone contact with the public do not know how to use the California Relay Service.

Staff have attended the disability component of the Citywide Training Core Course in Customer Service, presented by Don Brown, Disability Services Specialist.

The Office of Transportation oversees the operation of four City off-street parking facilities: the Center Street Garage, the Sather Gate Garage, the Oxford Lot, and the Berkeley Way Lot. These parking facilities are operated by a contractor, PCI. ADA requirements and nondiscrimination clauses are included in the contracts. According to self-evaluation questionnaire responses, contractors are not informed about their ADA responsibilities.

One issue pertaining to contractors concerns the usability of parking garages by people with disabilities, especially for those individuals with hand or arm mobility impairments who are unable to access a ticket spitter at one of the City parking garages. In follow-up discussions regarding this question, contractors operating the parking garages stated that they have not had to face this issue. However, they understood that in cashier operated garages, the operator is responsible for providing a disability accommodation, if needed. According to Office of Transportation staff, this meant that "for a cashier operation (Oxford and/or Center Street), the cashiers are required to assist the individual if there is a problem."

### Recommendations

5. Include notice about ADA compliance and information about requesting auxiliary aids and services (print material in large print, Braille or cassette, sign language interpreting, real time captioning, and assistive listening devices, or other accommodations) on brochures, flyers, and applications (i.e. on-street accessible parking). Ensure that this notice is included in any new program literature that is produced. Refer to the *Citywide Findings and Recommendations* section of this report regarding development and use of a new Citywide procedure for handling requests for disability related accommodations. *Priority #1*

6. Provide a designated TTY line and TTY for Disability Compliance staff located in the Office of Transportation. *Priority #1*

7. Include language on meeting notices which informs the public about the accessibility of the meeting site. *Priority #1*

8. Provide staff who have frequent telephone with the public with training in how to use the California Relay Service. *Priority #1*

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1. At City owned parking garages and lots, post notices by the ticket spitters about the availability of parking garage cashiers to assist persons with disabilities, if needed. These notices should also explain how a driver should make this request known to the cashier. *Priority #1*

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2. Once developed, utilize Citywide procedures for monitoring contractors' compliance with relevant provisions of the ADA. Refer to the *Citywide Findings and Recommendations* section of this report regarding the development and utilization of proposed Citywide contract monitoring guidelines. *Priority #1*

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## **PART IV: APPENDICES**

#### **4.1 City of Berkeley Staff Participation in the Self-Evaluation**

The City of Berkeley ADA Title II self-evaluation involved a comprehensive review of **51 departments, divisions, offices and units**, comprising more than **100 distinct City programs and services** which were offered to the public during the period of the self-evaluation: June 2003 through July 2004. The following is a list of the programs, activities and services which were reviewed. The names of City staff who completed self-evaluation questionnaires and/or provided additional information to the consultants are listed in parentheses.

**Ninety-five City staff members**, including department directors and deputy directors, division managers and superintendents, program coordinators, and other department and program staff, as well as three City Councilmembers and their aides, provided invaluable information. All of these individuals graciously contributed assistance to the consultants during the course of the self-evaluation.

#### **MAYOR and CITY COUNCIL**

Mayor's Office  
City Councilmembers' Offices (Councilmembers Maio, Hawley, and Spring)  
City Council Meetings (see City Clerk's Office)

#### **CITY ATTORNEY'S OFFICE** (Mark Zembsch)

Legal Advice/Contract Review  
Litigation Services  
Claim Intake and Investigation

#### **CITY AUDITOR'S OFFICE** (Sherren Hughes)

#### **CITY CLERK'S OFFICE** (Sara Cox)

City Council Agenda Information  
Voter Information/Absentee Ballots  
Polling Places  
Record Requests

#### **CITY MANAGER'S OFFICE**

**CITY MANAGER** (Kimberly Willis-Starbuck)

**ANIMAL CARE SERVICES** (Kate O'Connor)

**BUDGET UNIT** (Paul Navazio)

**NEIGHBORHOOD SERVICES** and **CITY CENTER** (Pamela Embry)

**CODE ENFORCEMENT UNIT** (Gregory Daniel)

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**DISABILITY COMPLIANCE PROGRAM**

(Don Brown and Paul Church)

**Office of ECONOMIC DEVELOPMENT** (Charlotte Fredriksen)

Public Arts

Sustainable Development (Catherine Squire)

**FINANCE DEPARTMENT** (Susan Monary-Wilson and Cedric Cobb)

Customer Services Center

Taxicab Permits

Parking

citations, collections/hearings

preferential parking program

**FIRE DEPARTMENT** (Chief Reginald Garcia, Asst Chief Craig Green, Deputy Chief David Orth, Ann-Margaret Moyer, and Dory Ehrlich)

Ambulance/Emergency/Paramedic Services

Fire Suppression Services

Fire Prevention-

fire inspections, plan check, fire safety and education, incident and fire

reports, permits, smoke detector installation, vegetation management

Communication Center-911

Hazardous Materials Responses

Citizens' Emergency Response Team (CERT) Training

**HEALTH AND HUMAN SERVICES DEPARTMENT****EMPLOYMENT PROGRAMS**

(Delfina Geiken, Rene Perez, Juanita McMullen and Jenny Seay)

WorkSource

YouthWorks

First Source

**ENVIRONMENTAL HEALTH**

(Alexander Schneider)

**MENTAL HEALTH** (Al Lozano, Tomie Kratz, David Wee, Matthew Mock, Carlos Morales, Herbert Singleton, Eve Ahmed, and Fiona Glas)

Adult Services

Family, Youth and Children's Services

School Based Mental Health Services

Crisis Services

Mobile Crisis Team  
Assertive Community Treatment  
Comprehensive Community Treatment  
AB 2034 Program  
Homeless Locker Program  
Social Services Transportation (SST)

**PUBLIC HEALTH** (William Rogers)

**AIDS Office** (Leroy Blea)

HIV Education and Prevention Program  
HIV Testing Program  
HIV Street Outreach Program  
Needle Exchange Program  
AIDS Drug Assistance Program  
Faith Project  
Latino Project  
Men's Project

**Reproductive and Sexual Health Program**

(Fern Kaukonen and Tiffany Simpson)

**Maternal Child and Adolescent Health**

(Dr. Vicki Alexander and Kimi Sakashita)

Berkeley High School Health Center  
Immunization Program  
Oral Health Program  
Perinatal Program  
WIC program  
Black Infant Health Program  
Lead poisoning prevention and education program  
Injury Prevention Program  
Domestic Violence Program  
Community Capacity Building Program  
("Walk that Walk" Community Outreach Program)

**Tobacco Prevention Program** (Marcia Brown-Machen)

**Chronic Disease Prevention Program** (Kate Clayton)



**Public Health Nursing** (Verdie Thompson)

Public Health Nursing Field Services  
Nurse of the Day Program  
Child Health and Disability Prevention Program  
Every Child Counts  
Early Periodic Screening, Diagnosis and Treatment  
Targeted Case Management  
Tuberculosis Prevention  
Tuberculosis Diagnosis and Treatment  
Communicable Disease Prevention and Follow-Up

