



## **CITY OF HAMMOND, LOUISIANA**

### **Section 504 Evaluation & Transition Plan and Summary of Previous & New Actions Taken**

Last Updated: September 2016

#### **COMMITMENT TO SECTION 504, ADA, & NONDISCRIMINATION**

The City of Hammond is committed to complying with the provisions of Section 504 of the Vocational Rehabilitation Act and its implementing regulations, Part 84, Title 45, Code of Federal Regulations, and with the provisions of the Americans with Disabilities Act, to the extent that Act may be held to apply to municipal governments.

The City is committed to the philosophy and practice of equal employment opportunities for all persons, without regard to race, color, religion, sex, national origin, age - as required by law, veteran's status, disability, or physical handicaps. As well as employment, this policy also covers the practices of upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation. This policy extends to all activities and programs which are conducted either by the City or by other non-departmental agencies, institutions, organizations, entities, or political subdivisions to which financial assistance is made available by the City through subgrants, contracts, assistance in any form, or other arrangements using local, state or federal funds. All employees are required to support this philosophy, and to practice nondiscrimination in their relationships with other employees. Department Heads, Supervisors, and Managers have specific responsibilities for practicing equal employment in all job related decisions that affect current and prospective employees.

#### **EVALUATION—DEFINITIONS & PROCEDURE**

The City of Hammond has developed this 504 program in compliance with Section 504 of the Federal Rehabilitation Act, as amended.

The City's Human Resources Director has been appointed as Section 504 Coordinator for this Program and has assisted in the self-evaluations performed by the City, the Mayor, the Human Resources Department, the Building Department, the Public Works Department, and Jim McInnis (handicapped contact) from the Police Department in 2012 and 2014. Additionally, representatives from the Council on Aging, Hammond Weed & Seed, and Options were consulted for their advice about best practices and accommodation strategies.

Generally, the City offers all programs and services, including public hearings and meetings, in locations and facilities that are fully and easily accessible. Most of the City's programs, services, and meetings are held in the Michael J. Kenney Community Center, the United Way/Social Services Building, Hammond City Council Chambers, and the Safe Haven Community Center.

**“Physical or mental impairment” is defined, for purposes of this Plan, as follows:**

1. A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of twelve body systems. They are the neurological, musculoskeletal, respiratory (including the speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic (blood), lymphatic and endocrine systems; special sense organs; and skin. Some examples are physical autism, blindness, epilepsy, muscular dystrophy, heart disease, diabetes, and cancer.
2. A mental impairment is any mental or psychological disorder. Such disorders would include mental retardation, organic brain syndrome, emotional or mental illness, specific learning disabilities, drug addiction, and alcoholism.

With respect to employment, the term does not include the following persons:

1. An alcoholic or drug abuser who's current use of alcohol or drugs prevents the person from performing the duties of the job in question;
2. A substance abuser whose impairment would pose a direct threat to property or to the safety of others;
3. Persons who have a currently contagious disease or infection which would constitute a direct threat to the health of others or;
4. A person who, because of currently contagious disease, is unable to perform his or her duties.

With respect to other programs, alcoholics and drug abusers are not included in the definition of individuals with handicaps when their substance abuse prevents them from participating in those programs or activities or when their participation poses a threat to property or the safety of others, due to their alcohol or drug abuse.

**Evaluation of City Facilities**

As part of the Section 504 guidelines, the City has made all City facilities accessible to the handicapped. In addition to past improvements to access and parking, the City has added additional policies impacting hearing- and sight-impaired persons and has evaluated all City property for Section 504 compliance.

The **list of the City buildings evaluated** includes the following.

- City Hall offices, including City Council Chambers
- Criminal Justice Building, including Jail and Evidence Buildings
- Police Headquarters (New) and Police Training Center
- Hammond Northshore Regional Airport Terminal
- Michael J. Kenney Center
- United Way/Social Services Building
- Maintenance Facility
- Robert Street Building
- Fire Administration Building and Fire Stations (5)
- Park facilities, including those in Cate Park, Clarke Park, Jackson Park (New), Martin Luther King Park, Mooney Park, and Zemurray Park
- Safe Haven Community Center
- Levy Building
- Miller Memorial Library

### *Parking*

All of these City facilities are properly served and marked for handicapped parking. Signs are 3-4' high in front of each parking space, and the pavement is also marked with the handicap symbol in blue paint. Access is provided from parking lots to buildings via sidewalks and ramps. No curbs impede easy access from City parking lots to building entrances.

