

# ***THE AMERICANS WITH DISABILITY ACT - CITY SERVICES***

*Page 1 of 4*

*City of Manteca - Administrative Policy and Procedure*

---

## **Section 1: PURPOSE**

To comply with the Americans with Disabilities Act (ADA) and its implementing regulations; the Rehabilitation Act of 1973, as amended; California Government Code sections 11135-11139.5; title 24 of the California Code of Regulations; and any other applicable federal, state, and local laws and regulations protecting the rights of Qualified Individuals with a Disability. The primary purpose is to provide access to civic life, as well as an understanding of the special needs of people with disabilities and a willingness to accommodate these special needs when providing programs and services.

## **Section 2: POLICY**

It is the policy of the City of Manteca that all facilities, programs and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the City or causes a fundamental alteration of the programs or services. It is also the City's policy that members of the public not experience discrimination or harassment based upon disability.

All complaints of discrimination on the basis of disability will be promptly investigated. When appropriate, effective remedial action will be taken to address and remedy any complain

### REQUESTS FOR REASONABLE ACCOMMODATION

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing City facilities, programs or services. An individual is considered a person with a disability if they have: 1) a physical or mental impairment that substantially limits one or more major life activities; or 2) having a record of such an impairment; or 3) being regarded as having such an impairment. Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Examples of auxiliary aids or services which may be provided as a reasonable accommodation include, but are not limited to: extra staff assistance, readers, interpreters, assistive listening devices, TDD/TTY machines, electronic mail, audio tapes, computers diskettes, paper and pen.

Individuals who require reasonable accommodation to access facilities, programs or services should contact the Director of Human Resources/ADA at (209) 456-8712 who will direct you to the appropriate department representative.

# ***THE AMERICANS WITH DISABILITY ACT - CITY SERVICES***

*Page 2 of 4*

*City of Manteca - Administrative Policy and Procedure*

---

City employees who require reasonable accommodation should refer to the City Employment Discrimination Policy.

## **GRIEVANCE PROCEDURE**

The City encourages members of the public with complaints regarding access to a facility, program or service to attempt to informally resolve those complaints with the Director of Human Resources who will work with the Department providing the facility, program or service.

In the event a complaint cannot be resolved informally, a grievance regarding access to City programs, services, or activities may be filed in writing at the following address or by email:

Department of Human Resources  
1001 W. Center St.  
Manteca, CA 95337  
(209) 456-8000  
[HR@manteca.gov](mailto:HR@manteca.gov)

Grievances should contain the name and address of the person denied equal access and describe the alleged violation of Title II of the Americans with Disabilities Act and the remedy the person believes is appropriate.

A grievance must be filed within 30 calendar days after the complainant becomes aware, or should have become aware of the alleged violation.

An investigation, as may be appropriate, may follow the filing of a complaint. The investigation will be conducted by the Human Resources Department, or may be delegated to the appropriate City department for a departmental investigation.

A written determination as to the validity of the complaint and description of the resolution if appropriate, shall be issued by the Director of Human Resources or designee and a copy forwarded to the complainant and the affected department within 30 working days. The Department of Human Resources, Risk Management Division shall maintain the files and records relating to the complaint.

In the event the complainant is not satisfied with the results of the investigation and resolution conducted by the Human Resources Director or his or her designee, the complainant may appeal the decision within 10 calendar days to the City Manager. The City Manager or his or her designee shall review the matter on appeal and render a decision within 30 working days. The decision of the City Manager or his or her designee shall be final.

# ***THE AMERICANS WITH DISABILITY ACT - CITY SERVICES***

*Page 3 of 4*

## ***City of Manteca - Administrative Policy and Procedure***

---

Filing a complaint with City does not preclude a complainant from filing a complaint or seeking relief from any other federal or state agency with jurisdiction over such matters.

### **Section 3: DEFINITIONS**

The following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

A. “Disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

•

Fundamental Alteration - A modification so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

B. Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

C. “Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified Individual with a Disability - As it pertains to City programs, services, or activities, is an individual with a Disability who, with or without reasonable modifications to rules, policies, practices, or the removal of architectural, communication, or transportation barriers, or the provision of Auxiliary Aids and Services, meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the City. “Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, 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.

# ***THE AMERICANS WITH DISABILITY ACT - CITY SERVICES***

*Page 4 of 4*

*City of Manteca - Administrative Policy and Procedure*

---

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

- In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:
  - 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 such facility; the effect on expenses and resources or the impact of such accommodation upon the operation of the facility.
  - c. The overall financial resources of the employer; the number, type and location of facilities.
  - d. The type of operations of the company, including the composition, structure and functions of the workforce; relationship of the particular facility to the employer.

Revised: May 2024