

AMERICAN DISABILITIES ACT (ADA) POLICY SERVICE ANIMAL & POWER-DRIVEN MOBILITY DEVICE USE

7.21.2022

The Fremont Public Library District (“the Library District”) is committed to making its facilities accessible to and usable by all patrons and visitors. This commitment is ongoing, proactive and intended to meet the needs of a diversity of individuals with disabilities in compliance with the Americans With Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”). In general, the ADA requires each program, service and activity offered by Fremont Public Library District, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities. This includes the ability of a person with a disability (or trainer) to be accompanied by a qualified service animal.

Implementation of the ADA and Service Animal Policy is the responsibility of all Library District staff.

Requests for Reasonable Accommodations

It is the intention of the Library District to foster open communication with all individuals requesting readily accessible programs, services and activities. The Library District encourages supervisors of programs, services and activities to respond to requests for reasonable modifications. To this end, the Library District is committed to promoting positive participation and a quality experience by providing reasonable accommodations for individuals with disabilities upon request.

When choosing an aid or service, the Library ADA Coordinator (or designee) will consult with the requester to discuss what aid or service is appropriate. The Library District representative will give primary consideration to the requester’s choice of aid or service unless another equally effective means of communication is available, or the preferred means requested would result in a fundamental alteration of the library’s services, or in an undue financial or administrative burden.

ADA Coordinator

The Library District has designated the Assistant Director as the ADA Coordinator. The ADA Coordinator may be contacted via telephone at (847) 918-3210 or by contacting administration through the email form on the Library’s website at <https://fremontlibrary.org/library-admin-foia>.

ADA Complaint Procedure

The Library District provides a complaint process for resolution of any complaint alleging noncompliance with the ADA or discrimination on the basis of a disability. If you wish to utilize the compliant process please complete and return the attached complaint form. Complaints should be addressed to the ADA Coordinator as listed above.

1. The complaint form should be fully completed containing the name and address of the person filing it, and briefly describe the nature of the allegation. Any documents pertinent to the allegations may be attached.

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2. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation.
3. An investigation by the ADA Coordinator, or designee, as may be appropriate, shall follow the filing of a complaint. The investigation shall be informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit relevant documents and information.
4. A written determination as to the merits of the complaint and a description of the resolution, if any, shall be issued and forwarded to the complainant no later than thirty (30) calendar days after its filing. Additional time may be required to issue a determination depending on the complexity of the issue(s) raised in the complaint.
5. The ADA Coordinator shall maintain the files and records relating to the complaints.
6. The ADA Coordinator's written determination may be appealed to the Library's Board of Trustees ("Library Board") by submitting a copy of the complaint, the ADA Coordinator's written determination, and a brief written statement explaining the reason(s) why the ADA Coordinator's written determination should be modified or reversed (collectively referred to as "the Appeal"), within five (5) business days after the complainant's receipt of the ADA Coordinator's written determination. Failure to appeal the ADA Coordinator's written determination to the Library Board within the specified time limits shall waive any right to appeal.
7. After review of the Appeal, the Library Board shall sustain, modify, or reverse the ADA Coordinator's written determination in writing, stating the basis, and shall cause a copy of the decision to be served on the parties. The decision of the Library Board shall be final.
8. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this process be a prerequisite to the pursuit of other remedies.
9. Other remedies include the filing of an ADA complaint with the Department of Justice: U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Disability Rights Section – NYA, Washington, D.C. 20530.

For more information about the ADA or the complaint process or to request a reasonable accommodation, please contact the ADA Coordinator.

Service Animals

Under the Americans with Disabilities Act (ADA), state and local governments, businesses and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Library District staff may ask two questions: (1) Is this a service animal required because of a disability? and (2) what work or task has the dog been trained to perform? Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

Service Animals are defined as a dog or a miniature horse that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the Library District on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items.

Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for emotional support, are not considered service animals and are not allowed at Library District facilities unless otherwise specially permitted for an official Library-sponsored program or event.

A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

Partner/Handler Responsibilities

- Responding truthfully to the limited and appropriate inquiries that may be made by employees regarding the service animal.
- Ensure that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal, and that the service animal is wearing a license and/or tag at all times.
- Ensure that the animal is under control and behaves properly at all times. The supervision of the animal is solely the responsibility of its partner/handler. If the animal's behavior becomes a hygiene problem, or the animal acts in a threatening manner, the Library District may require the partner/handler to remove the service animal from the facility.
- Follow all local ordinances or other laws regarding cleaning up after the animal urinates and/or defecates. Individuals with disabilities who physically cannot clean up after their own animals are not required to clean or pick up and dispose of urine and/or feces; however, these individuals should use the grassy areas outside the library for this purpose.

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- Employees may request to have a service animal as a workplace accommodation.

The Library District may exclude a service animal from all parts of its property if a partner/handler fails to comply with these responsibilities, and in failing to do so, fundamentally alters the nature of programs, services, or activity offered by the Library District.

