

ORANGE WATER AND SEWER AUTHORITY

Disability Nondiscrimination Policy

Assuring that Individuals with Disabilities Have Access to OWASA Programs, Services, and Activities, and Opportunities to Participate in OWASA's Decision Making Processes

The Orange Water and Sewer Authority (OWASA) is committed to providing individuals with disabilities the opportunity for full participation in its programs, services, activities, and public meetings through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.

OWASA recognizes that individuals with disabilities may need reasonable accommodations or modifications to have equal opportunities to participate in or benefit from OWASA's programs, services and activities, and its public meetings.

No otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by OWASA. OWASA will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities.

OWASA will provide at no cost appropriate auxiliary aids and services to individuals where necessary to afford people with disabilities an equal opportunity to participate fully in OWASA's programs, services, activities, and public meetings. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing. Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from OWASA's services and activities. Requests for accommodations made with reasonable notice under the circumstances will be provided by OWASA in a timely manner. Accommodations will be provided in such a way as to protect the privacy and independence of the individual.

OWASA will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the ADA or Section 504, or for assisting or supporting another to exercise a right under the ADA or Section 504.

OWASA's non-discrimination programs and policies will apply to OWASA agents and contractors. OWASA will not employ or contract with individuals or firms who violate these non-discrimination policies.

Definitions

A. Disability means, with respect to an individual:

1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
2. a history of such an impairment; or
3. being regarded as having such an impairment.

The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of “disability” should not demand extensive analysis.

B. A Qualified Individual with a Disability is someone who, with or without reasonable accommodations to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for participating in OWASA’s programs, services, and activities.

Nondiscrimination Coordinator

OWASA’s Non-discrimination Coordinator will coordinate OWASA’s efforts to comply with Section 504 and the ADA, including ensuring the following:

A. OWASA will adopt and make readily available in suitable formats (*e.g.*, enlarged, Braille, audio-taped):

1. a procedure that allows an individual to request reasonable accommodations or auxiliary aids or services needed to obtain equal access to and enable participation in OWASA programs, services, activities, and public meetings;
2. a procedure for maintaining personal information in a manner that protects the privacy and independence of the individual;¹ and,
3. a procedure for providing reasonable accommodations and auxiliary aids and services.

B. OWASA will maintain data on the nature and extent of the services provided to individuals with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.

C. OWASA will administer its programs, services, activities and public meetings in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

D. OWASA will utilize the grievance procedures set forth in its nondiscrimination program and policy for providing prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA or Section 504. These procedures will be applicable to any anticipated complaint, including an appeal of a denied request for reasonable accommodations, modifications or auxiliary aids or services.

E. OWASA will provide services that are required to comply with the ADA and Section 504 free of charge.

F. OWASA will provide periodic in-service training for staff to develop their awareness and understanding of the needs of persons with disabilities and legal compliance issues.

¹ This language is consistent with EPA’s regulation at 40 CFR Sections 7.55 and 7.65(b) requiring that, “Recipients shall administer programs or activities in the most integrated setting appropriate to the needs of qualified handicapped persons.”

Program Accessibility

OWASA will consider the extent to which any OWASA facilities are “public facilities” or will be used by the public. OWASA will operate its programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. When OWASA public meetings are held in facilities other than those owned by OWASA, OWASA will consider the convenience of the location to the public and/or specific groups who may be particularly interested in the subject of the meeting.

A. Existing Facilities:

1. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods may include:
 - a. Redesigning equipment or the facility after case review.
 - b. Providing appropriate signage directing people to accessible features.
 - c. Reassigning staff, or services to accessible sites.
2. Evacuation procedures will be developed by OWASA for individuals with disabilities.

B. New Construction and Alterations:

Each facility or part of a facility constructed by, on behalf of, or for the use of OWASA which may be used by the public or qualified employees must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by individuals with disabilities.

Reasonable Accommodations and Auxiliary Aids and Services

No participant with a disability who wishes to participate in an OWASA program, service, activity or public meeting will be denied the benefits of, be excluded from participation in, or be otherwise discriminated against with respect to such participation, or in the provision of services available to all individuals in general.

Each individual is responsible for making timely requests regarding accommodations to meet their particular needs to enable OWASA to provide an appropriate response to the request. However, in the event that an individual fails to make a timely request regarding accommodations, OWASA will engage the individual in an interactive process, to provide an effective reasonable accommodation for the individual’s disability, as long as it does not result in a fundamental alteration or undue burden.

Auxiliary aids, services, or other accommodations used by individuals with disabilities to provide access to OWASA programs, services, activities and public meetings need not be on hand or present at all times.

OWASA does not need to provide a reasonable modification, auxiliary aid, or service that would fundamentally alter the nature of the program, service, or activity, for example requiring waiver of essential program, licensure, or governmental permit requirements; jeopardizing OWASA’s ability to provide high-quality drinking water and wastewater services to the public while protecting the

environment and public health; violating accreditation requirements, or posing an undue fiscal or administrative burden on OWASA.

In determining reasonable accommodations or appropriate auxiliary aids or services, OWASA will give consideration to the wishes of the individual, and in certain appropriate circumstances, documentation and institutional expertise in working with individuals with disabilities.

Under no circumstance will OWASA require an individual with a disability to accept a modification, aid, service, opportunity or benefit.

In addition to information found in this document, OWASA has developed Policies and Procedures for Assuring Public Participation in OWASA's Decision Making Processes which can be found here [\[insert link to the webpage where it is posted\]](#) or obtained from OWASA's Non-Discrimination Coordinator by calling (919) 968-4421 or emailing sglasgow@owasa.org.