

## Management Committee

Meeting date: August 26, 2020

For the Metropolitan Council meeting of September 9, 2020.

**Subject:** Accessibility Policy Update

**District(s), Member(s):** All

**Policy/Legal Reference:** Americans with Disabilities Act, Section 508 of the Rehabilitation Act of 1973, Architectural Barriers Act of 1968, 2015 Minnesota Accessibility Code, 2010 ADA Design Standards, Minnesota Human Rights Act

**Staff Prepared/Presented:** Guthrie Byard, ADA & Title VI Administrator, OEO, Ashanti Payne, Assistant Director, OEO, Cyrenthia Jordan, Director, OEO

**Division/Department:** OEO

### Proposed Action

- Approve the updated Accessibility Policy Background

The Accessibility Policy identifies the federal and state laws and standards that require Metropolitan Council programs and services be accessible and not discriminate based on disability.

### Rationale

The purpose of this policy and its supporting procedures are to ensure that Metropolitan Council staff, vendors, and contractors are aware of their legal responsibilities under federal and state laws and standards to develop and maintain accessible services, technologies, communications, and facilities for employees and the public. The updated policy includes the following:

- An expansion of the list of applicable federal and state laws and standards governing Metropolitan Council's accessibility compliance efforts.
- A definition of accessibility
- Clarification of the responsibility of all Metropolitan Council departments to comply with the applicable laws and standards
- Clarification of its intent to allow for department-specific procedures detailing program and service-specific accessibility compliance efforts.

### Thrive Lens Analysis

Approval of the updated policy advances the Council's Thrive emphasis on equity, as it ensures that no person, regardless of ability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under the control of the Metropolitan Council.

### Funding

No funding is tied to this policy.

### Known Support / Opposition

There is general support for the policy update with no known opposition.

## Why is this Important?

*The Cover Sheet is meant to supplement the draft policy or procedure and provide context to common questions from the P & P Review Team. The Cover Sheet can also help the policy writer when drafting a business item for Council approval. In addition, it serves as a guide for the policy writer to proactively address crucial elements of a well-written, inclusive policy that communicated effectively to Metropolitan Council employees.*

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***Policy or Procedure Title and number: Accessibility Policy (1-6)***

***Division, Department or Unit Responsible for Policy or Procedure: OEO***

***Policy or Procedure Proposal Contact: Guthrie Byard, ADA & Title VI Administrator, Office of Equal Opportunity***

***Policy or Procedure Owner: Cyrenthia Jordan, Director, Office of Equal Opportunity***

***Date: June 2020***

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## General Questions

### **1. Policy or Procedure Summary**

The Accessibility Policy identifies the federal and state laws and standards that require Metropolitan Council programs and services be accessible and not discriminate based on disability.

### **2. Reason for Policy or Procedure**

The purpose of this policy and its supporting procedures are to ensure that Metropolitan Council staff, vendors, and contractors are aware of their legal responsibilities under federal and state laws and standards to develop and maintain accessible services, technologies, communications, and facilities for employees and the public.

### **3. Summary of Changes (if making revisions)**

- The policy expands the list of applicable federal and state laws and standards governing Metropolitan Council's accessibility compliance efforts.
- The policy provides a definition of accessibility
- The policy clarifies the responsibility of all Metropolitan Council departments to comply with the applicable laws and standards
- The policy clarifies its intent to allow for department-specific procedures detailing program and service-specific accessibility compliance efforts.

### **4. Consistency with Thrive Outcomes, Strategic Outcomes, Goals, Other Council Policies or Procedures, and Related External Documents**

In alignment with the Council’s Equity outcomes, accessibility compliance is important in ensuring equitable access by the public to Council programs and services. The accessibility policy is related to other Council policies regarding discrimination, plain language, reasonable accommodations, and others. Formulation of departmental procedures will further guide the Metropolitan Council’s efforts to provide more equitable programs and services.

**5. Did you answer and address the equity lens questions that were listed on the Policy or Procedure Notice Form? Briefly summarize any considerations or changes you made based on your utilization of the equity lens.**

Yes. This policy details the organization’s responsibilities for complying with accessibility laws and standards. This work is intended to prevent discrimination against people with disabilities while allowing greater access to our programs and services by those of various abilities and backgrounds.

**6. Stakeholder Review of Policy or Procedure**

List all Council stakeholders who were consulted with during the drafting of this policy or procedure.