### *Routes, Pathways, Sidewalks*

The routes leading from parking lots to entrances are at least 36" wide and 80" high with a continuous smooth surface. No trees, power lines, or other signs/hanging objects obstruct the routes. All handicap entrances are clearly marked. All sidewalks leading from parking lots to entrances have the proper slope with less than 1/2" and avoid any gaps in pavement of more than 1/4". If any drainage grates are or catch basins are within the paved portion of the sidewalk, the grates are transverse of the sidewalk path. All steps and stairs are accessible via a ramp nearby. The ramps include truncated domes and color to visually distinguish the surface from the parking lot or paved sidewalk.

### *Building Entrances*

All entrances and exits to buildings should have a minimum doorway opening of 32", ramps where necessary, with non-slip surfaces, and doorways or doorsills free from extreme slopes or abrupt changes in surface level. No buildings use revolving doors or turn-styles. The hardware used to open the building door is at a height of 48" and is operated by push/pull or by lever, depending on the door.

### *Interior Access*

Interior access throughout the buildings is provided through easily accessible pathways that vary from 48" to 80" depending on the building and organization of hallways and office cubicles. The only City building with an elevator is the Criminal Justice building. The elevator is fully accessible with a minimum of 51" opening door, control panels centered with the highest button at 48" and with elevator doors that remain open for 15 seconds. The second floor of City Hall is not accessible via an elevator; however, all services offered on the second floor are moved to the first floor if needed by anyone requiring accommodations. These instances have been few and far between.

### *Auxiliary Services—Restrooms, Drinking Fountains, Telephones*

Several buildings have restrooms that have been upgraded by the City and access to them is acceptable. Handicap-accessible restrooms are marked with universal sign. Doorways, stalls, hardware, toilet stalls, sinks, and grab bars are accessible. Public drinking fountains and telephones are accessible to handicapped, except for one public telephone at the airport terminal and one public telephone at the Police Department. The phone cords stretch far enough that accommodations can be made when requested in these buildings. The drinking fountain in the Robert Street Building is not accessible; however, a water cooler is located 20' from the fountain and is low enough and operational for those using wheelchairs.

### *TDD Access*

City Hall is accessible to those with hearing-impairments through the use of the State's Telephone Relay System, 1-888-550-5277 (ASCII), 1-800-846-5277 (TDD) or 1-800-947-5277 (voice). The City also publishes annual notices in the Hammond Daily Star newspaper and with public notices about the use of the relay system.

### *Warning Signals*

Entrances are marked with EXIT signs that remain lit and are of a type font and size easy to read. Fire alarms are visual and audible.

### *Meeting and Conference Areas*

Meeting and conference areas are available in each public building with accessible doorways, table tops, and seats for those using wheelchairs. The City Council Chambers is fully accessible and is most often used for public meetings. Additional meetings are held at the Kenney Community Center and Safe Haven Facility, which are also fully accessible.

## **TRANSITION PLAN**

**General Policies:** The City of Hammond has adopted a Section 504 Grievance Procedure that is included herein. It provides for a grievance to be lodged with the Section 504 Coordinator, who is the Human Resources Director (985-277-5628 or PO Box 2788, Hammond LA 70404-2788 or 219 E Robert St, Hammond LA 70401-3349, Monday–Friday, 7:30 a.m.–4:30 p.m.). Appeals are sent to the Director of Administration (985-277-5601 or PO Box 2788, Hammond LA 70404-2788 or 310 E Charles St, Hammond LA 70401-3324, Monday–Friday, 8:00 a.m.–4:00 p.m.).

The City includes in all meeting notices and agendas that reasonable accommodations will be provided to anyone wishing to attend and participate in City Council or other City meetings upon 3 days prior notice. Accommodations are requested either to the Human Resources Director or to the Clerk of Court depending on the type of meeting. Meeting notices and agendas (and many other City documents) are also available in **alternative formats** (e.g. electronic formats) on the City's website or through the departments that originated them.

