

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use Noble County Council on Aging/Noble Transit System's service without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

Requests for Reasonable Modifications

Noble County Council on Aging/Noble Transit System shall make information about how to contact Noble County Council on Aging/Noble Transit System to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Noble County Council on Aging/Noble Transit System shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Noble County Council on Aging/Noble Transit System will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Noble County Council on Aging/Noble Transit System requests that individuals make such requests for modifications before Noble County Council on Aging/Noble Transit System is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Noble County Council on Aging/Noble Transit System's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Interactive Process

When a request for accommodation is made, Noble County Council on Aging/Noble Transit System and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Noble County Council on Aging/Noble Transit System must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

Time Frame for Processing Requests and Providing Reasonable Modification

Noble County Council on Aging/Noble Transit System will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Noble County Council on Aging/Noble Transit System recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

Granting a Reasonable Modification Request

As soon as Noble County Council on Aging/Noble Transit System determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Noble County Council on Aging/Noble Transit System shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

Denying a Reasonable Modification Request

As soon as Noble County Council on Aging/Noble Transit System determines that a request for reasonable accommodation will be denied, Noble County Council on Aging/Noble Transit System will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- the specific reasons for the denial;
- any alternative accommodation that may create the same access to transit services as requested by the individual; and
- the opportunity to file a complaint relative to the Noble County Council on Aging/Noble Transit System's decision on the request.

Complaint Process

Noble County Council on Aging/Noble Transit System has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Noble County Council on Aging/Noble Transit System's website and will be provided to any individual where the Noble County Council on Aging/Noble Transit System has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Noble County Council on Aging/Noble Transit System's Reasonable Modification Complaint Form. Noble County Council on Aging/Noble Transit System investigates complaints received no more than 30 days after receipt. Noble County Council on Aging/Noble Transit System will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Noble County Council on Aging/Noble Transit System may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Noble County Council on Aging/Noble Transit System.

If Noble County Council on Aging/Noble Transit System is not contacted by the complainant or does not receive the additional information within 30 business days, the Noble County Council on Aging/Noble Transit System may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Noble County Council on Aging/Noble Transit System investigates the complaint, a decision will be rendered in writing to the complainant. Noble County Council on Aging/Noble Transit System will issue either a Letter of Closure or Letter of Finding.

- *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Noble County Council on Aging/Noble Transit System to address the complaint.
- *Letter of Closure* – This letter will explain why [Insert name of transit provider] has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Noble County Council on Aging/Noble Transit System, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Noble County Council on Aging/Noble Transit System.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

Designated Employee

Noble County Council on Aging/Noble Transit System shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Cherish Mishleau, Executive Director
Noble County Council on Aging/Noble Transit System
561 S. Main St., Kendallville, IN 46755
260-347-4226
director@noblecountycoa.org

Record Retention

Noble County Council on Aging/Noble Transit System will maintain all records related to reasonable modification requests and denials for seven (7) years.

RESPONSIBILITIES:

The Executive Director is responsible for assuring that public transportation services are provided as noted above.