



N.C. DEPARTMENT OF TRANSPORTATION Office of Civil Rights

N.C. Department of Transportation and The Americans with Disability Act (ADA)

ADA PROGRAM - OFFICE OF CIVIL RIGHTS

December 9, 2020

Americans with Disability Act (ADA)

- Protection under ADA
- Review of Reasonable Accommodation
- Standards
- ADA compliant
- Curb Ramps

ADA OVERVIEW

Prohibits discrimination based on disability by private employers, state and local governments, mass transit agencies and public accommodations.”

“a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”

Primary DOT Components

There are 5 Titles governing ADA
The two that apply to NCDOT are:

- Title I –Employment
- Title II –Local & State Government Programs

Who Is Protected

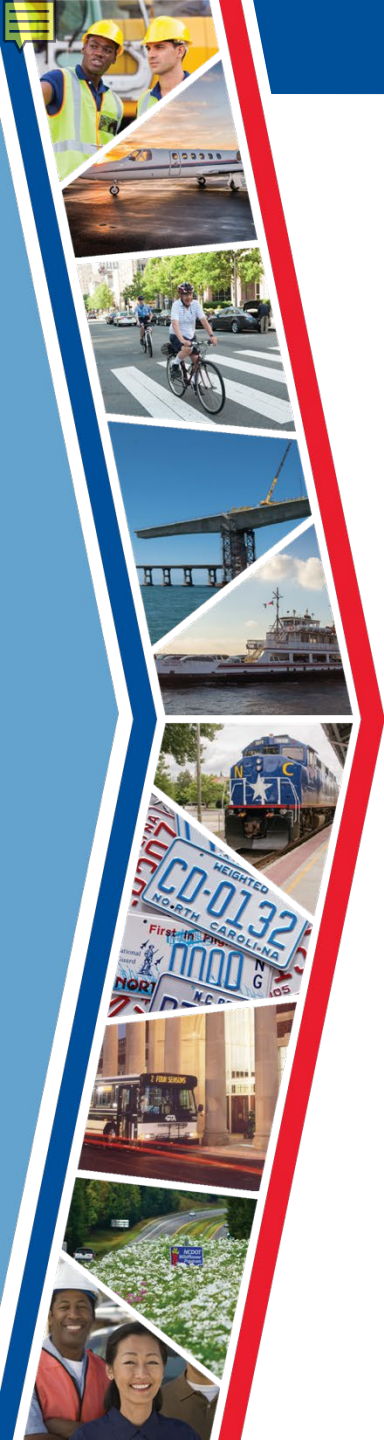
- Persons with a physical or mental impairment that substantially limits a major life activity.
- Or has a record of a substantially limiting impairment.
- Or is regarded as having a substantially limiting impairment

Reasonable Accommodation

- Specialized equipment
- Job restructuring
- Modified work schedules
- Reassignment to a vacant position
- Modified materials
- Readers and interpreters
- Accessible workplace

Have you experienced this???

Listen to this interaction between an employee and her supervisor...



