



windomcommunity@gmail.com  
www.windommpls.org  
@WindomCommunity  
856-494-6366  
www.facebook.com/windommpls  
5843 Wentworth Avenue,  
Minneapolis MN 55419

## American Disabilities Act (ADA) Policy

### I. Purpose

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA), collectively referred to as ADA, are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The ADA / ADAAA may also require accommodation to our members or program participants.

These laws may not typically apply to the WCC due to employer size. However, acceptance of City of Minneapolis grants requires some level of compliance with these regulations and provides grant funding for this compliance.

The Windom Community Council (the "WCC") will provide for the participation of and meaningful engagement with all segments of the neighborhood population the WCC serves, including, but not limited to, homeowners, renters, property owners, business owners, people with disabilities, immigrants, non-English speakers, low-income residents, people of color and others who participate in WCC programs.

Therefore, it is the Organization's policy to comply with this requirement and conduct itself as an Equal Opportunity Employer (consistent with the WCC's EEOC Policy).

The WCC does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment or with regard to program, activity, or event participation.

### II. Terms Used in This Policy

As used in this ADA policy, the following terms have the indicated meaning:

- 1. Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of the impairment, or being regarded as having the impairment.
- 2. Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

- 3. Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.
- 4. Substantially limiting:** In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- 5. Direct threat:** A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- 6. Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.
- 7. Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- 8. Undue hardship:** An action requiring significant difficulty or expense by the employer / program provider. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - a.** The nature and cost of the accommodation.
  - b.** The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources, or the impact of the accommodation on the operation of the facility.
  - c.** The overall financial resources of the employer; the size, number, type, and location of facilities.
  - d.** The type of operations of the Organization, including the composition, structure, and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- 9. Essential functions of the job:** Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not all-inclusive. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

### III. Employer – Employee ADA Practices

#### A. Accommodation Procedures

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, they will be given the same consideration for employment as any other applicant.

The WCC, through its board, or delegated staff with authority, is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat, and undue hardship issues.

- 1. Reasonable accommodation.** The WCC will reasonably accommodate qualified individuals with a documented disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the Organization. Questions or requests for accommodation are handled under the Organization's Personnel Policy & Procedures.
- 2. Safety standards.**
  - a.** Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.
  - b.** Employees are required to comply with the Organization's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.
- 3. Illegal Drugs.** Individuals who are currently using illegal drugs are excluded from coverage under the WCC's ADA policy.

### IV. Program Delivery ADA Procedures

#### A. Modification

The WCC makes efforts to implement reasonable modifications to program delivery to ensure people with disabilities have meaningful access and equal opportunities to enjoy WCC programs, events, and activities.

"Meaningful access" means that a person:

- Is given adequate information
- Can understand the programs, activities, and events available to them
- Can participate in programs, activities, and events they are eligible for
- Can communicate to the WCC when member input is needed

#### 1. Physical Access

Meetings and events of the WCC will be held in public locations that are wheelchair accessible, and reasonable accommodations will be made available upon request.

A wheelchair accessible location will include accessible parking, and an accessible entrance with no step, or an available ramp or elevator. An accessible route to the meeting or event must be at least three feet wide.

#### 2. Effective communication

The WCC is committed to communication with all residents and program participants. Providing access to limited-English and non-English speaking individuals is covered by the Language Access Policy.

#### **a. Written materials**

The WCC will follow its Language Access Policy and routinely consider when producing written materials whether or how the written content should or can be made more accessible to limited-English or non-English speaking individuals.

#### **b. Auxiliary aids**

Upon request, the WCC may be able to provide auxiliary aids and services to ensure effective communication if funding is available. The WCC encourages people with disabilities who want to participate in WCC programs, events, or activities to make an advance request for auxiliary aids and services. These can include:

- Real time captioning
- Readers
- Live audio description
- Assistive listening devices
- Braille
- Electronic documents in an accessible format
- Large print
- Qualified language interpreters, including those in the primary language groups in Minneapolis such as:
  - Sign language
  - Spanish
  - Somali

In its efforts to ensure equal access, the WCC will seek to utilize readily available Accommodations Checklists like those provided by the City of Minneapolis (or others) to ensure that people with disabilities have fair and equal access to information at Organizational meetings, events, and activities.

(See, <https://www2.minneapolismn.gov/media/content-assets/documents/departments/Accommodations-Checklist.pdf>)

### **3. Taking Requests for Assistance**

Any qualified person may request an accommodation, such as a language interpreter, by contacting the WCC at least five days in advance. The WCC will seek to provide the most effective available accommodations (which will provide the individual with the opportunity to participate equally or provide equal benefits or privileges as a non-disabled person) with the understanding that the accommodation does not have to be the best available or the accommodation preferred by the disabled individual.

### **4. Notification**

The following notification will be placed in all WCC meeting and event notices:

*The WCC invites and encourages participation by all. If you require an accommodation in order for you to fully participate, or if you require this document in a different format, please let us know at least 5 days in advance by contacting us at [phone number] or through Minnesota Relay Services at 1-800-627-3529 or by dialing 7-1-1.*

(Resource: <http://mn.gov/commerce/consumers/Minnesota-Relay-Users/Make-Receive-Calls.jsp>)

## **B. Program Participant Grievance Procedure**

The WCC is committed to making the programs, information, and activities which are open to the public available to everyone, regardless of language barriers or disabilities. If a person with a disability is unable to access a program, information, or activities, then they are encouraged to contact the Board of Directors or their delegate who is the ADA Coordinator. The ADA Coordinator will work with the individual to discuss the issue and explore options for improving access to the program, information, or activity.

The contact information for the ADA Coordinator will be published on the Organization's website as follows:

*ADA Questions or Complaints may be filed by calling the office at (856) 494-6366, or by email at [windomcommunity@gmail.com](mailto:windomcommunity@gmail.com)*

## **Approval & Adoption**

Approved by the Board of Directors on 10/14/2021