Association of Central Oklahoma Governments Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (504) Compliance Plan

November 2011

The contents of this report reflect the views of the Association of Central Oklahoma Governments (ACOG), the Metropolitan Planning Organization for the Oklahoma City Area Regional Transportation Study (OCARTS) Transportation Management Area. ACOG is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect official views or policy of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

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This document is also available online at:
http://acogok.org/Programs_and_Services/Transportation_and_Data_Services/title6.asp

INTRODUCTION

The main purpose of the Americans with Disabilities Act (ADA) and Section 504 Compliance Plan is to establish policies and practices for implementing accessibility requirements in the programs and services of the Association of Central Oklahoma Governments (ACOG). The goal is to optimize the accessibility of ACOG's programs and services and to assure compliance with all federal, state, and local regulations and standards.

The ADA/504 requires that ACOG provide nondiscrimination assurances, designate an employee responsible for compliance, and adopt a grievance procedure. The main purposes of this Compliance Plan are to establish our commitment to providing accessibility and to describe the procedures for persons to file a grievance.

ASSURANCES

TITLE II ASSURANCE

The **Association of Central Oklahoma Governments (ACOG)** assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the **ACOG**.

Specifically, the following discriminatory actions are prohibited:

1) In providing any aid, benefit, or service, **ACOG** will not directly or through contractual, licensing, or other arrangements, on the basis of disability:
    a. Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit or service.
    b. Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not substantially equal to that afforded persons who do not have a disability.
    c. Provide a qualified person with a disability an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as persons without disabilities.
    d. Provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide the aids, benefits or services that are as effective as those provided to persons without disabilities.
    e. Aid or perpetuate discrimination against a qualified person with a disability by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of disability.
    f. Deny a qualified person with a disability the opportunity to participate in conferences, planning or advising opportunities.
    g. Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving an aid, benefit, or service.
2) For purposes of these assurances, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and nondisabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting that is reasonable achievable.
3) Even if separate or different aids, benefits or services are available to persons with a disability, **ACOG** will not deny a qualified person with a disability the opportunity to participate in the programs or activities that are not separate or different.
4) **ACOG** will not, directly or through contractual or other arrangements, utilize criteria or methods of administration:
    a. That have the effect of subjecting qualified persons with a disability to discrimination on the basis of disability,

b. That have the purpose or effect of defeating or substantially reducing the likelihood that persons with disabilities can benefit from the objectives of the program or activity, or
c. That yield or perpetuate discrimination against another recipient of federal funds if both recipients are subject to common administrative control or are agencies of the same State.

5) In determining the site or location of a facility, **ACOG** will not make selections:
   a. That have the effect of excluding persons with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity, or
   b. That has the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to persons with disabilities.
6) As used in these assurances, the aid, benefit or service provided under a program or activity includes any aid, benefit or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

Future Effect of Assurances

Recipients of Federal financial assistance, and transferees of property obtained by a recipient with the participation of Federal financial assistance, are bound by the above assurances under the following circumstances:

1) When Federal financial assistance is provided in the form of a conveyance of real property or an interest in real property from the U.S. Department of Transportation, the instrument of conveyance shall include a covenant running with the land binding the recipient and subsequent transferees to comply with the requirements for so long as the property is used for the purpose of which the Federal financial assistance was provided or for a similar purpose.
2) When Federal financial assistance is used to purchase or improve real property, these assurances shall obligate the recipient to comply with the requirements and require any subsequent transferee of the property, who is using the property for the purpose for which Federal financial assistance was provided, to agree in writing to comply with the requirements. The obligations of the recipient and transferees shall continue in effect for as long as the property is used for the purpose for which Federal financial assistance was provided or for a similar purpose.
3) When Federal financial assistance is provided in the form of, or is used to obtain, personal property, these assurances shall obligate the recipient to comply with the requirements for the period it retains ownership or possession of the property or the property is used by a transferee for purposes directly related to the operations of the recipient.
4) When Federal financial assistance is used for purposes other than to obtain property, these assurances shall obligate the recipient to comply with the

requirements for the period during which the Federal financial assistance is extended to the program or activity.