Reasonable Accommodations

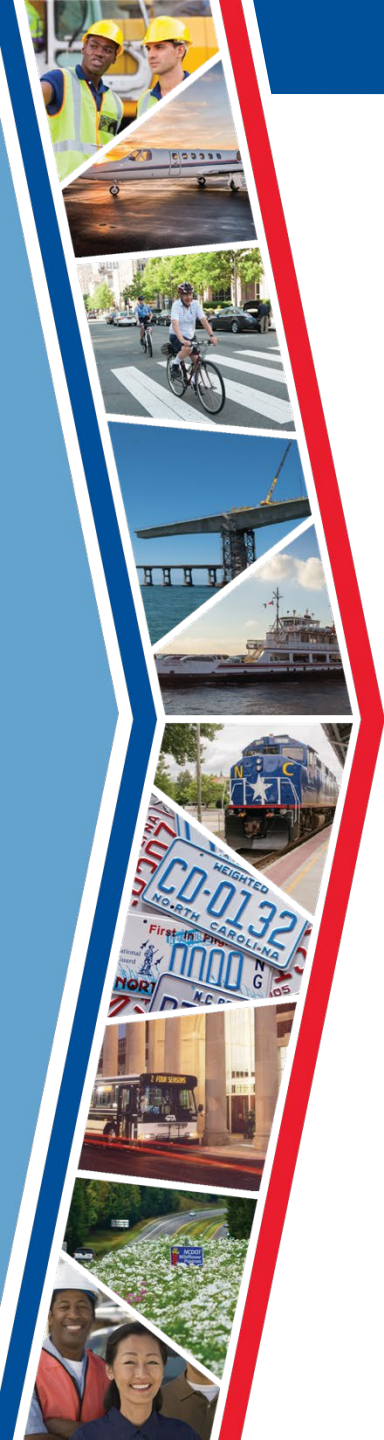
...The Process Flow

- For consistency, involve the ADA program with any reasonable accommodation requests you may have
- As the supervisor, if you think your employee is asking for a reasonable accommodation but you are uncertain, speak with an ADA Staff yourself or refer the employee to the ADA program
- The ADA program staff will guide you and/or your employee through the process
- The first step is to have the employee fill out the reasonable accommodation paperwork
- The ADA staff will determine if there is an ADA qualifying disability, if so, the interactive process begins with the employee and supervisor and or manager
- ADA Staff will discuss with both the employee and manager to determine the best course of action

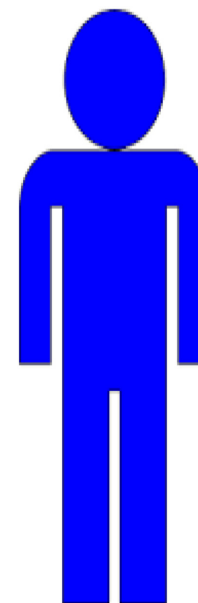
Reasonable Accommodations

...The Basics

- Recognize requests for reasonable accommodation (they don't have to be in writing or use "magic language").
- Know the next steps to follow if an employee requests or obviously needs an accommodation.
- A reasonable accommodation may arise any time an employee develops a disability, or when there is a change in an employee's disability or job functions.
- A reasonable accommodation must be sufficient to allow an employee to perform the essential functions of his/her position.
- **All information pertaining to the accommodation request and all related information must remain confidential.**



Not every
 disability uses
 a wheelchair



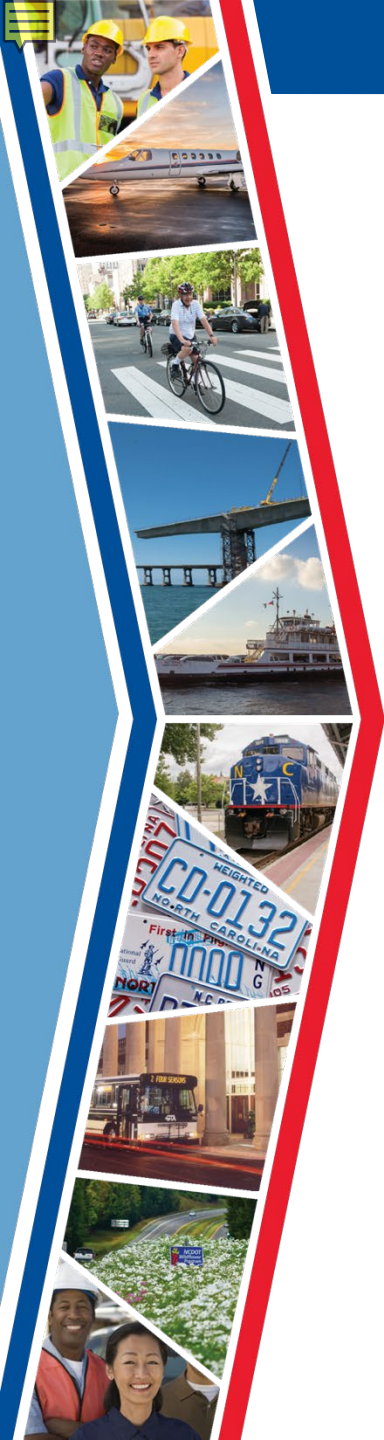
Not all
 disabilities
 are visible

Job Qualifications

An individual with a disability **must be** qualified to perform all essential functions of a job with or without reasonable accommodation.