**Public Health Preparedness and Bioterrorism Response Program**

(Dina Quan)

**Vital Statistics and Epidemiology** (Jose Ducos)

Vital Records  
Disease Surveillance and Epidemiology

**SENIOR PROGRAMS**

(Lisa Ploss, Constance Wiggins, Suzanne Ryan,  
Bettye Lowman, Saulo Villatoro, and Norma Ramos)

Senior Center programs  
Senior Nutrition

**HOUSING DEPARTMENT**

**Housing Services**

**Program Planning, Management and Budget**

**Energy Services**

(Teri Piccolo, Andrew Wicker, and Kristen Lee)

**Berkeley Housing Authority**

(Sharon Jackson and Wanda Drouillard)

**Berkeley Paratransit Services**

(Eugene Biggins and Kimberly Willis-Starbuck)

**HUMAN RESOURCES DEPARTMENT**

(Nicki Spillane, Dennis Feggans and James Mason)

**INFORMATION TECHNOLOGY DEPARTMENT**

(Donna LaSala)

**LIBRARY** (Alan Bern)

**PARKS, RECREATION AND WATERFRONT DEPARTMENT**

**Parks and Trees/Urban Forestry**

(Jerry Koch and Roland Anolin)

**Recreation**

Aquatics (Lisa Kelley)

Camps (David Poock)

Inclusion Program (Patty Thomas, Mia Yamauchi and Jim Wells )

Recreation Center Programs

(Patricia Hirabara, Nicholas Traylor,  
Deborah Jordan, and Theodore Scates)

Sports (Harold Bennett)

Young Adult Project (Philip Harper-Cotton)

**Marina**

Marina Operations (Cliff Marchetti and Barbara Perry)

Marina Experience Program and Adventure Playground

(Denise Brown and Patty Donald)

**Parks Planning and Design Section** (Brad Ricards)

**PLANNING AND DEVELOPMENT DEPARTMENT** (Wendy Cosin)

Permit Center

**POLICE DEPARTMENT**

(Lt. Sherrie Aldinger, Capt. Bobby Miller, Sgt. Joe Sanchez, and Rich Wolfman)

**POLICE REVIEW COMMISSION**

(Barbara Attard)

**PUBLIC WORKS DEPARTMENT**

**Corporation Yard Customer and Budget Services** (Beverly Small)

**Engineering Division** (Jeff Egeberg and Kenneth Emeziem)

**Streets and Utilities Division** (Sherman Jackson)

**Solid Waste Management Division** (Thomas Farrell)

**Facilities Division** (John Rosenbrock, Paul Church,  
Stan Norton, and Bill Foley)

**RENT STABILIZATION BOARD** (Jay Kelekian)

**Office of TRANSPORTATION**  
(Peter Hillier and Peggy Kirihara)

## 4.2 Disability and Deaf Community Participation in the Self-Evaluation

Participation by members of the disability and Deaf community was actively solicited throughout the self-evaluation process. (It should be noted that the use of the term "members of the Deaf and disability communities" in this report does not imply that Deaf and hard of hearing persons do not have the same rights as other qualified individuals with disabilities under the ADA. In fact, they are entitled to the same rights as other persons with disabilities.)

A variety of approaches were taken to gather this critical community feedback:

1. via mailings and internet postings, informing more than 1500 disabled and Deaf people and community agency representatives about the self-evaluation and soliciting their input;
2. developing and distributing more than 250 print, Braille and e-mailed copies of a disability and Deaf community questionnaire;
3. conducting three community meetings; and
4. making additional outreach presentations to underrepresented and hard to reach members of the Deaf and disability community.

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The following is a list of the community agencies/organizations, disability groups, and public institutions contacted during the course of the self-evaluation. The names of individuals that were specifically consulted with are listed in parenthesis.

Alta Bates Disabled Community Health Clinic  
(Ann Cupolo Freeman, Social Worker)

Bay Area Outreach and Recreation Program

Berkeley High School Special Education Program  
(Kathy Hatzke, Supervisor)

California Department of Rehabilitation-Berkeley Office  
(Tricia Leetz, Rehabilitation Counselor)

Center for Independent Living, Berkeley  
(Gerald Baptiste, Deputy Director, Joyce Chan, Deaf Services Coordinator, and Patricia Becker, Blind Services Coordinator)

Center for Accessible Technology  
(Dmitri Belser, Executive Director)

City of Berkeley Commission on Disability  
(Emily Wilcox and Marissa Shaw, Commissioners)

Coalition for Alternatives in Mental Health Berkeley Drop-In Center  
(Emmit Hudson, Director)

Computer Technologies Program  
(Joan Breves, Executive Director,  
and Maureen Fitzgerald, Deaf Services Coordinator)

Berkeley Place Deaf/Disability and Hearing Project  
(Pam Johnson, Program Coordinator)

Deaf Counseling, Advocacy & Referral Agency (DCARA)

Disability Rights Education and Defense Fund

East Bay Center for the Blind  
(Grant Metcalf, President, and Daveed Mandell, Board Member)

Environmental Health Network  
(Barbara Wilkie, President)

Multi-Agency Service Center (MASC)  
(Robert Long, Coordinator)

New Bridge Foundation  
(Peter Budlong, Director of Admissions and Outreach)

Public Authority for IHSS of Alameda County  
(Charles Calavan, Executive Director)

Regional Center of the East Bay

Through the Looking Glass

UC Berkeley ADA/504 Compliance Office  
(Ward Newmeyer, ADA/504 Compliance Officer)

UC Berkeley Disabled Students Program

UC Berkeley Human Resources Department

UC Berkeley Health Services

Vista College Disabled Student Programs and Services

World Institute on Disability

A total of **71 members of the public** participated in the self-evaluation process: people with a wide range of physical and mental impairments, family members, and representatives of agencies that serve the disability and Deaf communities.

**Forty people** completed a Self-Evaluation Disability and Deaf Community Questionnaire or submitted additional written comments. **Twenty-four people** attended community meetings held at the City's three Senior Centers. **Seven other individuals** provided verbal feedback.

The verbal and written input that was provided by individuals with disabilities, family members, representatives of disability and Deaf community agencies, and other interested persons, was carefully considered during the course of the self-evaluation. These comments, which have been incorporated into the findings and recommendations in this self-evaluation, are summarized below.

The majority of people indicated that City staff seemed to understand their disability or communication related needs, and tried to accommodate those needs appropriately. Furthermore, they did not believe that they were either denied City services or the opportunity to participate in City programs and activities because of their disabilities.

However, this was not always the case for people who had hidden or less apparent disabilities, including individuals who are hard of hearing or Deaf, people have vision impairments, people with mental health disabilities, individuals with hidden physical disabilities, and people who have multiple chemical sensitivities. A number of Deaf people felt excluded because there was no one at a program or service who could sign. People with asthma, multiple chemical sensitivities, and other respiratory problems reported that they often were unable to participate because the presence of toxic chemicals renders City facilities inaccessible for them.