The City publishes nondiscrimination notices in the local newspaper and displays this notice at City Hall.

The City has each employee sign an EEO statement every year that communicates the Mayor's and the City's commitment to equal opportunities and nondiscrimination. The City also trains its employees who interact or communicate with the public, who establish or implement programs, or who maintain facilities, regarding the City's responsibilities under Section 504.

## **Communications**

The City has taken active steps to ensure effective communications between the City and handicapped beneficiaries and applicants.

**Actions to promote accessible communications** include the following:

1. A newspaper ad, as attached, will periodically be run informing the public of the relay/TDD numbers used by the City. The City has also notified the public as to the availability of this Transition Plan and evaluation.
2. Consultation with handicapped persons and agencies who have suggested ideas for improving access and communication for the handicapped. This includes City employees.
3. Persons with impaired vision or hearing may also receive any needed information by contacting the 504/ADA Coordinator or another appropriate City staff person, as appointed by the Mayor.
4. The City Council has determined that these activities are not a burden and can be implemented with no financial hardship.

5. Provide proper public notification concerning nondiscrimination in employment and access to public facilities. Such notification relating to nondiscrimination based upon handicap status shall be publicly posted and notices given to employees, beneficiaries, applicants and organizations that the City may do business with. Notification shall take place on an annual basis.
6. The City shall communicate with citizens having hearing, speech, or vision impairments through use of a TDD device, use of sheriff's staff member who knows sign language, and reading/interpretation of documents for the blind. This communication shall be through the Human Resources Department.

### **Employment**

All City employment, procurement, Section 3, or related policies prohibit discrimination based upon handicap status, regardless of whether federal funds are used for the project or program.

- A. The City may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.
- B. The prohibition against discrimination in employment applies to the following activities:
  - 1) Recruitment, advertising, and the processing of applications for employment;
  - 2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, injury or illness, rehiring;
  - 3) Rates of pay or any other form of compensation and changes in compensation;
  - 4) Job assignments, job classifications, organizational structures, position description, lines of progression and seniority lists;
  - 5) Leaves of absence, sick leave, or any other leave;
  - 6) Fringe benefits available by virtue of employment, whether or not administered by the City;
  - 7) Employer-sponsored activities, including social or recreational programs; and
  - 8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absences of training.
- C. The City may not participate in a contractual or other relationship that has the effect of subjecting qualified applicants with handicaps or employees with handicaps to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the City, and organizations providing training and apprenticeship programs.

### **Reasonable Accommodations for Employees**

The City will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the City can demonstrate that such accommodation would impose an undue hardship on the operation of its program.

- A. Reasonable accommodation may include:

- 1) Making facilities used by employees accessible to and usable by individuals with handicaps;
  - 2) Job restructuring, job relocation, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.
- B. In determining under the first paragraph of this section, whether an accommodation would impose an undue hardship on the operation of a program, factors to be considered include:
- 1) The overall size of the City's program with respect to number of employees, number and type of facilities, and size of budget;
  - 2) The type of City operation, including the composition and structure of the City's workforce;
  - 3) The nature and cost of the accommodation needed.
- C. The City shall not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

#### **Employment Criteria**

- A. The City may not use any employment test or other selection criterion that screens out or tends to screen out individuals with handicaps or any class of individuals with handicaps or any class of individuals with handicaps unless:
- 1) The City demonstrates that the test score or other selection criterion, as used by the City, is job-related for the position in question;
  - 2) The appropriate State DOA official demonstrates that alternative job-related test or criteria that tend to screen out fewer individuals with handicaps are unavailable.
- B. The City shall select and administer tests concerning employment to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure). Such employment criteria is maintained by the Human Resources Department.