The interactive dialogue

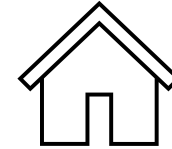
Listen to this interactive dialogue between an employee and her manager...



Access to Public Programs



**Public meetings:
Communication & Facility
access**

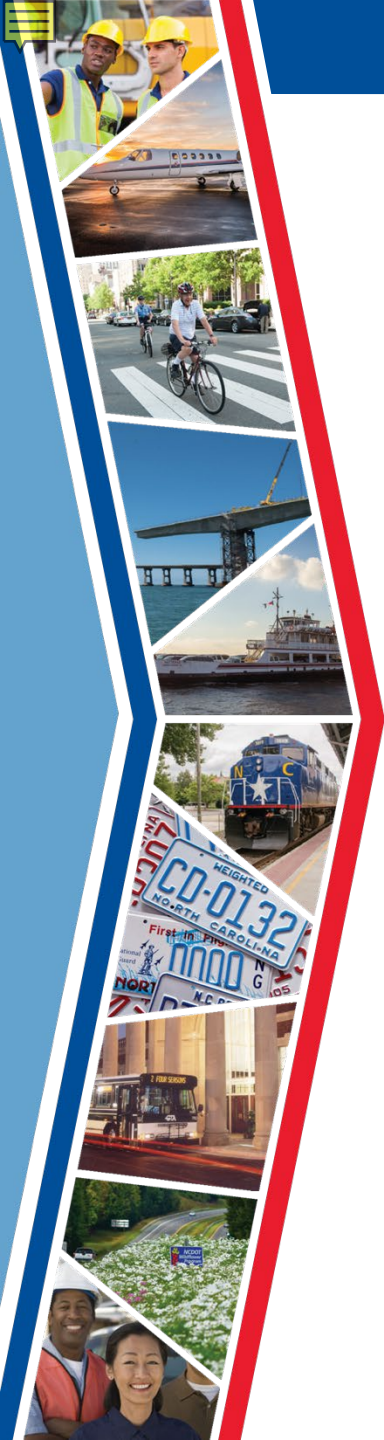
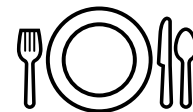


**Right of way and property owner
discussions:
Communication needs**



Rest Areas:

**Approach to facility access,
rest room access,
concessions access, etc.**



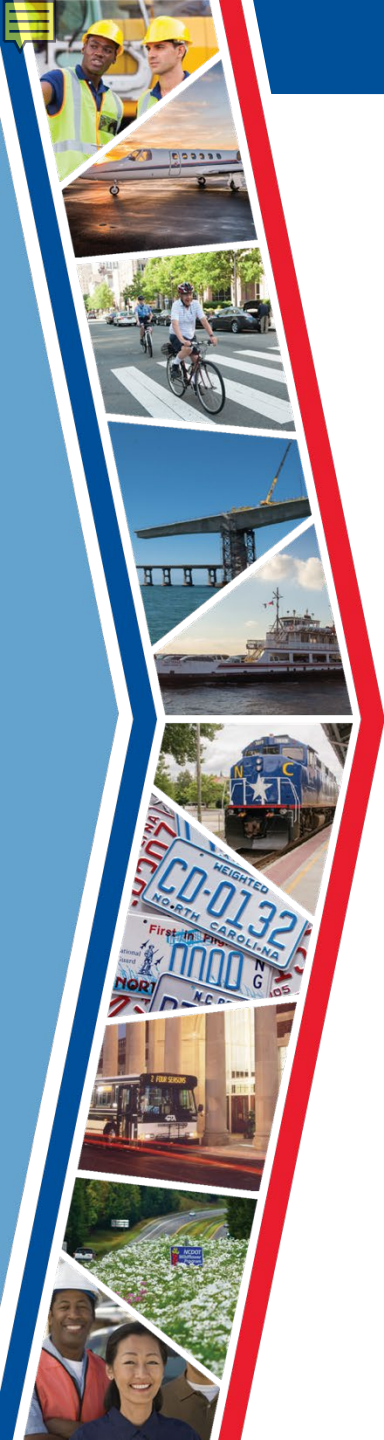
Considerations for Accessibility

Ensuring what we put into place meets accessibility requirements:

- Equal opportunity to participate
- Equal access to benefits
- Equal opportunity to utilize services at all stages of development

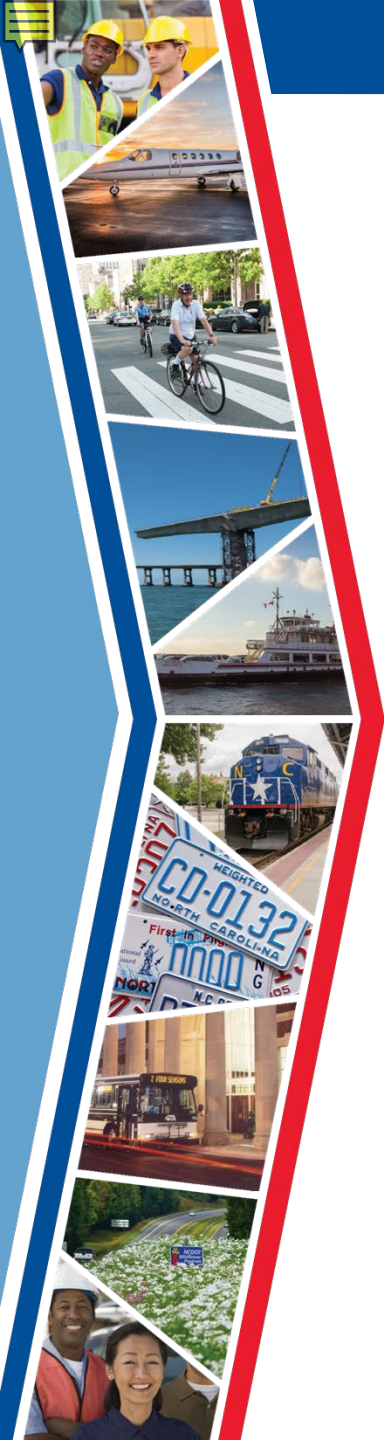


Sidewalk Closures:





Be mindful of specific requirements:

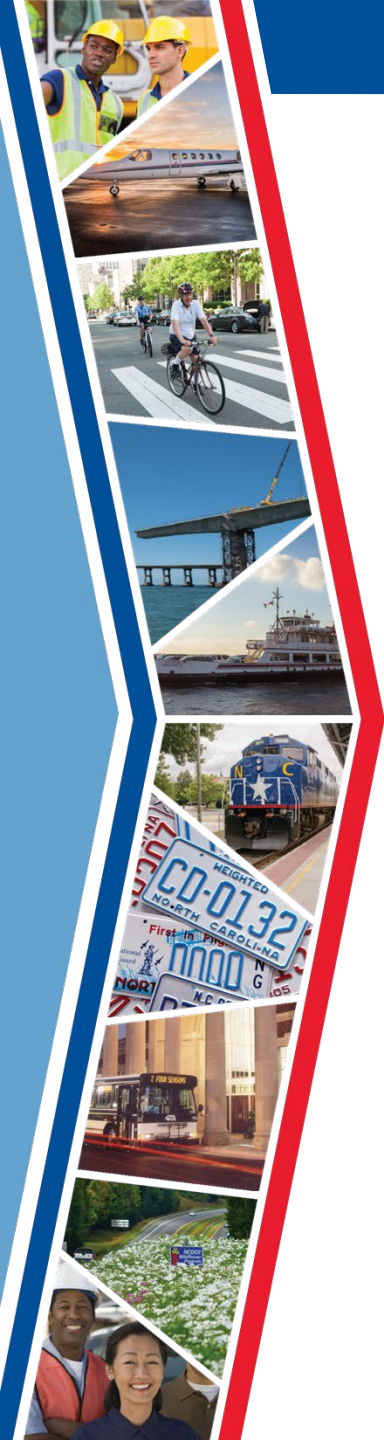


When should curb ramps be considered?

- New Construction
- Alteration (reconstruction, rehabilitation, **resurfacing**, widening, and projects of similar scale and effect)