Notice

ACOG will take appropriate initial and continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with **ACOG** that it does not discriminate on the basis of disability using the notice in Appendix A (Public Notice).

Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in agency publications and distribution of memoranda or other written communications.

Effect of State or local law

The obligation to comply with Section 504 of the Rehabilitation Act of 1973 is not obviated or affected by any State or local law.

John G. Johnson, Executive Director
ACOG

7-8-2011
Date

ADA COMPLAINT PROCEDURE

In the event an individual believes that the Association of Central Oklahoma Governments (ACOG) has failed to comply with Title II of the ADA by not providing equivalent access to an ACOG service, program, or activity, that individual or group of individuals may file a complaint with ACOG. The process for filing an ADA Title II Complaint will be as follows:

1. A written grievance should be filed using ACOG's ADA Complaint Form. Copies of this form may be printed from ACOG's website at www.acogok.org/Programs_and_Services/Transportation_and_Data_Services/title6.asp, or a copy may be obtained by writing ACOG at

   Association of Central Oklahoma Governments
   21 E. Main Street
   Suite 100
   Oklahoma City, OK 73104
   Attn: ADA Coordinator, Kara Chiodo

   Or by contacting ACOG's ADA Coordinator, Kara Chiodo, at (405)234-2264. An oral grievance may be filed by contacting the ADA Coordinator, who will reduce the information to writing utilizing the ADA Complaint Form and will subsequently forward the completed document to the complainant for signature.

   If you are Limited English Proficient (LEP) or disabled, assistance will be provided upon request. If you have a speech or hearing impairment, dial Oklahoma Relay at 1-800-722-0353.

   The written complaint must be filed within 180 days of the alleged disability related occurrence.

2. Within 60 days of the receipt of the signed ADA Complaint Form, ACOG will investigate the complaint and respond to the complainant. If the ADA Coordinator determines that the complaint is valid, ACOG may contact the complainant to discuss possible resolution of the complaint. ACOG will then provide a written decision to the complainant, which includes a finding of "Cause" or "No Cause" to believe any discrimination has occurred, as well as any actions discussed with the complainant.

3. If the complainant disagrees with ACOG's decision regarding the original complaint, an appeal may be filed with the Oklahoma Department of Transportation's Civil Rights Division at:

   Oklahoma Department of Transportation
   200 NE 21st Street
   Oklahoma City, OK 73105-3204
   Attn: Gregory Pringle, Civil Rights Division Manager

   ODOT's Civil Rights Division Manager will review the original complaint, the ACOG ADA Coordinator's written decision and findings and attempts to address the complaint, and will provide a final determination within 30 days of the receipt of the appeal. The

complainant will be notified of the decision in writing. The ODOT Civil Rights Division Manager's decision will be final.

4. The use of ACOG's ADA Complaint Process in no way precludes an individual or group from filing a formal complaint with the Civil Rights Division of the Federal Highway Administration, the U.S. Department of Transportation, or the U.S. Department of Justice.

5. The ADA Coordinator will maintain ADA Complaint related documents for three years from the date of final ACOG response.

PUBLIC NOTICE

Americans with Disabilities Act Notification

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Associations of Central Oklahoma Governments will not discriminate against qualified individuals with disabilities with respect to services, programs, or activities.

Employment

The Association of Central Oklahoma Governments does not discriminate on the basis of disability in hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Communication

The Association of Central Oklahoma Governments will make reasonable accommodations to policies and programs to ensure that individuals with disabilities have equal access to ACOG programs and services. Individuals requiring auxiliary aids or services for effective communication or modification of policies or procedures of an ACOG program or service should contact ACOG at (405)234-2264 no later than 48 hours before the scheduled event.

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