Stakeholder Group Name or Title	Business Unit/Department	Did you address their questions? Summarize your action.
Ashanti Payne, Assistant Director	OEO	Yes, reviewed and provided comment on draft revisions.
Cyrenthia Jordan, Director	OEO	Yes, reviewed and provided comment on draft revisions.
Office of General Council	Legal Administration	Yes, reviewed and provided comment on draft revisions.

**7. Resources Needed for Policy or Procedure**

n/a

## Communication Questions

Major policy or procedure changes that affect Council business processes, systems or employees should be communicated through the following mechanisms:

### 1. Key Messages

*What information needs to be communicated to the audience about the Policy or Procedure and is there any required or specialized training involved? Why was the Policy or Procedure created/revised? Summarize the substantive changes. This can be a bulleted list.*

As a governmental agency, the Metropolitan Council acknowledges its requirements under applicable federal and state laws governing accessibility of its programs and services.

### 2. Who is the target audience? (Check all boxes):

- Council-Wide
- Regional Administration (Department, Unit)
- Environmental Services (Division, Department, Unit)
- Metro Transit (Division, Department, Unit)
- Subject Matter Experts
- Division Coordinator
- Managers and Supervisors
- Subset of Employees (job title)
- Other List: \_\_\_\_\_

### 3. Are there people whose work this affects who will need more direct communication or training. How do you intend to address that need?

Yes. As a result of this updated policy, specific divisions, and departments within, will work with OEO to identify best practices for their work that will be memorialized in the form of procedures. This will require training and information sharing for various staff.

### 4. Method/channel of communication (Check all boxes)?

- Council-Wide Email for Urgent/Timely Communication (Major Policy or Procedure Changes/New Policies or Procedures)
- Newsletters: HR Connect, The Wire, The Update, Transit Insights (Major Policy Changes/New Policies)
- Division Email Lists (MC-ALL, ES-ALL, RA-ALL, Transit-ALL)
- MetNet Announcements
- LEARN (Online Learning Tool)
- Division MetNet Announcements
- Division Staff Meetings
- Open House
- Individual or Group Staff Training
- Other List: \_\_\_\_\_

### 5. Give a brief summary of your anticipated timeline for communications, outreach and training.

Activity	Target Audience	Date (month)
Wire newsletter	Council wide	Fall 2020

Accessibility training	Staff that draft council documents and communications	Summer and Fall 2020
ADA Transition Plan meetings	Division management who are implementing the changes in programs and services	Summer and Fall 2020
Equity Advisory Committee update	EAC that provided input on the definitions	Fall 2020

## POLICY

### Accessibility Policy

1-6

**Category:** Regional and Foundational Policies

**Business Unit Responsible:** RA: Office of Equal Opportunity

**Policy Owner:** Cyrenthia Director, Office of Equal Opportunity

**Policy Contact:** Guthrie Byard, ADA & Title VI Administrator

**Synopsis:** The Accessibility Policy identifies the federal and state laws and standards that require Metropolitan Council programs and services be accessible and not discriminate based on disability.

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## POLICY

It is the policy of the Metropolitan Council to provide people equal access to its services, technologies, communications, and facilities in accordance with state and federal laws and standards.

### Metropolitan Council definition of Accessibility

An accessible Metropolitan Council is one that is inclusive of and learns from people with all types of abilities. The Council is committed to creating accessible environments throughout its buildings, services, communications, policies, procedures, and practices.

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## PURPOSE AND SCOPE

The purpose of this policy and its supporting procedures is to ensure that Metropolitan Council staff, vendors, and contractors are aware of both their legal responsibilities under federal and state laws and standards to develop and maintain accessible services, technologies, communications, and facilities for employees and the public.

The Metropolitan Council acknowledges its obligation to comply with several federal and state laws and standards governing accessibility, including:

[\*Americans with Disabilities Act \(ADA\) of 1990 and ADA Amendments Act of 2008\*](#)

[\*Section 508 Amendment to the Rehabilitation Act of 1973\*](#)

[\*Architectural Barriers Act of 1968\*](#)

[\*2015 Minnesota Accessibility Code\*](#)

[\*2010 ADA Design Standards\*](#)

[\*State of Minnesota Accessibility and Usability of Information Technology Standard\*](#)

[\*Federal Transit Administration \(FTA\) Circular 4710.1\*](#)

[\*ADA Standards for Transportation Facilities\*](#)

[\*Minnesota Human Rights Act\*](#)

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## IMPLEMENTATION & ACCOUNTABILITY

The Office of Equal Opportunity (OEO) is responsible for oversight of the Metropolitan Council's ADA compliance and accessibility efforts. All Metropolitan Council divisions, and the departments within, are

responsible for complying with this policy and supporting procedures with technical assistance of OEO, as necessary. Contact OEO with any questions or concerns about the implementation or accountabilities required by this policy.