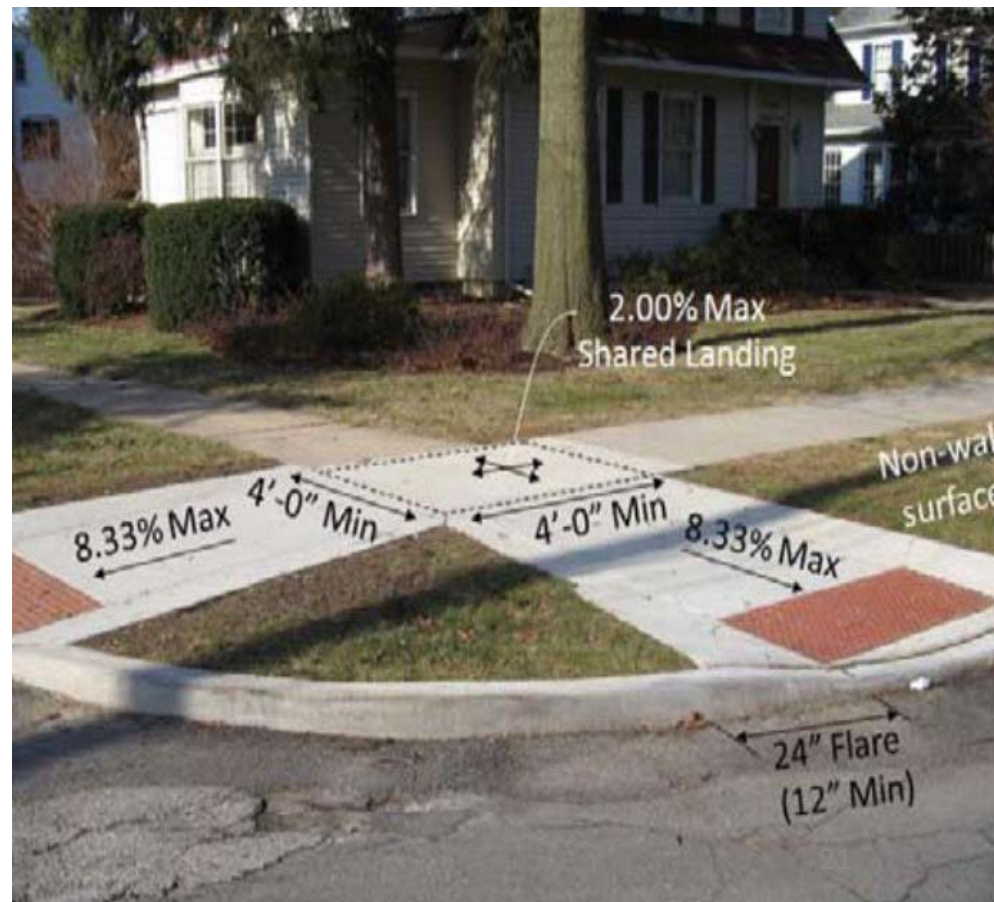
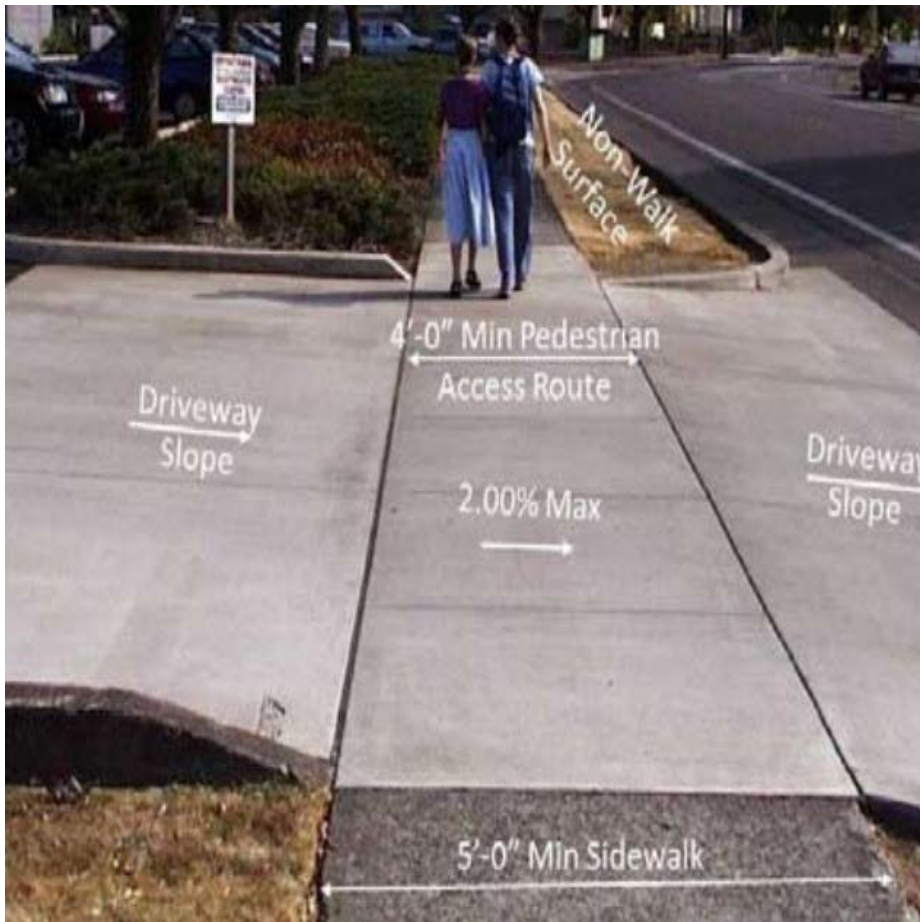
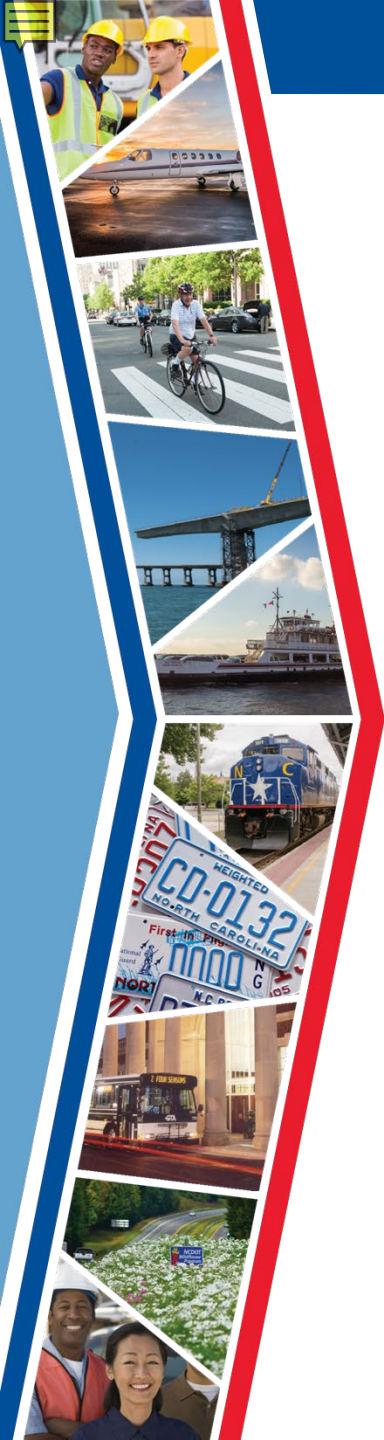
A different viewpoint:
<https://www.youtube.com/watch?v=p7zsS6iKLm4>



