



## Section 504 of the Rehabilitation Act of 1973 Employee Information and Guidelines

Any City department or programs receiving federal funding must comply with Section 504 of the Rehabilitation Act of 1973, in addition to Title II of the Americans with Disabilities Act of 1990. The two laws are similar in content and aim, which is to ensure that people with disabilities are given equal access to public facilities, programs, and services and activities.

Section 504, however, applies additional requirements to any organization, agency or program that receives federal funding. This document will explain what these requirements are and how to fulfill them.

Section 504 regulation 24 CFR Part 8 in part states:

*“...No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance...”*

Section 504 regulations define “recipient” as any public or private agency, institution, organization or other entity, or any person, to which federal financial assistance is extended for any program or activity, either directly or through another recipient.

Section 504 covers all programs, services, and activities of any City department or program that received federal financial assistance including:

- Outreach and public contact, including contact with program applicants and participants
- Eligibility criteria
- Application process
- Admission to a program
- Tenancy, including eviction
- Service delivery
- Employment policies and practices

### **Actions Prohibited by Section 504**

- Denying a qualified individual with disabilities the opportunity to participate in, or benefit from, the housing, aid, benefit or service.

- Failing to afford a qualified individual with disabilities the opportunity for equal participation and benefit.
- Failing to provide a qualified individual with disabilities a program or service that affords that same opportunity to benefit as that afforded others.
- Providing different or separate housing, aid, benefits or services on the basis of disability unless doing so is necessary to provide housing or benefits that are as effective as that provided to persons without disabilities.
- Providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in any aspect of a federally funded activity.
- Denying a qualified individual with disabilities the opportunity to participate as a member of a planning or advisory board association with the federally funded department or program.
- Providing programs or services to qualified individuals with disabilities in settings that are unnecessarily separate, segregated, or restricted.

City of Pullman departments or programs receiving federal funding shall:

- Take steps to ensure effective communication with applicants, beneficiaries, and members of the public.
- Take steps to ensure that employment activities for federally funded or supported jobs do not discriminate on the basis of disability.
- Ensure all non-housing programs are operated in a manner that does not discriminate on the basis of disability, and that new construction and alterations to non-housing facilities are made accessible in accordance with federal, state, and local standards.
- Operate existing housing programs in a manner that does not discriminate on the basis of disability, and take steps, as needed, to ensure that existing housing programs are readily accessible to and usable by persons with disabilities. Develop and implement a transition plan to assure compliance.
- Provide reasonable accommodations necessary for a person with a disability to use or participate in the program, service or activity; unless the recipient can demonstrate that the accommodation will result in an undue financial or administrative burden or a fundamental alteration in the nature of the program, service, or activity. Reasonable accommodations may include, but are not limited to, modifications to buildings or other facilities, and may also include providing auxiliary aids, such as readers, interpreters and materials in alternative formats.
- Pay for reasonable accommodations needed by an individual with disabilities unless providing that accommodation would be an undue financial or administrative burden or would fundamentally alter the program.
- Ensure that all new construction is readily accessible to and usable by people with disabilities, and meets the requirements of applicable accessibility standards. This could include an accessibility checklist that plan reviewers, designers, or construction inspectors must fill out before and after construction.

- Ensure that any improvements made to existing facilities or buildings are readily accessible to and usable by people with disabilities, and meet the requirements of applicable accessibility standards.
- Designate a Section 504 Coordinator if they have 15 or more employees who will ensure the federally funded programs, services or activities meet the requirements of Section 504, adopt a grievance procedure to effect due process standards and prompt and equitable resolutions of complaints.
- Notify participants, beneficiaries, applicants, and employees of their nondiscrimination provisions if they have 15 or more employees (i.e. Notice of Program Accessibility statement on Web pages or application materials).
- Maintain records and reports of efforts to meet the requirements of Section 504, and keep these records on file so they are available if a complaint is filed or if a federal funding agency conducts a compliance review.

### **The Section 504 Coordinator**

Any City department or division with 15 or more employees that receives federal funding must designate a Section 504 Coordinator from amongst its staff. This person should be directly involved with the program or activity that receives the federal funding, and have the authority to recommend and implement changes to the way the program or activity is operated or administered as needed.

Qualifying City departments or divisions shall provide the name and contact information of their Section 504 Coordinator to the City's ADA Coordinator, along with a short description of their federally funded program or activity, within 30 days of the receipt of federal funding, or with 30 days of reviewing these guidelines.

### **Section 504 Coordinator Responsibilities**

- Ensure that respective departments comply with all grant requirements by developing and implementing appropriate monitoring and review processes.
- Create complaint procedures and ensure that they are communicated to the public, employees and service recipients.
- Ensure that information about the program and service accessibility is provided to all participants, beneficiaries, applicants, and employees (Notice of Program Accessibility)
- Ensure that sub-recipients comply with all grant requirements and that sub-recipients have complaint and compliance procedures of their own in place.
- Investigate complaints related to their department's federally-funded programs or services, as well as complaints filed against sub-recipients, consultants and contractors.
- Serve as the department/program liaison with granting agencies on compliance issues, including on-site compliance monitoring activities.
- Work with the City ADA Coordinator as needed when a grant requires ADA compliance.
- Maintain all related files and reports.

## **City ADA Coordinator Responsibilities**

- Assist individual department or program Section 504 Coordinators with ADA compliance issues relative to the requirements of a federal grant or funding agency.
- Direct complaints and inquiries regarding federally-funded programs or services to the appropriate City department.
- Assist Section 504 Coordinators with complaints and investigations as needed.
- Prepare ADA accessibility surveys and materials for Section 504 inspections.
- Assist with Section 504 inspections when requested.
- Serve as a resource on ADA issues.

## **Contractor Assurance of Compliance**

Contractors, sub-contractors, and other entities participating in Section 504 programs will be required to show compliance with the ADA and Section 504 regulations. The City is required to provide contractors with assurance of compliance documentation, including:

- General information about Section 504 and the ADA
- ADA self-evaluation questionnaire.
- Checklist for readily achievable barrier removal
- Assurance of compliance form
- Corrective action plan
- Notice to program applicants

## **Notice of Participants and Applicants**

Where possible, Section 504 Coordinators will distribute and post a notice to applicants and participants, that the program, service or activity is federally funded and must meet the mandates of Section 504 and the ADA. This notice may be posted on Web pages/websites for the department or programs, and/or on informational and application materials for the program or service.

## **Complaints**

Persons with disabilities who believe they have been subjected to discrimination may file a complaint with the City department that manages or administers the federally-funded program, the City ADA Coordinator, the U.S. Department of Justice and/or the U.S. Department of Housing and Urban Development (when discrimination in housing is alleged).