One very commendable finding relates to inquiries about disability. No one reported being asked questions by City staff about their disability, except when it pertained to specific programs or services that had disability as an eligibility criterion (such as Paratransit or the installation of residential blue zones).

Many positive and negative experiences were reported by people utilizing City services. The consultants received more than 60 positive comments. These included observations and appreciations about the following disability related City programs, activities and services, and recognition of specific staff.

1. Residential blue zone installation was appreciated by three people.

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2. Two community members acknowledged the City's Sidewalk Repair Program and Kenneth Emeziem in the Public Works Engineering Division ("Kenneth Emeziem is doing a brilliant job given all that he has to deal with," one woman reported.)

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3. Accessible (audible) pedestrian signals installation was mentioned by three people. (Grant Metcalf, President of the East Bay Center for the Blind was "most pleased about the installation of accessible pedestrian signals at Ashby and Adeline... The new signals are a great help to those who want to cross this very complex intersection." He did note, however, that it "took six years from the first request until the City finally completed the project.")

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4. Two people were thankful for In-Home Care Permits. (One person wrote, "It was an excellent experience applying for and obtaining a permit without having to leave my house.")

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5. The Senior and Disabled Swim Program at the Berkeley High School warm pool was appreciated by three people. ("It is generally a good experience... When the pool is closed it presents a real hardship," wrote one person.)

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6. Tuolumne Family Camp for people with disabilities was mentioned by two people.

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7. Four community members praised the Recreation Inclusion Program. ("My child has had very good experiences with the Inclusion Program, including community outings," one parent wrote. Another said, "Mia is outstanding." A third community member noted, "A good, supportive, social and educational environment...A unique service for everyone, for both kids with and without disabilities.")

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7. Berkeley Mental Health was valued by five people. (One individual said "Berkeley Mental Health is very respectful and sensitive...they give a damn and do very good things." Another woman noted that, "Berkeley Mental Health got my homeless mentally ill son shared housing." A community agency representative stated, "the Mental Health Mobile Crisis Team is one of the best services the City offers.")

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8. Three people expressed their appreciation for the Shelter Plus Care Program. ("With Shelter Plus Care's help I was able to get a four room apartment. My life is much more together," commented one man.)

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9. Berkeley Paratransit Services received praise from four people. (One person said, "Excellent service-all drivers are good people and cautious behind the wheel." Another wrote, "Taxi scrip-helps so much, especially when one needs transportation in an emergency." A third said, "I want to express my appreciation for the valuable assistance these programs have provided...If I didn't have these services my life would have been seriously affected.")

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10. Two individuals had positive things to say about Easy Does It and the City funded emergency attendant, transportation and wheelchair repair services offered to City residents. ("Speed-wise they are very efficient," said one woman.)

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11. The Senior and Senior and Disabled Rehabilitation Loan Program and the Berkeley Home Repair Program were appreciated by two community members.

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12. The Berkeley Public Library Extended Services for Patrons with Disabilities received praise from four library patrons. (One person reported, "The outreach home delivery works well.")

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Other specific City programs and staff were singled out for commendation:

1. The City Clerk's Office was mentioned favorably by three people for providing materials in alternate formats, including City documents electronically, and election materials on audiotape; and for providing two portable microphones at City Council meetings.

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2. Three individuals commended the Fire Department and Paramedics. ("Paramedics are super-skilled, caring, comforting." Another said, "Services have been fair and appropriate . . . they've been there for me.")

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3. Nine people mentioned Berkeley Public Library staff in general, and Alan Bern in particular. (“Staff are unfailingly helpful in getting out-of-reach material as well as going the extra mile to answer requests for information,” said one person. Another wrote that staff are “very helpful to blind individuals.” A third commented about the availability of auxiliary aids and services, “Their public event advertisements always include information about how to request an interpreter or other accommodation.” One person stated, “I complained about bicycles parked on the wheelchair ramp-Next time I went there, there was a sign up forbidding the practice.” Another praised Alan Bern. “He was wonderful in soliciting advice from a very passionate disabled community. Alan was attentive, patient and pragmatic as we went through options when considering the redesign of the BPL.”)

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1. Five people praised the Senior Centers and their staff. (One woman expressed appreciation for “the transportation to and from the center.” Another noted, “meals are served with grace and pride.”)

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2. The Housing Department efforts “to make the meetings and applications accessible” when issuing applications for CDBG funds, was noted by one community agency representative.

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3. The Rent Stabilization Board and their staff were acknowledged by a number of people.

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Negative experiences and disability related barriers were cited as well. It should be noted that many of the structural barriers identified are issues that need to be addressed in the City’s transition plan, and not in the ADA Title II self-evaluation.

1. Structural barriers relating to sidewalk and curb ramp access, and maintenance of accessibility in City facilities, especially for people with mobility disabilities or vision impairments, were identified. Factors contributing to access barriers included: vegetation overgrowth and flower boxes extending onto sidewalks; tables, chairs and sandwich boards fronting businesses; bicycles parked on sidewalks and on wheelchair ramps of City facilities; vendors who set up on paths of travel in parks during non-City sponsored events that are held in City parks (i.e. “the Tibetan Festival which got its fees waived by City Council”); curb ramps needing be installed or repaired (“two curb ramp repairs took over six months”); and sidewalks that need to be repaired.

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2. Structural barriers to access when attending City Council and Commission meetings in Old City Hall were also mentioned. These included: inadequate space for wheelchair users in the City Council chambers; a not fully accessible and poorly lit restroom; and insufficient lighting at the back of the building. Communication barriers at Old City Hall included a speaker's time clock being inaccessible for people who are blind, and lack of assistance with filling out speakers' cards.

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3. Communication barriers to accessibility and equal opportunity for people who are Deaf or hard of hearing was mentioned by seven community members. One issued raised repeatedly concerned the lack of sign language interpreters and inability of staff to sign. (One community agency representative wrote, "BPD has only one signing police officer who is not able to be present in emergencies. It took a week for the police officer to participate, acting as an interpreter for the Mental Health Mobile Crisis Team." Another said, "no City program has ever supplied ASL interpreters for our community agency clients.") Two other issues mentioned were: TTY calls not answered or returned by staff, and programs not making assistive listening devices available for people who are hard of hearing.

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Some communication barriers resulted from not having sign language interpreters provided at non-City sponsored events (for example, the SF Mime Troupe or farmers Market, both held at City parks), or by organizations and agencies which offer workshops at rented City facilities.

4. Communication barriers for people who are blind or have vision impairments were reported, the most frequent being the unavailability of print materials in alternate formats. (One individual wrote, "When I have asked various departments for various brochures and other material in alternative media, I have never received responses, let alone the requested materials...It appears that the City lacks a coherent information access policy.")

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Other barriers mentioned were lack of large print and Braille signage in City buildings, no large print and Braille building directories, and the inaccessibility of CoBWEB for some people (especially the downloadable .pdf forms).