#### **Pre-employment Inquiries**

- A. Except as provided in paragraphs (b) and (c) of this section, the City may not make a pre-employment inquiry or conduct a pre-employment medical examination of an applicant to determine whether the applicant is an individual with handicaps or the nature or severity of a handicap. The City may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions.
- B. When the City is undertaking affirmative action efforts, voluntary or otherwise, the City may invite applicants for employment to indicate whether and to what extent they are handicapped, if the following conditions are met:
- 1) The City states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that the information requested is

intended for use solely in connection with its remedial action obligations, or its voluntary or affirmative action efforts; and

- 2) The City states clearly that the information is being requested on a voluntary basis, that it will be kept confidential (as provided in paragraph (d) of this section), that refusal to provide the information will not subject the applicant or employee to any adverse treatment, and that the information will be used only in accordance with this part.
- C. Nothing in this section shall prohibit the City from conditioning an offer to employment on the results of a medical examination conducted before the employee's entrance on duty if all entering employees in that category of a job classification must take such an examination regardless of handicap, and the results of such examination are used only in accordance with the requirements of this part.
- D. Information obtained under this section concerning the medical condition or history of the applicant is to be collected and maintained on separate forms that are accorded confidentiality as medical records, except that:
- 1) Supervisors and managers may be informed of restrictions on the work or duties of individuals with handicaps and informed of necessary accommodations;
  - 2) First aid and safety personnel may be informed if the condition might require emergency treatment; and
  - 3) Government officials investigating compliance with Section 504 shall be provided relevant information upon request.

### **Program/Physical Accessibility**

No qualified individual with handicaps shall, because the City's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance.

Alterations to existing non-housing facilities shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with handicaps. For purposes of this paragraph, the phrase "to the maximum extent feasible" shall not be interpreted as requiring that the City make a non-housing facility, or element thereof, accessible if doing so would impose undue financial and administrative burdens on the operation of the City's program activity.

The City shall operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. However, this paragraph does not –

- Necessarily require the City to make each of its existing non-housing facilities accessible to and usable by individuals with handicaps;
- In the case of historic preservation programs or activities, require the City to take any action that would result in a substantial impairment of significant historic features of an historic property; or
- Require the City to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. If an action would result in such an alteration or such burdens, the City shall take any action that would not result in such an alteration of such burdens but would nevertheless

ensure that individuals with handicaps receive the benefits and services of the program or activity.

New non-housing facilities shall be designed and constructed to be readily accessible to and usable by individuals with handicaps.

### **Grievance Procedure**

It is the policy of the City to review all complaints alleging any action prohibited by Section 504. The complainant shall notify the Human Resources Director of any complaints relating to Section 504 or ADA.

This complaint may be oral or written and must be answered in writing by the City within 10 working days. The answer must state the City's proposed timetable to alleviate the complaint or the problem, if the City feels that the complaint was justified.

The Human Resources Director may be contacted at 985-277-5628 or PO Box 2788, Hammond LA 70404-2788 or 219 E Robert St, Hammond LA 70401-3349, Monday–Friday, 7:30 a.m.–4:30 p.m.

The Human Resources Director will forward any complaints and appeals to the Director of Administration and to the Mayor. The Director of Administration must review each complaint and respond to it in writing within 10 working days.

If the complainant has not been satisfied with the response or actions taken by the City, then the complainant may direct further inquiries to the US Department of Housing and Urban Development in New Orleans (504-671-3000 or Hale Boggs Federal Building, 500 Poydras St 9th Flr, New Orleans LA 70130). Additionally, the complainant may contact the US Department of Justice, Coordination and Review Section, Civil Rights Division, P.O. Box 66118, Washington, DC, 20035-6118.

### **Compliance Actions and Timetable**

As mentioned in the preceding section on self-evaluation, all City buildings, facilities, and parking sites have met Section 504 standards. These sites need to be maintained to stay in compliance. All Section 504 violations or public suggestions about the 504 Standards delineated in the Evaluation Section of this Plan or disagreements with the Transition Plan should be addressed to the Human Resources Director or the Director of Administration.

### **Public Access and Input to Transition Plan**

The City will notify the public at least one (1) time per year as to the availability of the 504 Transition Plan. It shall be available at City Hall for review by any interested party. The City shall also annually notify the public of the availability of the Relay/TDD telephone number used by the City.

### **Amendments to the Plan**

Amendments to the Transition Plan should be reviewed, written, and prepared by the City Administration, then directed to the City Council for discussion and adoption.

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Pete Panepinto, Mayor

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Date