

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 1 of 8

1.0 PURPOSE

This policy establishes guidelines for the Americans with Disabilities Act (ADA).

2.0 POSITIONS & DEPARTMENTS AFFECTED

All

3.0 POLICY

It is the policy of Marimor Industries, Inc. to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and US Department of Transportation (USDOT) implementation regulation found at 49 CFR Parts 27, 37 and 28 as amended, to include all programs, services, activities, operations and relationships with—and accommodations/modifications of—employees, client-customers, and the general public, including but not limited to those stated below.

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Specific transportation provisions of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973, as amended, include but are not limited to the following requirements:

4.0 DEFINITIONS

Disability: 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: 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.

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.

Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

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.

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 2 of 8

Undue hardship: 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:

- The nature and cost of the accommodation.
- 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 on the operation of the facility.
- The overall financial resources of the employer; the size, number, type, and location of facilities.
- The type of operations of the company, 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.

5.0 RESPONSIBILITIES

Executive Director/designee will oversee this process.

6.0 PROCEDURE

A. ADA Requirements:

1. **Equivalent Service**: As required by the ADA, Marimor Industries, Inc. has a sufficient number of, or access to, wheelchair accessible vehicles in our fleet regardless of employment status to ensure that individuals needing an accessible vehicle have equivalent access to our transportation services as ambulatory individuals.
2. **Maintenance of Accessible Features on Vehicles**: As required by the ADA, the accessible features on our vehicles are maintained in operative condition so that individuals needing these features receive equivalent service to individuals not needing those features.
All recipients must keep federally funded equipment and facilities in good operating condition. Recipients must maintain, in operative condition, those features of facilities, vehicles, and other capital equipment that are required to make them accessible. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.
Drivers are required to report lift and ramp failures promptly and accessibility features must be repaired promptly if they are damaged or out of order.
3. **Transporting Wheelchairs/Mobility Devices**: A wheelchair is a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for, and used by individuals with mobility impairments, whether operated manually or powered. Marimor Industries, Inc. will transport passengers with wheelchairs and other mobility devices,

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 3 of 8

even in circumstances when the wheelchair cannot be secured to the driver's satisfaction, unless the wheelchair or mobility aid exceeds the size or weight capacity of the wheelchair lift or ramp.

4. **Securing Wheelchairs/Mobility Devices**: 49 CFR §38.23 states that accessible vehicles must have a compliant lift or ramp with sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. For vehicles in excess of 22 feet in length, at least two securement locations and devices shall be used and for vehicles less than 22 feet in length, at least one securement location and device shall be used.

All wheelchairs must be secured to the floor of the vehicle using the securement equipment. It is recommended that power chairs and motorized mobility devices be turned to the "OFF" position once the device is on the lift platform and while the lift is in operation.

5. **Adequate Time for Vehicle Boarding and Disembarking**: As required by the ADA, Marimor Industries, Inc. provides adequate time for boarding and disembarking our vehicles for individuals with disabilities.
6. **Standeers on the Lift**: Marimor Industries, Inc. permits individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to board and/or disembark the vehicle.
7. **Use of Portable Oxygen/Respirator Equipment**: As required by the ADA, individuals using our transportation service may bring respirator, portable oxygen equipment, and/or other life support equipment on board our vehicles, as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into our vehicles safely and without obstructing the aisle and/or blocking emergency exits. Passengers must secure the equipment by means such as carrying the equipment using a shoulder strap or securing the equipment to a wheelchair or a seat.
8. **Service Animals**: Under 49 CFR §37.3, the ADA defines a service animal as: "any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items".
 - a. Any passenger with a service animal shall have access to our vehicles. A driver can only ask two questions of a passenger with a service animal:
 - i. "Is that a service animal?" and