Specific barriers to access were identified by a number of library patrons with disabilities.

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Four people didn't think the Public Library was doing enough to accommodate people with disabilities. ("The Central Branch poorly accommodates blind individuals," one person stated. Another individual said, "I have seen a lot of physical problems with access in the Main Library.")

Another series of comments concerned the installation of screen readers, scanning and voice output programs on the library's main network. ("The library's access programs for people with disabilities, such as JAWS and Kurzweil, should be connected to a LAN. . . . In that way, one can access any computer in the Main Library, as well as at each of the branches. One can simply move a particular program from the network to a specific computer, and back to the network when finished with it.") It was also suggested that the library purchase a Braille printer.

Furthermore, in some cases, people with hand and arm mobility impairments, as well as people with vision impairments, reported needing help filling out forms but having no staff person available to help.

1. A few people commented on customer service in various City departments. "Staff ignorance," "negative attitudes, and "negative assumptions" about people with disabilities were cited by a few people, especially as it related to understanding the needs of individuals who have hidden disabilities. (One woman believed that, "there is institutionalized prejudice."). Another barrier related to the difficulty of waiting in line ("I can't stand in line too long because I use a cane").

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2. Other people reported negative experiences with Paratransit, Easy Does It, and the Berkeley Housing Authority. Comments included having "untrained and poorly trained taxi drivers" and "drivers who refused me help getting in and out of cabs." Six individuals commented about Paratransit's lack of responsiveness to requests for scrips ("the taxi voucher system is poorly administered"; "Paratransit staff doesn't answer or return phone calls;" "it was difficult to get scrips in a timely fashion"). Three people voiced concerns about the accessibility of scrips for people who are blind or have vision impairments.

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A few individuals had unfavorable experiences with Easy Does It ("If the dispatchers don't like you they make you wait from an hour to three hours for an attendant.") and a number of people complained about Berkeley Housing Authority's "poor communication with the public." Two complaints

were voiced regarding the accessibility of print material from the Housing Authority, and the unresponsiveness by staff to requests that material be provided in alternate accessible formats.

1. Six people cited barriers to access for people with asthma, multiple chemical sensitivities (MCS) and other respiratory problems. The causes include toxic materials used in building products, fluorescent lights, poor indoor air circulation, synthetic fragrances in personal care products worn by staff and members of the public, the chemicals used for cleaning restrooms in City parks, and the use of air freshener dispensers in restrooms in City facilities.

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Nevertheless, the majority of people who completed the questionnaire rated their overall experiences using City services and participating in City programs, meetings and events, as "very good" or "okay."

Finally, many suggestions for improving the accessibility of City programs and services for people with disabilities and Deaf people were offered. These included:

1. Giving more support to Disability Compliance Program staff;
2. Providing more staff with disability related training;
3. Providing City Council and Commission staff with disability training (for example "assisting people to fill out speaker cards which are required for public comment" and "alerting blind people when one minute and 30 seconds remain in speaker's time");
4. "Making more information regarding programs, meetings, events, and City Council agendas [available] in accessible formats";
5. "Outlining a coherent, specific information access policy for the City [which] must discuss the steps each City department needs to take in order to make its written materials accessible";
6. Letting the public know about the "many disability-related programs [that] may be available....They are well-hidden secrets";
7. Having all City staff work more closely with the Disability Compliance Program;
8. Improving outside air circulation;

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9. Only using non-toxic cleaning products and requesting that City employees refrain from using personal care products that contain synthetic fragrances;

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10. Enforcing the City's ordinances prohibiting smoking in outdoor public places;

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11. Warning and fining bicyclists who park their bicycles on public walkways;

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12. Setting aside more parking at Old City Hall for people with disabilities when City Council meets;

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13. Having a citation process for homeowners who need to make access improvements regarding sidewalk clearance of hedges and low tree limbs;

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14. "Providing chairs when people have to wait in line" at the Finance Customer Service Center and the Public Library;

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15. Providing a Braille printer at the Central Branch of the Public Library;

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16. Hiring more staff who can sign, either as qualified interpreters, or as direct service staff;

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17. "Providing interpreters on demand through the internet by using Webcam and an interpreter service in Sacramento where the interpreter is provided for free";

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18. "Including [the] needs of disabled and elderly in the City's transportation master plan";

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19. Installing more "accessible" (audible) traffic signals;

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20. "Training and resources in universal web design should be made available Citywide";

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21. Making a Braille copy of the City Council packet available at the main desk of the Central Branch library;

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22. Providing a three day time line for requesting auxiliary aids and services on all notices of City meetings; and

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23. • Creating “a mechanism so that all new technology that is acquired by the City will be accessible.”

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### 4.3 City of Berkeley Disability Related Documents

Numerous City, department, and program documents were reviewed during the course of conducting the City of Berkeley self-evaluation. Included in this review were the following **disability related** Administrative Regulations, Municipal Codes and Ordinances, Police Training and Information Bulletins, and other City and department documents.

Hundreds of additional City documents were examined in the course of conducting the self-evaluation. These documents are far too numerous to list below. However, many of them are referred to throughout the self-evaluation report.

#### Administrative Regulations

- 1. A.R. 1.12 Communications Access Policy
- 2. A.R. 1.13 Section 504/ADA Grievance Procedure

#### Berkeley Municipal Codes and Ordinances

- 3. Animals-Dog and Cat Licenses and Regulations-Exemption  
B.M.C. Section 10.04.091 Carrying instrument for removal of dog feces and actual removal of such feces required. (Ord. 6627-NS § 1, 2001: Ord. 6568-NS § 1, 2000: Ord. 6467-NS § 2, 1998: Ord. 5205-NS § 3, 1979: Ord. 4372-NS § 13.1, 1968)
- 4. Commission on Disability B.M.C. Chapter 3.66 Establishment, functions, organization, meetings, rules and procedures of the Commission on Disability (Ord. 5704-NS § 1-4, 1986)
- 5. Curbside Refuse Collection-Exemption  
B.M.C. Section 12.34.070 Exemption to participation in curbside collection. (Ord. 5667-NS § 7, 1985)
- 6. Emergency services for severely physically disabled persons  
B.M.C. Chapter 7.88 Provides emergency attendant care, transportation services and adaptive/assistive medical equipment repair, and incidental case management for severely physically disabled persons. (Ord. 6468-NS Adds Ch. 7.88, 1998)

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8. Nondiscrimination provisions in City of Berkeley contracts  
BMC Section 13.26.070 prohibits discrimination against employees by contractors, and permits the City access to records of employment to monitor nondiscrimination compliance (Ord. 5876-NS, §7, 1988)

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9. Taxicabs and Automobiles for Hire: Authorizing Five Wheelchair Accessible Taxicabs (Ord. 6784-NS § 1 (part), 2003: Ord. 6655-NS § 1, 2001: Ord. 6325-NS § 3, Ordinance adopted 11/25/03)

