

Management Committee

Meeting date: June 8, 2016

For the Metropolitan Council meeting of June 22, 2016

Subject: Accessibility Policy.

District(s), Member(s): All

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

Staff Prepared/Presented: Wolf Tattenbach, 651-238-0823

Division/Department: Regional Administration/Office of Equal Opportunity

Proposed Action

That the Metropolitan Council adopts the Accessibility Policy.

Background

There are rulings set to start in 2016 that will modify the interpretation of accessibility to include digital accessibility. The Department of Justice has issued an Advanced Notice of Proposed Rulemaking in which it will be amending Titles II & III of the Americans with Disabilities Act by adopting the language of the Section 508 Amendment to the Rehabilitation Act of 1976, these changes are expected as soon as 2017. The US Access Board is set to release the Section 508 Refresh in Q4 of 2016. The Refresh adopts the language of the World Wide Web Consortium's Web Content Accessibility Guidelines 2.0 level AA. This policy moves the Council from a reactive position to one that is proactive by adopting an inclusive accessibility policy that will be first in its kind. Currently, Section 508, the ADA as well as the Architectural Barriers Act cover the Council. An inclusive accessibility policy streamlines all three regulations and, in doing so, provides a clear understanding of inaccessibility or non-compliance with regards to the Council.

Rationale

An accessibility policy protects the Council's services, technologies, communications and facilities from litigation in two ways. First, an accessibility policy sets the expectations of the users so they are not misinformed in what to expect. And, second, an inclusive accessibility policy functions as a perpetual "commitment to remove barriers to access", as stated by the ADA. While the interpretation of "to ensure that Metropolitan Council staff, vendors and contractors are aware of their responsibilities to develop and maintain accessible services, technologies, communications and facilities" will depend upon every individual division's unique circumstances, and solely pertain to the work which they perform, an accessibility policy is the most effective defense against accessibility related litigation. By adopting this policy the Council can begin the process of drafting the numerous procedures that inevitably will follow a policy with a scope of this breadth. All state and local governments must comply with the upcoming amendments to Titles II and III of the ADA and an accessibility policy would position the Council to protect its services, technologies, communications and facilities without a major disturbance to our employees or the individuals to whom we serve.

Thrive Lens Analysis

An inclusive accessibility policy

- Demonstrates efficient and effective use of public financial resources (Stewardship) by protecting the Council's services, technologies, communications and facilities from costly requests for remediation by moving the Council from a reactive position to one that is proactive by no longer relying on the complaint-driven model for accessibility compliance.
- Improves the region's economic competitive advantage over other regions (Prosperity) by institutionalizing accessibility in the Council's services, technologies, communications, facilities and employment.
- Benefits people of various races, ethnicity, economic means and ability (Equity) by providing access to the Council's services, technologies, communications and facilities to all people, with or without disabilities, to meet the needs of our employees and the individuals to whom we serve. Thereby mitigating adverse effects such as lack of access to transit information, planning and services.
- Enhances quality of life in the region (Livability) with individuals from all backgrounds enjoying greater access to important information on critical needs such as housing, transit, parks etc. By providing accessible information there will be greater access to information to help make more meaningful decisions.

Principle of Integration

- The Accessibly Policy was drafted by the Accessibility Advisory Committee over the course of 4 months. This committee consists of representatives from every department who were designated by the department Director/General Manager consisting of-
 - Wolf Tattenbach, OEO
 - Pancho Henderson, IS
 - Bruce Howard, Transit
 - Karen Neis, MCES
 - Terri Smith, Community Development
 - Ed Lube, Communication
 - Lucinda Plaisance, Communication
 - David Vessel, Metro Mobility

Principle of Collaboration

- The Metropolitan Council is a member of the State's Accessibility Coordinator's group. These agencies included -
 - DEED – Department of Economic Development
 - DOC – Department of Corrections
 - DOT – Department of Transportation
 - DNR – Department of Natural Resources
 - MDE – Minnesota Department of Education
 - MN.IT – Department of Minnesota Information Technology

Principle of Accountability

- The principle of accountability is paramount within the importance of an accessibility policy. This policy demonstrates data driven decision making by creating mechanisms to evaluate, and remediate, inaccessible services, technologies, communications or facilities on an expedited basis. There currently is no database within the Council consisting of inaccessibility related to evaluations of the Council's services, technologies, communications or facilities. This policy would hold all Council staff, vendors and contractors accountable for the work that they do with regards to accessible services, technologies, communications and facilities.

Overview of Proposed Policy

Section I. Policy

- States the Council's commitment to provide accessible services, technologies, communications and facilities unless an undue burden exists.

Section II. Purpose of Policy

- States that Council staff, vendors and contractors are responsible for accessible services, technologies, communications and facilities.

Section III. Background and reasons for policy

- Americans with Disabilities Act of 1990
- Section 508 Amendment to the Rehabilitation Act of 1973
- Architectural Barriers Act of 1968

Section IV. Implementation/Accountability

- States the Office of Equal Opportunity is responsible for oversight of the Council's accessibility efforts. Explains the phased approach strategy to make as many services, facilities, communications and technologies accessible as possible and to take advantage of techniques as they emerge.

Funding

Not applicable.

Known Support / Opposition

The Accessibly Advisory Committee drafted the Accessibility Policy. The Policies and Procedures Steering Committee reviewed the draft policy and requested minor changes. The Accessibility Policy was updated per the steering committee's requests. No steering committee members requested further changes.

POLICY – ACCESSIBILITY

Section/Number:	Total Pages: 2
Dept. Responsible: Office of Equal Opportunity	Effective Date:
Special Note:	Last Revision Date:
	Last Review Date:
	Revision No.

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. The Metropolitan Council is committed to complying with applicable accessibility standards unless an undue burden exists.

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
	1	