

GRAFTON COUNTY SENIOR CITIZENS COUNCIL, INC.

POLICY: **Reasonable Modification Policy**

ADOPTED/REVIEWED: **7/2019**

REVIEWED/AMENDED BY: **Program Planning and Evaluation**

APPROVED:

1. Purpose

The purpose of the reasonable modification policy is to ensure that Grafton County Senior Citizen Council (GCSCC) offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

2. Policy

GCSCC is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. GCSCC recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. GCSCC will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. GCSCC does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. GCSCC will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of GCSCC, or be subject to discrimination by GCSCC.

3. Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. GCSCC will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the modification would fundamentally alter the nature of the public transportation service.
- Making the modification would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use GCSCC's service without the modification being made.
- Where granting the request would cause any undue financial and administrative burden.

For the purposes of this section, the term reasonable modification shall be interpreted in a manner consistent with and in compliance with the US Department of Transportation Americans with Disabilities

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Act (ADA) of 1990 (49 CFR Parts 27, 37, 38 and 39), and Section 504 of the Rehabilitation Act of 1973, as amended, and GCSCC ensures its services, vehicles, and facilities are accessible to and usable by individuals with disabilities.

4. Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

5. Requests for Reasonable Modifications

GCSCC shall provide information about how to contact GCSCC to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. GCSCC shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at GCSCC will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, GCSCC requests that individuals make such requests for modifications before GCSCC is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a demand response trip of which the individual with a disability was unaware until arriving) operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with GCSCC’s management before making a determination to grant or deny the request.

Requests for modification may be made either orally or in writing. The reasonable modification process begins as soon as the request for modification is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

6. Interactive Process

When a request for modification is made, GCSCC and the individual requesting a modification must engage in a good faith interactive process to determine what, if any modification shall be provided. The individual and the GCSCC must communicate with each other about the request, the process for determining whether a modification will be provided, and the potential modifications. Communication is a priority throughout the entire process.

7. Time Frame for Processing Requests and Providing Reasonable Modification

GCSCC will process requests for reasonable modification and then provide modifications, where appropriate, in as short a time frame as reasonably possible. GCSCC recognizes, however, that the time necessary to process a request will depend on the nature of the modification(s) requested and whether it is necessary to obtain supporting information.

8. Granting a Reasonable Modification Request

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As soon as GCSCC determines that a reasonable modification will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, GCSCC shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

9. Denying a Reasonable Modification Request

As soon as GCSCC determines that a request for reasonable modification will be denied, GCSCC will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative modification that may create the same access to transit services as requested by the individual; and
- c. the opportunity to file a complaint relative to the GCSCC's decision on the request.

10. Complaint Process

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a GCSCC's Reasonable Modification Complaint.

Methods of filing a complaint:

Complete the Complaint Form, and send it to:

Kathleen Vasconcelos, Executive Director
Grafton County Senior Citizens Council, Inc.
PO Box 433
10 Campbell St.
Lebanon, NH 03766-0433

Verbal complaints are accepted and transcribed by administrative office staff. To make a verbal complaint, call 603-448-4897 and ask for an administrative office staff member.

GCSCC investigates complaints received no more than 180 days after the alleged incident. GCSCC will process complaints that are complete. Once the complaint is received, GCSCC will review it and the complainant will receive an acknowledgement letter informing them whether the complaint will be investigated by GCSCC.

GCSCC has up to thirty days to investigate the complaint. If more information is needed to resolve the case, the GCSCC may contact the complainant. The complainant has thirty days from the date of the letter to send requested information to the investigator assigned to the case.

If GCSCC's investigator is not contacted by the complainant or does not receive the additional information within thirty days, GCSCC can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue his or her case.

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After the investigator reviews the complaint, one of two letters will be issued to the complainant: a closure letter or a letter of finding (LOF).

- A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has ten days after the date of the letter or the LOF to do so.

A person whose complaint is specifically in regard to the GCSCC transportation service may also file a complaint directly with the Federal Transit Administration at:

Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590

11. Designated Employee

GCSCC shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Kathleen Vasconcelos, Executive Director
Grafton County Senior Citizens Council, Inc.
PO Box 433
10 Campbell St.
Lebanon, NH 03766-0433

12. Record Retention

GCSCC will maintain all records related to reasonable modification requests and denials for at least three (3) years.