This policy will guide the creation and implementation of division-specific ADA and accessibility procedures related to division and department's work accountabilities.

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## PROCEDURES

- [Development of Accessible Web Sites and Applications Procedure \(1-6a\)](#)

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## RESOURCES

### Related Policies:

- [Disability Management Policy \(4-10\)](#)
- [Reasonable Accommodation Policy \(4-2-2\)](#)
- [Diversity, Equal Opportunity and Affirmative Action Policy \(4-2\)](#)
- [Using Plain Language in Council Communications Policy \(2-4h\)](#)
- [Education and Outreach Policy \(2-2\)](#)
- [Discrimination, Harassment and Inappropriate Behavior Policy \(4-2-1\)](#)
- [Accountability To The Public Policy \(2-1\)](#)
- [Talent Recruitment and Selection Policy \(4-1\)](#)
- [Information Security Policy \(3-6\)](#)
- [Public Hearing Policy \(2-1b\)](#)

**Keywords:** disability, accessibility, Americans with Disabilities Act (ADA), ADA compliance, 1-6

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## HISTORY

### Update (Business Item xx-2020)

xx/xx/2020 – The amended policy specifies Metropolitan Council's requirements under Title II of the ADA and provides a definition of accessibility. Additionally, the updated policy expands the list of relevant federal and state laws and guidelines and clarifies expectations for divisions and departments in ensuring ADA compliance and adherence to accessibility guidelines through creation of additional program and service-specific accessibility procedures.

### Update

07/23/2018

### Original Adoption Date (Business Item xx-2005)

04/29/2016

### Last Reviewed Date

xx/xx/2020

### Next Content Review Date

2021

### Version

3

## POLICY – ACCESSIBILITY

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Section/Number: 1-6	Total Pages: 2
Dept. Responsible: Office of Equal Opportunity	Effective Date: 7/23/18
Special Note:	Last Revision Date:
	Last Review Date: 4/29/2016
	Revision No.

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### I. Policy

It is the policy of the Metropolitan Council to provide people, with or without disabilities, access to the Metropolitan Council's services, technologies, communications and facilities in accordance with state and federal law.

### II. Purpose of policy

The purpose of this policy and its supporting procedures is to ensure that Metropolitan Council staff, vendors and contractors are aware of their responsibilities to develop and maintain accessible services, technologies, communications and facilities.

### III. Background and reasons for policy

The Metropolitan Council's Accessibility policy is in response to:

The [Americans with Disabilities Act of 1990, Section 508 Amendment to the Rehabilitation Act of 1973](#) and the [Architectural Barriers Act of 1968](#).

### IV. Implementation/Accountability

The Office of Equal Opportunity is responsible for oversight of the Metropolitan Council's accessibility efforts. All Metropolitan Council employees are responsible for complying with this accessibility policy and supporting procedures.

As the Metropolitan Council moves toward accessibility compliance, it is understood that reaching full compliance will be a deliberate process implemented over time. Our strategy is to take a phased approach, make as many services, facilities, communications and technologies accessible as possible at the time they are created, modify existing as feasible, and take advantage of new tools and techniques as they emerge.

Related policies:

- [4-10 Disability Management Policy](#)
- [4-2-2 Reasonable Accommodation Policy](#)
- [4-2 Diversity, Equal Opportunity and Affirmative Action Policy](#)
- [2-4h Using Plain Language in Council Communications Policy](#)
- [2-2 Education and Outreach Policy](#)
- [4-2-1 Discrimination, Harassment and Inappropriate Behavior Policy](#)
- [2-1 Accountability To The Public Policy](#)
- [4-1 Talent Recruitment and Selection Policy](#)



- [3-6 Information Security Policy](#)
- [2-1B Public Hearing Policy](#)

Links:

### Revision/Review Tracking

Date	Revision No.	Review Only – No changes
7/23/18	1	