City of Portland Office of Equity and Human Rights

RECOMMENDED STANDARD OPERATING PROCEDURE

Procedure Name: Procedure for Intaking Title II Requests

Background:

People with disabilities are entitled to reasonable accommodations free of charge when accessing the City of Portland's programs, policies, activities, and services under Title II of the Americans with Disabilities Act (ADA). Resolution 34945, adopted by the City of Portland on February 5, 1992, affirms that all City programs will be accessible. The City of Portland's Notice Under the Americans With Disabilities Act notifies the public that Portland will not discriminate on the basis of disability in any of its activities, programs, policies, or services.

Purpose:

The purpose of this Standard Operating Procedure (SOP) is to standardize the process for intake and fulfillment of ADA Title II requests. The City of Portland is obligated to ensure that community members with disabilities benefit equally from Portland's programs, services, and activities.

Why are we obligated to do this

- Many federal grants require cities to report on compliance with civil rights laws, including Title II.
- The U.S. Department of Justice (DOJ) requires local governments to track and evaluate requests to demonstrate compliance.
- Having centralized tracking of Title II requests, builds data we need to identify gaps in services and make process improvements.
- Clear procedures clarify roles and expectations of both bureau and Office of Equity compliance staff.
- Clear procedures to address requests under Title II, improves public understanding around how the City addresses ADA requests and ensures that community members with disabilities benefit equally from Portland's programs, activities, and services.

Scope

This SOP applies to all City of Portland activities, programs, and services, whether or not they are carried out in whole or in part by a subcontractor, sub-recipient, or any other entity administering an activity, program, or service on behalf of and with the City of Portland. Any community member covered under ADA Title II has the right to submit a request for access under this SOP.

Requests:

Requests initiated by community members can come in various formats: • Over the phone •Over email • In person • At a public event • Written request

Most requests are received through 311. However, City staff will occasionally field requests made under Title II. While the procedures established in this SOP have been written to apply to a single City of Portland staffer addressing a request, there may be situations where a request involves multiple bureaus. City staff should consult with Office of Equity ADA Title II compliance staff when multiple bureaus or multiple jurisdictions are involved. Similarly, nothing in this SOP precludes City of Portland staff from collaborating, where necessary, with additional staff to efficiently, effectively address a request.

When a Request originates with 311:

The following procedures will be followed:

- If the requester provides enough information to enable 311 staff to determine who in the City of Portland is the appropriate person to address the request, 311 staff will consult the Table of Appropriate Contacts provided to 311 and refer the requester accordingly.
- If 311 staff refer a requester to the disability contact for a City bureau, but the request needs to be handled by a different person in that same bureau; it is the responsibility of the disability contact to make the internal referral.
- If 311 staff understands where to send the request they will enter the ticket into Zendesk, email the appropriate City contact, and copy the Office of Equity ADA Title II Disability Equity Manager and the Office of Equity ADA Data & Policy Analyst.
- If 311 staff determines more information is needed from the requester to determine which City staff will be the appropriate person to address the request, 311 staff will contact the requester and ask for additional information.
- Once 311 has sent a ticket to the appropriate City bureau and has copied the Office of Equity ADA Title II staff on the ticket, the appropriate City bureau becomes responsible for addressing the request.
- Addressing the request minimally means staff will gather additional information needed to address the request from the requester, decide how the accommodation or modification will be addressed, if necessary, arrange for the provision of any aid or service, and pay for any needed aid or service requiring payment.
- Requests that are readily achievable or connected to Effective Communication should be expedited.

- If the request is time-sensitive (the event is the next day), City staff must do their best to provide the requested accommodation or modification, or they must try to provide an equally effective accommodation or modification to enable the requester to participate.
- If the request was made too late for an effective accommodation or modification to be provided, City staff should contact the Office of Equity ADA Title II staff for assistance.
- Denials of requests must be in writing.
- If the denial is due to a late request, it should include language alerting the community member to submit ADA requests as early as possible in order to ensure access.
- City staff can always contact the Office of Equity for assistance in addressing a request.
- City staff can reply to the ticket in Zendesk to ask questions of the City's ADA Title II and Disability Equity Manager and Disability Policy & Data Analyst in the Office of Equity.
- City staff addressing a request will update the ticket in Zendesk when the request has been addressed. The update will include: how the request was addressed (was an aid or service provided); the vendor(s) used (if any); and will indicate that the request has been completed.
- Upon confirmation that the request was completed being filed in Zendesk by City staff, 311 staff will close the ticket in Zendesk.

PLEASE NOTE: The Office of Equity can provide assistance in determining where a request should be referred, however, the Office does not provide technical assistance on other requests that do not fall under ADA Title II. Bureau staff should consult with their bureau or service area attorney for technical support with a request of this kind.