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 4 of 8

- ii. “What type of service does the animal provide?”
 - b. All service animals must be kept under the control of their owner at all times and abide by local animal safety regulations. Any service animal should sit or lie on the floor, not occupy a passenger seat, nor should the animal block the aisle way.
9. **Training in Wheelchair Securement, Sensitivity to Passengers:** As required by the ADA, Marimor Industries, Inc. trains its personnel to operate vehicles and equipment safely, assist passengers properly, and treat individuals with disabilities who use the service in a respectful and courteous way. A “Certified Trainer” in Passenger Assistance Safety and Security (P.A.S.S.) or Passenger Assistance Techniques (PAT) provides training to personnel prior to being released to drive for Marimor Industries, Inc.
10. **Driver Use of, and Assistance with, Accessibility Equipment:** As required by the ADA, Marimor Industries, Inc. personnel make use of all available accessibility equipment when needed and provide a reasonable level of assistance to passengers as necessary and upon request with lifts, ramps, and securement devices.
11. **Personal Care Attendants:** Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.
12. **Accessible Communications:** Marimor Industries, Inc. will provide information regarding its services and policies and procedures in accessible formats for persons with disabilities, i.e., information in large print, or alternative and electronic format. Marimor Industries, Inc. shall provide a TTY number, or other operator-assisted RELAY service so that individuals with hearing or speech impairments can communicate with Marimor Industries, Inc.
13. **ADA Complaints:** Marimor Industries, Inc. discrimination related customer service complaints, including those associated with ADA regulations, are reported to ODOT Office of Transit and complaint documentation is maintained on file for one year. ADA related service complaint logs are kept on file for five years, per USDOT regulations.
14. **ADA Complaint Process:**
In compliance with the U.S. Department of Transportation Americans with Disabilities Act (ADA) of 1990 (49 CFR Parts 27, 37, 38 and 39), and Section 504 of the Rehabilitation Act of 1973, as amended, , Marimor Industries, Inc. ensures its services, vehicles, and facilities are accessible to and usable by individuals with disabilities. Anyone who believes he or she has been discriminated against on the basis of disability may file an ADA complaint.

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 5 of 8

Complaints may be submitted by filing a Customer Service Report/ADA Complaint Form online, by downloading an ADA Complaint Form at <https://www.marimorindustries.org/> or by calling **419-221-1226**. If the complainant is unable to write a complaint, a representative may file on his or her behalf, or Marimor Industries, Inc. staff will provide assistance. Complaints must be filed within 180 calendar days of the alleged incident.

1. The Executive Director of Marimor Industries, Inc will contact the complainant within 10 business days of receipt of complaint. Any requested information must be received by Marimor Industries, Inc. within 5 days of request*.
2. Marimor Industries, Inc. will begin the investigation within 15 business days of receipt of complaint if the alleged discrimination is found to be a violation of ADA regulations.
3. An investigation into the complaint will be conducted and documented to determine whether Marimor Industries, Inc. failed to comply with ADA regulations.
4. Marimor Industries, Inc. will complete the investigation within 60 calendar days of receipt of complaint. If additional time is needed for the investigation, the complainant will be notified.
5. Marimor Industries, Inc. will promptly communicate its response to the complainant, including its reasons for the response. The complainant will have 5 business days from receipt of Marimor Industries, Inc. response to file an appeal. If no appeal is filed, the complaint will be closed. Marimor Industries, Inc. process and investigate all complaints that meet the requirements of ADA discrimination. If the complainant fails to provide required information within the required timeframe, the complaint may be closed.

7.0 DOCUMENT APPROVALS

Role	Position	Name of Approver	Initial Approval Date	Date Approved
Director	Executive Director	Rashawna Perry	6/16/2022	
Board Approval	Board of Directors	MII Board	6/20/2022	

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 6 of 8

8.0 REVISION HISTORY

Effective Date	Revision Letter	Document Author	Description of change
6/20/2022	A	Shannon Straley	Initial Release

APPENDIX A



Discrimination American with Disabilities Act (ADA) Complaint Form



Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
<i>*If you answered "yes" to this question, go to Section III.</i>		
If not, please supply the name and relationship of the person for whom you are complaining.		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III:		

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 7 of 8

If you believe you were discriminated against based on a disability, please provide as much detail concerning the alleged discrimination.

Date of Alleged Discrimination (Month, Day, Year): _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. Any details related to time of day, transit route/line, vehicle ID or Name. If more space is needed, please use the back of this form.

Section VI:

Have you previously filed a Discrimination Complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

If yes, please provide any reference information regarding your previous complaint.

Section V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ No

If yes, check all that apply:

<input type="checkbox"/> Federal Agency: _____	<input type="checkbox"/> State Agency: _____
<input type="checkbox"/> Federal Court: _____	<input type="checkbox"/> Local Agency: _____
<input type="checkbox"/> State Court: _____	

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:
Title:
Agency:
Address:
Telephone:

Section VI:

Name of agency complaint is against:

Name of person complaint is against:

AMERICANS WITH DISABILITIES ACT - ADA	No. 8.05
	Effective Date: 6/20/2022
	Rev Letter: A
	Page 8 of 8

Title:
Location:
Telephone Number (if available):

You may attach any written materials or other information that you think is relevant to your complaint.
Your signature and date are **required** below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Marimor Industries, Inc.

Rashawna Perry, Executive Director

2450 Ada Rd. Lima, OH 45801

419-221-1226 or email to **rperry@marimorindustries.org**

A copy of this form can be found online at **<https://www.marimorindustries.org/>**

If you need assistance completing this form contact Rashawna Perry, Executive Director, 2450 Ada Rd. Lima, OH 45801 or call 419-221-1226