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10. Taxicabs and Automobiles for Hire: Signage for Visually Impaired  
B.M.C. Section 9.52.060 Registration and licensing requirements—  
Conspicuous posting in vehicle. (Ord. 6655-NS § 3, 2001:  
Ord. 6325-NS § 8, 1996)

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11. Taxicabs and Automobiles for Hire: Driver's Training  
B.M.C. Section 9.52.050 Driver's permits Drivers required to provide proof of having successfully completed a sensitivity training course approved by the Director of Finance for drivers who work with persons with disabilities. (Ord. 6655-NS § 2, 2001: Ord. 6399-NS § 1, 1997: Ord. 6325-NS § 7, 1996)

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### **Berkeley Police Department General Orders and Training and Information Bulletins**

- 1. General Order I-18: Interviews and Interrogations (August 1995)
- 2. General Order H-6: Handcuffing (August 1997)
- 3. General Order T-2: Transportation of Prisoners (August 1997)
- 4. General Order J-1: Jail Regulations (June 1999)
- 5. General Order T-7: Training Policy (July 1999)
- 6. General Order T-19: Americans with Disability Act (Jan. 2000)
- 7. General Order I-16: Apprehension of Mentally Ill Persons and Those Addicted to Narcotics of Habit Forming Drugs (April 2000)

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1. Training and Information Bulletins: Relaying Information to Medical Providers, Restraints Used for In-Custody Medical Transport (Number 206, November, 1991); Berkeley Mental Health Mobile Crisis Team (Number 105, November, 1993); Mandated Reporting of Suspected Elder Abuse or Dependent Care Abuse (Number 242, April 1996); Seizures—Recognition and Response (Number 251, August 1997); Service Animals-Permissible Inquiries (Number 278, November 2000); Hate Motivated Crime and Incident Investigation (Number 201, August 2002)

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## Other Documents

2. *The City of Berkeley Commissioners' Manual* Adopted by the Berkeley City Council (Resolution 62,418-NS, Effective March 23, 2004). Includes: Accommodations for Disabled Commissioners and Board Members, Ch. II - A.11; Reimbursement for disabled support services, Ch. II - A.12; Requirement that Commission meetings be accessible to the public, Ch. IV – B.2; Agenda format and accessibility of meeting facilities, Ch. IV – E.2; Appendix G. Responding to Requests for Accommodations for Persons with Disabilities: Procedures for Members of Boards and Commissions and Staff.

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3. Memorandum: Access Information on Public Notices and Letterheads From James Keene, City Manager to Deputy City Managers and Department Directors (March 10, 1998)

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4. Memorandum: Language for Meeting Notices Regarding Odors at City Meetings. From James Keene, City Manager to Assistant City Managers, Department Directors, and Commission Secretaries (August 8, 1996). Refers to the language approved by City Council on April 30, 1996, for inclusion on announcements on City-sponsored meetings: "Attendees at public meetings are reminded that other attendees may be sensitive to various odors, whether natural or manufactured, in products and materials. Please help the City respect these needs."

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5. Memorandum: Teleconferencing and the Brown Act/Reasonable Accommodations for Disabled Members of Boards, Commissions and City Council. From Manuela Albuquerque, City Attorney to Rene Cardinaux, Director of Public Works and Eric Dibner, Disability Compliance Coordinator (June 15, 1998)

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6. *Revised Pest Management Policy* (Resolution 54,319-NS, May 24, 1988) This revised pest management policy for the City utilizes an "integrated pest management procedure" and prohibits the use of pesticides by the City and the Berkeley Unified School District except those pesticides which the "Environmental Health Officer has determined must be used in order to control a pest emergency which threatens the public health," or "which is determined by the City's Community Health Advisory Commission to be relatively safe," or "would be experimental as defined in Section VII [of the Resolution]" or is of questionable or largely unknown toxicity [and] must then undergo a comprehensive toxicological review by a contractor of the department of Health and Human Services."

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**4.3.1 Section 504/ADA Grievance Procedure A.R. 1.13**

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| <p><b>CITY OF BERKELEY</b></p> <p><b>ADMINISTRATIVE REGULATIONS</b></p>   | <b>A.R. NUMBER:</b> 1.13 [Formerly 1.91] |
|   | <b>EFFECTIVE DATE:</b> 6/1/95            |
|   | <b>REISSUE DATE:</b> 6/15/02             |
|   | <b>APPROVED BY CITY MANAGER:</b>         |
|   | <b>PAGE 1 OF 5 PAGES</b>                 |
| <b>SUBJECT Section 504 / ADA Grievance Procedure</b>  |  |
| <p><b>** THIS VERSION WILL BE IN EFFECT UNTIL REVISIONS ARE FINALIZED **</b></p>  |  |
| <p><b>PURPOSE</b></p> <p>The purpose of this policy is to:</p> <ol style="list-style-type: none"> <li>1. Comply with Section 504, Title V, Subsection 84.7 (b) of the Rehabilitation Act of 1973, as amended, and its implementing regulations which specify that disabled persons are entitled to file complaints alleging that they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of his/her disability;</li> <li>2. Comply with the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act (28 CFR Part 35). This specifies that disabled persons are entitled to file complaints alleging that, solely by reason of disability, they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination in programs or activities sponsored by a public entity;</li> </ol> <p>and to ensure:</p> <ol style="list-style-type: none"> <li>3. That complaints will be processed in an orderly fashion, allowing a complete and impartial investigation and resolution within a reasonable period of time;</li> <li>4. That information and assistance will be provided to disabled persons, resulting in the orderly processing of the complaint(s).</li> </ol> <p><b>POLICY</b></p> <p>It shall be the policy of the City of Berkeley to ensure:</p> <ol style="list-style-type: none"> <li>1. That all services and programs, including grants and contracts, are available to disabled people in the same manner as accorded to all other residents of the City of Berkeley; and</li> <li>2. That complaints from disabled people alleging discrimination with respect to access to City services and programs are processed quickly and fairly.</li> </ol> |  |

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| <b>CITY OF BERKELEY</b><br><br><b>ADMINISTRATIVE REGULATIONS</b>   | <b>A.R. NUMBER:</b> 1.13 [Formerly 1.91] |
|  | <b>EFFECTIVE DATE:</b> 6/1/95            |
|  | <b>REISSUE DATE:</b> 6/15/02             |
|  | <b>APPROVED BY CITY MANAGER:</b>         |
|  | <b>PAGE 2 OF 5 PAGES</b>                 |
| <b>SUBJECT Section 504 / ADA Grievance Procedure</b>   |  |
| <p>This grievance policy shall apply to individuals who have a mental or physical impairment that substantially limits their activities, have had such an impairment in the past, or are regarded by others as having an impairment, such as blindness, deafness, mobility problems and those who may be treated adversely by other people because of real or perceived disability (past emotional problem[s], cancer, mental retardation, etc.);</p> <p>These procedures apply to all services and programs, including grants and contracts administered by the City of Berkeley.</p> <p><b>LEGAL BASIS</b></p> <p><u>1. Discrimination Prohibited</u></p> <p>Section 504, Title V of the Rehabilitation Act of 1973 (29 USC 794), as amended, specifies:<br/>         "No otherwise qualified disabled individual in the United States. . . shall, solely by his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."</p> <p>Title II of the Americans with Disabilities Act (28 CFR Part 35) specifies: "No otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs sponsored by a public entity.</p> <p>Sections 11135-11139.5 of the California Government Code specifies:<br/>         "No disabled person in California may be subjected to discrimination under any program or activity that receives any financial assistance from the State."</p> <p><u>2. Designation of Responsible Employee</u></p> <p>Section 504, Title V, Subsection 84.7 (a) specifies:<br/>         "A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this [part]."</p> <p>Title II of the Americans with Disabilities Act, section 35.107 (a) specifies:<br/>         "A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part."</p> |  |