When a Request Originates with City Staff:

When a request is received by City staff, the following procedures will be followed:

1. When a request for access originates at the bureau, bureau staff can either refer the community member to 311 to complete a request form or the bureau staff can open the form and fill it on behalf of the community member. When possible, we encourage that the request form is completed by the bureau staff during the original request communication.
2. If City staff decide to complete the form on behalf of the community member, follow the procedure below:
    a. Log into Portland.gov with your login credentials.
    b. Access the Request an Accommodation form.
    c. Logging in will present you with a form that is a bit different from the version of the form accessed by the public. You can only access the form for staff by logging into the website.
    d. Select the button indicating you are City staff and that you have completed an ADA Title II Request an Accommodation form.
3. Once the request has been received by 311, it will be addressed by following the procedures outlined in the section above.

When a City bureau regularly provides an individual the same accommodation or modification, City staff does not need to complete the ADA Request form every time the accommodation is provided; instead, City staff can complete the ADA Request form on a monthly or quarterly basis provided that the number of times the accommodation or modification was provided are accurately captured.

For example, if the Matt Dishman Community Center provides David Jones access to a lift enabling him to enter the pool once a week for four weeks, staff could complete the ADA Request form at the end of the four weeks and communicate that the lift was provided four times.

When City staff Does not Know How to Address a Request

When City staff does not know how to address a request, the following procedures will be followed:

- City staff should encourage the community member to complete the online Request an ADA Accommodation Form, at least 72 hours in advance.
- If the community member needs assistance, or is otherwise unable to complete the form, City staff can complete the form on the community member's behalf, as long as they have permission from the community member.
- If City staff decide to complete the form on behalf of a community member, they should follow the steps outlined in the subsection of this SOP entitled "When a Request Originates with City Staff".
- When filling out the form on behalf of a community member, City staff should include as much information as they have about the request.
- After the form has been completed, the procedures outlined in the subsection entitled When a Request Originates with 311 will be followed.

Roles and Responsibilities of City of Portland Staff

Office of Equity Compliance Staff

The ADA Title II Manager and their designees act as the City's subject matter experts and compliance officers. The manager (and/or their designee(s)) are tasked with:

- Reviewing Title II request tickets entered into Zendesk and supporting 311 customer service representatives (CSRs) in referring requests to the appropriate bureau or outside jurisdiction(s).
- Providing technical support to bureaus on all ADA Title II requests.
- Consulting with the assigned civil rights attorney when necessary.
- Following up on tickets that are still in "Pending" status to ensure they are still in progress.
- Monitoring that a request resolution has been entered into Zendesk by the appropriate entity and/or entering resolution for "light user" bureau representatives.
- Closing tickets for "light user" bureau representatives.

311 Customer Service Representatives

The 311 CSRs are responsible for:

- Supporting community members, as needed, in filling out ADA Title II request forms.
- Reviewing request forms to ensure initial intake requirements are met and the request forms are complete.
- Following up with requesters when additional information is needed.
- Referring requests that meet ADA Title II criteria to the appropriate City bureau or authority.
- Referring community members to the appropriate jurisdictional authority when a ADA Title II request does not fall under the jurisdiction of the City of Portland.

311 CSR compliance specific leads are responsible for:

- Supporting community members in filling out ADA request forms.
- Referring community members to the appropriate jurisdiction when ADA requests do not fall under the jurisdiction of the City of Portland.
- Filling in all appropriate fields within ADA requests, complete Zendesk management system.
- Connecting appropriate City of Portland Office of Equity ADA Title II Manager and their designees, as well as bureau specific representatives, including but not limited to: bureau ADA coordinators, and other relevant bureau staff.
- Seek support from 311 and Office of Equity staff for both determining whether the request falls under the jurisdiction of the city of Portland as well as who the appropriate referral is in the city.

City of Portland Staff

City of Portland staff assigned to address ADA Title II requests for their department have the following responsibilities:

- Completing trainings, as necessary, to understand the City's ADA Title II obligations and how to manage these requests.
- Addressing requests as efficiently and effectively as possible in a timely manner which is reasonable based on the type of request.
- Communicating with the bureau's designated ADA Title II liaison(s) and/or the Office of Equity compliance staff, as needed.
- Insuring any request documentation and status updates are entered into Zendesk. This can be done either through email using the original referral email received from 311 or emailing the ADA Title II bureau liaisons and/or the Office of Equity staff.
- Consulting with bureau ADA coordinator or ADA Title II Manager (or designee) for sign-off on any denials of requests, entering the written denial into Zendesk, and closing the ticket.