Staff and Patron Responsibilities

- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.
- Library Districts staff must allow service animals to accompany the partner/handler at all times and anywhere in the library except where animals or the public is specifically prohibited.
- All other staff and patrons must refrain from distracting a service animal in any way. Do not pet, feed, or interact with the animal without the partner/handler's invitation to do so.
- Shall not separate a partner/handler from a service animal.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different areas of the library.
- Staff are not required to provide care or food for a service animal.

The Library District may take disciplinary action against any individual who fails to abide by these guidelines.

Temporary Exclusion of a Service Animal Used by a Partner/Handler:

- A patron or employee may report a concern regarding a service animal to the Library District ADA Coordinator or other supervisory staff.
- In response to an immediate concern, authorized Library District staff may determine that a service animal must be temporarily removed from the Library. The employee authorized to make such decisions at that facility shall notify the participant or visitor of this decision and that the incident will be reported immediately to the Library District ADA Coordinator. The employee shall then report the incident to the ADA Coordinator.
- The ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from facilities. The ADA Coordinator (or designee) will consult with appropriate Department personnel and determine whether or not the animal should be excluded from facilities for an extended period of time, permanently or for particular services, programs or activities due to the increased risk of harm or injury to the Partner/Trainer, the service animal or other participants. The ADA Coordinator (or designee) will notify the participant, authorized user, or visitor of his or her

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decision. All decisions will be made on a case-by-case manner based on the particular prevailing circumstances.

- If it is appropriate for the service animal to be excluded from facilities permanently, the ADA Coordinator (or designee) will work with other Department staff to attempt to ensure the participant, authorized user, or visitor receives appropriate reasonable modifications in place of the use of a service animal.
- A participant, authorized user, or visitor who does not agree with the decision regarding removal from the premises may file an accessibility complaint with the ADA Coordinator at (847) 918-3210 or (e-mail) raingram@fremontlibrary.org.

Conflicting Disabilities

Individuals with medical issues (such as respiratory diseases) who are affected by animals should contact the ADA Coordinator if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation. The appropriate Library District staff will facilitate a process to resolve the conflict that considers the needs and conditions of all persons involved.

Library Liability

The Library District accepts no liability for injury to any service animal, or injury to the handler/partner, whether caused by the animal, its handler/partner, another visitor to the Library, the physical conditions of the library, or any other circumstance.

The Library District accepts no liability for damage or injury to others caused by a service animal, nor for any injuries or property damage to the service animal, its handler/partner, or others, resulting from the Library District's failure to enforce this policy or to supervise a service animal.

Power-Driven Mobility Device Use (EPAMD)

The Library District in compliance with the conditions of Title 2 of the Americans with Disabilities Act of 1990 has also established a policy for the use of "Other Power-Driven Mobility Devices" in the library. Only electronic personal assistance mobility devices (EPAMDs) are permitted in the library building. No combustion engine-powered devices are allowed to be operated in the library building.

Only individuals with mobility disabilities may use an EPAMD. Library staff shall not ask an individual using an EPAMD questions about the nature and extend of the individual's disability, but they may ask the person to provide a credible assurance that the mobility device is required because of a person's disability.

The Library District has also provided an electronic personal assistance mobility device for public use. It is expected that individuals will not monopolize the use of this device and will limit their time using the device to the times they are moving through the library whenever possible. Use of this mobility device is at the individual's own risk.

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EPAMD Safety

An Electronic Personal Assistance Mobility Device:

- is allowed in any area of the library open to the public, with the exception of stairways and identified hazardous areas.
- must be controlled by the person riding the device.
- may not exceed 4 mph inside the building and 6 mph outside on pedestrian walkways.
- is prohibited from carrying another person on the frame or basket or an object in the frame or basket that may make the EPAMD less stable.
- may not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, library employees or library patrons.

Notwithstanding the general safety regulations described above, the Library District Director or its ADA Coordinator shall have authority to direct a qualified individual with a disability on the safe operation of a permitted EPAMD in light of the existing conditions in the building where such individual seeks to operate the device and actual perceived risks related thereto, but not mere speculation, stereotypes, or generalizations about individuals with disabilities. In giving direction on the safe operation of a permitted EPAMD, the Director may consider the then existing uses at the library, the volume of pedestrian traffic, the prevailing environmental conditions, the density and placement of stationary devices and the individual's experience with the operation of such device.

Library Liability

The Library District accepts no responsibility for storage of any mobility devices beyond the provided EPAMD available to the public. The Library District also accepts no liability for damage to any mobility device or injury to the operator, whether caused by the operator, another visitor to the library, the physical condition of the library and grounds or any other circumstance.

The Library District accepts no liability for any damage caused by the operator of the device, or injury to others caused by the operator of the device.

The Library District accepts no liability for any injuries or property damage, to either the operator or others, resulting from the Library District's failure to enforce this policy or to supervise the operator of an EPAMD.

The Library District reserves the right to change, modify, or amend this policy at any time.