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| <b>CITY OF BERKELEY</b><br><br><b>ADMINISTRATIVE REGULATIONS</b>   | <b>A.R. NUMBER:</b> 1.13 [Formerly 1.91] |
|  | <b>EFFECTIVE DATE:</b> 6/1/95            |
|  | <b>REISSUE DATE:</b> 6/15/02             |
|  | <b>APPROVED BY CITY MANAGER:</b>         |
|  | <b>PAGE 3 OF 5 PAGES</b>                 |
| <b>SUBJECT Section 504 / ADA Grievance Procedure</b>   |  |
| <p>The Disability Compliance Coordinator is the City of Berkeley employee designated to serve as the Section 504 and the ADA Coordinator.</p> <p><u>3. Adoption of Grievance Procedures</u><br/> Section 504, Title V, Subsection 84.6 (b) specifies:<br/> "A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints, alleging any action prohibited by this part."</p> <p>Title II of the Americans with Disabilities Act, section 35.107 (b) specifies:<br/> "A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part."</p> <p><b>PROCEDURES</b></p> <p>1. Any disabled person who believes he/she has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is unlawful for the City of Berkeley to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.</p> <p>2. A grievance may be in writing, tape recording, or any other device, containing the name, address and telephone number of the person filing it (the grievant). The grievance shall state the problem or action alleged to be discriminatory and the remedy or relief sought by the grievant.</p> <p>3. Grievances shall be processed in the following manner:</p> <p><u>Step 1:</u><br/> Any disabled person (and/or representative of this disabled person) may discuss a complaint with the department head or his/her designee where the problem occurs within 60 days of the alleged discriminatory action. If the issue is not resolved within ten (10) working days, the grievant may elect to move the grievance to Step 2;</p> |  |

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| <b>SUBJECT Section 504 / ADA Grievance Procedure</b>  |  |
| <p><u>Step 2:</u><br/>Any grievance which has not been resolved by the procedures described in Step 1 above may be referred to the Disability Compliance Coordinator by the grievant or a representative of the grievant or the department head within 30 days of the department head's decision. Any such referral shall be in writing or tape recording identifying the specific complaint, together with the desired resolution.</p> <p>The Disability Compliance Coordinator (or his/her designee) shall conduct an investigation of the complaint to determine its validity. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Disability Compliance Coordinator will maintain the files and records of the City of Berkeley relating to such grievances.</p> <p>The Disability Compliance Coordinator will issue a written decision on the grievance within 45 working days after its filing at Step 2.</p> <p>4. The availability and use of this grievance procedure does not preclude a disabled person from filing a complaint of discrimination with the Office of Civil Rights or any appropriate Federal agency, or with the U.S. Department of Justice.</p> <p>5. The City of Berkeley will make appropriate arrangements to ensure that disabled persons can participate in or make use of these procedures. Such arrangements may include, but are not limited to, the provision of sign language or oral interpreters for the deaf, providing tape cassettes of material for the blind, or assuring a barrier-free location for the proceedings.</p> <p>The Disability Compliance Coordinator will be responsible for providing such arrangements, in addition to, when requested, providing a list of organizations representing disabled persons.</p> |  |

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| <b>SUBJECT Section 504 / ADA Grievance Procedure</b>   |   |
| <p>6. The federal and state laws and regulations may be examined in the office of the Disability Compliance Coordinator who has been designated to coordinate the efforts of the City of Berkeley to comply with Section 504 and the Americans with Disabilities Act. The Disability Compliance Coordinator may be reached at 2001 Addison Street, 3rd Floor, Berkeley, CA 94703 or at (510) 644-6540.</p> |   |
| <b>RESPONSIBLE PARTY:</b><br>Disability Compliance Coordinator<br><br><b>TO BE REVISED:</b><br>Annually  | Approved by:<br><br>_____<br>Department Director<br><br>_____<br>Deputy City Manager<br><br>_____<br>City Manager |

**4.3.2 Communications Access Policy A.R. 1.12**

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| <p><b>CITY OF BERKELEY</b></p> <p><b>ADMINISTRATIVE REGULATIONS</b></p>   | <b>A.R. NUMBER:</b> 1.12 [Formerly 1.90] |
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| <b>SUBJECT Communications Access Policy</b>   |  |
| <p><b>* THIS VERSION WILL BE IN EFFECT UNTIL THE NEXT REGULAR UPDATE **</b></p>   |  |
| <p><b>PURPOSE</b></p> <p>The purpose of this policy is to:</p> <ol style="list-style-type: none"> <li>1. Comply with Section 504, Title V of the Federal Rehabilitation Act, Sections 11135 11139.5 of the California Government Code and federal and state department implementing regulations which specify that disabled persons are entitled to access programs and activities in a manner that is equal to that offered non-disabled persons.</li> <li>2. Ensure that communications with applicants, employees, service recipients and citizens are effective, and systems used to communicate are functional for all, including persons with hearing, speech, vision, mobility and language impairments.</li> <li>3. Providing reasonable accommodation, which may include, but is not limited to, appropriate support assistance or use of auxiliary aids to qualified applicants, employees, or recipients with impaired sensory, mobility, or speaking skills where refusal to do so would impair or exclude and/or effective participation.</li> </ol> |  |
| <p><b>POLICY</b></p> <p>It shall be the policy of the City of Berkeley to :</p> <ol style="list-style-type: none"> <li>1. Ensure that communications with applicants, employees and recipients of services are effective to meet the needs of persons with hearing, speech, vision, language and mobility impairments; and</li> <li>2. Make all City services and meetings which are otherwise available to the public accessible to people with communication disabilities.</li> </ol>   |  |
| <p><b>PROCEDURES</b></p> <p>The Communications Access Policy applies to all City departments, boards, commissions, task forces and other duly constituted bodies and offices operated by the City of Berkeley. This applies, in particular, to those departments and organizations relating directly to the general public.</p>   |  |
| <p>Berkeley ADA Title II Self-Evaluation 2004 <span style="float: right;">274</span></p>  |  |