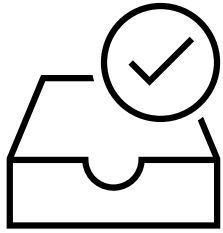
Where must curb ramps be provided?

- ADA does not require curb ramps in the absence of a pedestrian walkway
- Curb ramps are not required in the absence of a curb, elevation, or other barrier between the street and a walkway (Detectable Warning is still required)
- Access must be provided to a pedestrian walkway at the beginning/end of the sidewalk.

Note: A ramp on the opposing side of the street is not required if no sidewalk or curb is present.

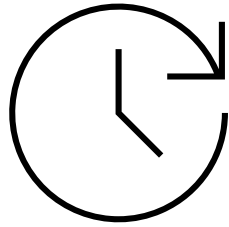


ADA Program: Completed (past)

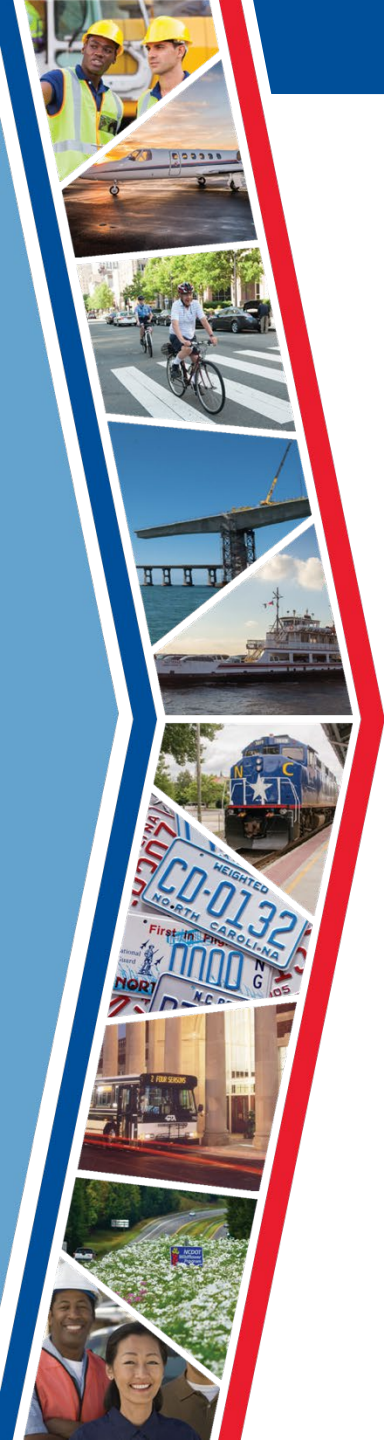


- ADA self-evaluation and transition plan
- The triennial Transition Plan update
- Pedestrian facility inventory (curb cuts/ramps)
- Reasonable accommodation process
- Online training to NCDOT supervisors
- Review of many municipality ADA plans

ADA Program: Current and Future...



- Accessibility for the citizens of NC
- Employee reasonable accommodations
- ADA training for employees
- NCDOT other facilities (rest areas) ADA “audits”
- Track progress with Pedestrian facilities (curb cuts)
- Work with all NCDOT work units to ensure accessibility (IT, website)
- Regularly answer citizen ADA related questions (often times non-NCDOT)
- Outreach to disability populations / organizations (statewide)



DISABILITY RIGHTS ARE CIVIL RIGHTS

Contact Us



Americans with Disabilities Act

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