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| <b>SUBJECT Communications Access Policy</b>   |  |
| <p>A. <u>Legal Basis</u></p> <p>1. <u>Discrimination Prohibited</u><br/>Section 504 of the Federal Rehabilitation Act of 1973. (29 USC 794) specifies:</p> <p style="padding-left: 40px;">"No otherwise qualified disabled individual in the United States ... shall, solely by reason of his/her disability, be excluded from the participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."</p> <p>2. <u>Discrimination Prohibited</u><br/>Section 11135-11139.5 of the California Government Code specifies:</p> <p style="padding-left: 40px;">"No disabled person in California may be subjected to discrimination under any program or activity that receives any financial assistance from the State."</p> <p>B. <u>Background</u><br/>People with disabilities, who are otherwise capable or equal and active participation in all aspects of society, often find their participation blocked by barriers of different kinds. In recent years, in response to the pressure of disabled persons' organizations, the public has become increasingly aware of the need to remove such barriers. The City of Berkeley fully supports the principle that facilities and services be accessible to people with disabilities, and is establishing the Communication Access Policy to ensure that the necessary accommodations are made.</p> <p>Summarized below are the different kinds of disabilities and barriers to be removed, as they affect the City:</p> <p>1. People with <u>physical</u> disabilities (those using wheelchairs, walkers, crutches, or having other physical impairments) encounter <u>architectural barriers</u> such as insurmountable stairs, narrow doorways, etc. Often it is difficult to get information about whether or how a particular site is accessible. Therefore, meetings and services should occur in wheelchair accessible facilities; and the public should be made aware of unavoidable barriers in advance of scheduled meetings.</p> |  |



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| <p>2. People with <u>hearing impairments</u>, including deaf and the hard of hearing, encounter <u>communications barriers</u>. Lack of access to the spoken word poses the need for TDD (Telecommunications Devices for the Deaf, which attach to the standard telephone and transmit print) and sign language and oral interpreters and any other specialized devices and programs to meet their needs.</p> <p>3. People with <u>visual impairments</u>, including blind and partially-sighted people, also encounter <u>communications barriers</u>. Lack of access to the printed word necessitates that written material may be put into larger print, into Braille, or tape-recorded. No single method works in every situation. A relatively small percentage of blind people use Braille; but for those who do, a Braille text is often more familiar than a taped text, although a taped version is generally useable by anyone. For those with partial vision, enlarged print is often adequate, as well as inexpensive and easy to produce with a large print typewriter or a large print element for a standard modern office typewriter.</p> <p>4. People with <u>speech impairments</u>, including persons with severe cerebral palsy, and people with <u>mental or learning impairments</u>, including persons with dyslexia and retardation, encounter <u>communications barriers</u>. For these people the ability to speak and understand the spoken word is a slow process and usually requires patience and understanding of persons coming in contact with them. Oftentimes this means the elimination of preconceived biases and prejudices.</p> <p>Generally, all disabled persons face <u>attitudinal barriers</u> - negative or inaccurate attitudes held toward them by other people. Education, awareness and familiarity with disabled people are needed to counter attitudinal barriers.</p> <p>C. <u>How the Communications Access Policy Will Be Implemented</u></p> <p>The City Manager's Office will take the lead to implement the Communications Access Policy by working with the City Clerk's Office, the Personnel Department and the network of representatives from each City department. The responsibilities of each of these departments are outlined below:</p> <p>⇒1. _____ Responsibilities of City Manager's Office representative:</p> |   |

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| <b>SUBJECT Communications Access Policy</b>  |  |
| <p>a. Maintain relationship with agencies and personnel involved in communicative services as outlined in Section B.</p> <p>b. Monitor Communications Access Policy</p> <p>c. Provide periodic progress reports to HRWC Subcommittee on the Disabled and publicize efforts in the local media.</p> <p>2. Responsibilities of Personnel Department representative:</p> <p>a. Provide periodic training and/or disseminate information to:</p> <ul style="list-style-type: none"> <li>&gt; all supervisors and management employees;</li> <li>&gt; all City employees;</li> <li>&gt; City staff responsible for various tasks ( pursuant to this policy).</li> </ul> <p>b. Provide technical assistance to other City departments on personnel related matters such as reasonable accommodations, etc.</p> <p>3. Responsibilities of City Clerk's Office representative:</p> <p>a. The City Clerk's Office representative will be the central coordinator to whom the general public and all City departments should direct requests for sign language and oral interpreters for the hearing, speech and mentally impaired and alternate versions of written text for the visually impaired. Also, the City Clerk's Office has the TDD for communication with deaf people requesting interpreters, conducting City business, etc. This representative is knowledgeable about removing communication barriers for hearing and visually impaired people and will help other City staff as needed. Other duties include:</p> <ul style="list-style-type: none"> <li>&gt; operating and maintaining TDD equipment;</li> <li>&gt; training other City Clerk's Office staff to operate the TDD in the representative's absence;</li> </ul> |  |

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| <p>&gt; ensuring that TDD telephone is listed whenever the City's voice telephones are advertised and whenever other City telephones are listed;</p> <p style="padding-left: 40px;">The proper format for this is as follows:<br/> XXX-XXXX (Departmental Telephone Number)<br/> 644-6915 (TDD) (Telecommunication Device for the Deaf)</p> <p>&gt; assisting TDD hearing impaired callers to obtain information needed from various City departments via TDD and assisting departments needing to communicate with the hearing impaired via TDD;</p> <p>&gt; coordinating the provisions of certified sign language/oral interpreters when needed by hearing impaired persons attending public meetings or programs or by using interpreter referral agencies or interpreters with whom the City has contacts. In those situations where it is necessary for individuals to provide their own accommodations to attend a public meeting or program, making certain that reimbursement for such assistance is processed accordingly. This includes the coordination with departments needing interpreters or secretarial services for those unable to write and handling any necessary billing;</p> <p>The City requires a minimum of five (5) working days notice to ensure an interpreter because that is the length of time required by interpreter referral agencies with whom the City has contracts. The City and the contracting agencies will attempt to provide an interpreter on shorter notice but cannot guarantee success;</p> <p>&gt; coordinating with departments that have their own internal procedures for scheduling sign language interpreters, using Todd's, etc., to ensure orderly processing with the City and a coherent provision of services to the disabled public;</p> <p style="padding-left: 40px;">➤ providing written materials in Braille, large print, or on cassette tape, upon request from visually impaired people. The Braille can be done by a private Brail list with whom the City has a contract.</p> |  |

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| <p>To provide for a cassette tape or large print, the City Clerk's Office representative can make use of facilities in the Library and Central Duplicating shops;</p> <p>&gt; coordinating publicity to the general public, including disabled people, when the Communications Access Policy is first implemented and periodically thereafter. The publicity will focus on the availability of TDD, sign language and oral interpreter services, alternatives or written text, and holding City meetings in wheelchair accessible facilities. Staff knowledgeable of organizations administered by and serving disabled people should be consulted as to the best means of specifically reaching the disabled.</p> <p>4. Responsibilities of department representatives:</p> <p>a. Receiving training on communication and mobility accessibility, including how to determine whether a particular situation or location is wheelchair or communicative accessible. Training should be provided with a periodic updating, using staff of relevant organizations administered by and serving disabled persons, either within or outside the City.</p> <p>b. Informing other department staff and each board, commission, committee, task force, etc., connected with the department of the Communications Access Policy, including:</p> <p>&gt; the need to coordinate communications with deaf or hearing impaired people using a TDD (via the City Clerk's Office representative);</p> <p>&gt; the need for sign language or oral interpreters on request (via the City Clerk's Office representative), unless the department concerned has its own procedures for providing interpreters;</p> <p>&gt; the availability of Braille, tape recorded or other written materials (via the City Clerk's Office representative);</p> |  |

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| <b>SUBJECT Communications Access Policy</b>  |  |
| <p>&gt; the necessity of conducting business and programs and holding meetings in wheelchair accessible facilities;</p> <p>&gt; the need to include information about physical accessibility, sign language or oral interpreters, and alternate versions of written text on meeting notices and other publicity;</p> <p>&gt; the necessity of positive flexible attitudes in dealing with individuals (e.g., people may require assistance in filling out a form, a repeated and patient explanation, etc.)</p> <p>c. Ensuring that all boards, commissions, committees, task forces, etc., which have meetings open to the public, meet in wheelchair accessible facilities, by determining if their meeting places are accessible and arranging changes in location if necessary. department representatives will be provided with a list of City-owned facilities and other surveyed locations that are accessible and will only need to survey potential sites if they are non-City facilities or facilities on which the City has no access information (for events such as community meetings, special events, receptions, etc.)</p> <p>d. Ensuring that all forms of publicity, notices, listings, etc., of public meetings include the information that the facilities are wheelchair accessible (with an added note about any unavoidable barriers or other needed information) and that a sign language or oral interpreter and/or alternate versions of written material can be requested.</p> <p>Sample language:</p> <ul style="list-style-type: none"> <li>&gt; Wheelchair accessible</li> <li>&gt; Entrance wheelchair accessible; restrooms not wheelchair accessible</li> <li>&gt; Wheelchair accessible (enter via side door ramp through parking lot)</li> <li>&gt; Call XXX-XXXX (voice) or 644-6915 (TDD) to request a sign language or oral interpreter. Five (5) working days notice will ensure an interpreter.</li> </ul> |  |

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| <p style="text-align: center;">&gt; This text can be obtained in large print, Braille, or on a cassette tape</p> <p>e. Problems and/or questions should be referred to the City Manager's representative or the Personnel Department representative.</p> |   |
| <b>RESPONSIBLE PARTY:</b><br>Disability Compliance Coordinator<br><br><b>TO BE REVISED:</b><br>Every 2 years   | Approved by:<br><br>_____<br>Department Director<br><br>_____<br>Deputy City Manager<br><br>_____<br>City Manager |

#### 4.4 List of City of Berkeley Disability Related Programs and Services

Information about, and links to, the following City of Berkeley disability related resources and services should be posted on CoBWEB:

1. Contact information for requesting auxiliary aids and services
2. Updated TTY contact information for all City Departments which have new TTY numbers
3. Disability Compliance Program and Disability Services Specialists- coordinates efforts to ensure that people with disabilities have access to City programs and services, provides information to citizens and City employees about accommodating persons with disabilities (Public Works- Disability Compliance Program and Office of Transportation - Disability Services Specialist)
4. Commission on Disability - advises the City Council about policy, budget, programs and accessibility issues; offers a public forum for members of the disability community to raise issues of concern; and acts as an advocate to make Berkeley more accessible for all people with disabilities (Public Works - Disability Compliance Program)
5. The City's updated ADA Grievance Procedure
6. Accessibility of privately owned buildings in Berkeley - complaints or questions regarding accessibility (Planning and Development-Building and Safety Division)  
{Note:<http://www.ci.berkeley.ca.us/onlineservice/forms.htm#planning> has multiple forms, but not the form for filing a title 24 complaint}
7. Berkeley Public Library services for people with disabilities - services, equipment and materials for library patrons with disabilities (Berkeley Public Library - Special Services Coordinator, and Outreach Specialist)
8. Curbside refuse collection exemption for elderly or physically disabled customers - allows for backyard garage collection at no additional cost (Finance Customer Service Center)

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9. Curb ramps - problems with existing curb ramps or need for curb ramp installation (Public Works - Engineering Division)

10. Sidewalk repair (Public Works - Engineering Division)

1. Senior and Disabled Home Rehabilitation Loan Program-deferred payment loans for very low income Berkeley homeowners (Housing Department)

2. Berkeley Home Repair Program - free repairs to homes owned by low-income seniors and people with disabilities (Housing Department)

3. On Street Accessible Parking Zone (blue zone) installation (Office of Transportation)

4. In-Home Care Permits - provides a parking permit for people who live in any of the City's Residential Parking Permit Areas and require services of an attendant, personal assistant or nursing aide (Finance Customer Service Center)

5. Recreation Inclusion Program - integrates disabled and Deaf/hard of hearing youth and adults into recreational programs (Parks, Recreation and Waterfront - Inclusion Programs)

6. Senior and Disabled Swim Program - swimming and exercise at the Berkeley High School Warm Pool (Parks, Recreation and Waterfront - Aquatics Programs)

1. Tuolumne Family Camp for people with disabilities - the site of a special spring weekend for family groups or individuals with disabilities (Parks, Recreation and Waterfront - Camps Program)

2. Paratransit services for seniors and people with disabilities- taxi scrip program, wheelchair-van voucher program (Housing - Paratransit)

3. Disaster assistance and the disaster registry available through the Office of Emergency Services (Fire Department - Office of Emergency Services)

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4. Mental Health services for adults, families, youth, and children - a range of community-based mental health and related social services to people in clinics, in their homes, on the street, in shelters, and other settings; includes homeless outreach, mobile crisis teams, and accessible Social Services Transport (Health and Human Services - Mental Health Division)

Additionally, the following community services which are not City programs should be listed and hyperlinked via CoBWEB:

5. Emergency personal assistance and emergency transportation services available through Easy Does It

6. East Bay Paratransit.

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## 4.5 Sample Notice of ADA Requirements

Title II of the ADA requires state and local governments to notify applicants, participants, beneficiaries, and other interested persons of their rights and the public entity's obligations under Title II (28 C.F.R. § 35.106). The following sample notice provides such notification, and also appropriately lists a contact person from whom individuals with disabilities may request auxiliary aids and services, if they are needed for providing effective communication. The person designated to receive these requests can be, but need not be, the public entity's ADA Coordinator.

### Sample Notice

(Public Entity) does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. (Public Entity) does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990. Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to (Public Entity's) designated ADA Compliance Coordinator.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Phone Number: Voice \_\_\_\_\_ TTY \_\_\_\_\_

Days/Hours Available: \_\_\_\_\_

Individuals who need auxiliary aids for effective communication in programs and services of (Public Entity) are invited to make their needs and preferences known to the ADA Compliance Coordinator.

This notice is available in large print, on audio tape, and in Braille, from the ADA Compliance Coordinator.

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