



NOTICE

No. 15-01

Issue date: May 6, 2015

Issued by Patricia C. Barney
Executive Director

ACCESSIBILITY AND NON-DISCRIMINATION IN M-NCPPC PROGRAMS AND SERVICES

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and park and recreation programs that are inclusive and accessible to all patrons. M-NCPPC will comply with applicable laws including the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act, by taking all reasonable steps to remove barriers to participation in programs and services. This M-NCPPC Notice is issued to provide guidance on the following areas:

- Notice 15-01A, *Notice Under the Americans with Disabilities Act*
- Notice 15-01B, *Service Animals for People with Disabilities*
- Notice 15-01C, *Electronic Personal Assistive Mobility Devices*
- Notice 15-01D, *Accessible Seating Under the Americans with Disabilities Act*
- Notice 15-01E, *Grievance Procedure under the Americans with Disabilities Act*

This Notice, Notice 15-01 and its attachments, update and replace Notice 11-04, Accessibility and Non-Discrimination in Programs and Services.

Each attached notification provides patron guidance for requesting accommodations and addressing accessibility concerns for programs and services offered within the respective departments. While most patron requests/concerns can be handled directly at the program/facility level, staff are encouraged to consult with their departmental managers on accessibility concerns. All concerns related to potential compliance violations must be reviewed and coordinated with the Office of the Executive Director.

All employees should review the attached notifications and handle patron concerns pursuant to the established procedures. Departmental Directors should ensure that appropriate notifications are made available and posted within their respective facilities. Questions about this Notice or posting requirements may be directed to the Office of the Executive Director by calling 301-454-1740 (voice) or 301-454-1410 (TTY).

 **NOTICE**

No. 15-01A

Issue date:
May 6, 2015**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT
(FOR POSTING)**

This Notice, titled Notice under the Americans with Disabilities Act, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and park and recreation programs that are inclusive and accessible to all patrons. The agency will ensure compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 by taking all reasonable steps to remove barriers to participation in programs and services. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), M-NCPPC will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Effective Communication: M-NCPPC will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in M-NCPPC programs, services, and activities. Accommodations may include qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: M-NCPPC will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in M-NCPPC offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of M-NCPPC, should contact the appropriate office listed on Page 2 as soon as possible but no later than 48 hours before the scheduled event.

M-NCPPC will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs. The ADA does not require the M-NCPPC to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Requests for Assistance/Services: The M-NCPPC is committed to maximizing program participation. Patrons with questions regarding program accessibility and requests for reasonable accommodations should contact the facility in which the program resides as soon as possible but no later than 48 hours before the scheduled event. In some instances, additional, specialized accommodations may be needed. Whenever reasonable, patrons should make requests for specialized accommodations at least 14 calendar days in advance of the program/event start date.

Requests should be placed in writing and include information on the specific program/service, location of program, requested accommodation, etc.

Concerns/Complaints: Complaints that a program, service, or activity of M-NCPPC is not accessible to persons with disabilities should be directed to the program/facility manager. Patrons should communicate directly to the ADA Coordinator listed below (based on the department or location offering the program/service) on any concern which is not resolved within 14 calendar days by the program/facility manager:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager
7833 Walker Drive, Suite 110
Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722
Phone 301-952-3595, FAX 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager
Parkside Headquarters, 9500 Brunett Avenue
Silver Spring, MD 20901
Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

Montgomery County Planning Department

Office of the Director, Montgomery County Planning
8787 Georgia Avenue, Silver Spring, MD 20910
Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

Executive Office Building/Bi-County Operations

Office of the Executive Director
6611 Kenilworth Avenue, 4th Floor
Riverdale, MD 20737
Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410

If there is no satisfactory resolution of an issue within 14 calendar days of notification to the department, the patron may contact: Office of the Executive Director, 6611 Kenilworth Avenue, Riverdale, Maryland 20737; Phone 301-454-1740, FAX 301-454-1750, TTY 301-454-1410.





NOTICE

No. 15-01B

Issue date:

May 6, 2015

SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES (FOR POSTING)

This Notice, titled Service Animals for People with Disabilities, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and park and recreation programs that are inclusive and accessible, including the use of service animals by individuals with disabilities. The following guidelines facilitate the use of service animals in M-NCPPC sites and facilities while maintaining a safe environment for all visitors and the intended scope of the programs and services provided by the agency.

Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome into our facilities and programs any animal that meets the Americans with Disabilities Act's (ADA) definition of "service animal". A service animal, as defined by the ADA, is a dog (such as a guide or signal dog) or miniature horse individually trained to provide assistance to an individual with a disability. If the animal meets this definition, the animal is considered a service animal under the ADA, regardless of whether they have been licensed or certified as such by state or local government. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals.

According to the ADA, a service animal is *not* a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding and retrieving dropped objects for people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing to sounds and the presence of others.
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop.
- Pulling wheelchairs.
- Alerting to the onset of medical conditions such as seizures - protecting them and cushioning them if they fall, and reviving them.
- Performing tasks such as: reminding to take medication, helping to locate misplaced items or following daily routines for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities.
- Providing physical support and assisting with stability and balance.

An animal is NOT a service animal if its sole function is to provide/promote:

- Emotional support or emotional well being
- Comfort and/or therapy
- Companionship
- Therapeutic benefit

This policy does not authorize the use of therapy animals, companion animals or any other type of animal that does not fall within the ADA's definition of service animal.

The M-NCPPC authorizes individuals with disabilities to use service animals in all agency sites and facilities that are open to the public, including structures, buildings, park roads, sidewalks and trails, subject to the following restrictions:

1. The owner/handler of the service animal must be an individual with a disability.
2. The service animal shall at all times be under the control of the owner/handler.
3. The M-NCPPC accepts no responsibility for the care and supervision of the service animal.
4. The service animal and owner/handler shall follow any applicable State of Maryland and local laws regarding vaccinations and pet ownership licensing (e.g., state-mandated rabies vaccinations, County dog permit, etc.).
5. The owner/handler is responsible for any damage or soiling caused by the animal.
6. The M-NCPPC accepts no liability for damage caused by the service animal, or injury to others caused by the service animal.
7. The M-NCPPC reserves the right to modify this policy at any time.

RESPONSIBILITIES:

Front Desk Staff/Facility Director/Building Supervisor - M-NCPPC front desk staff or facility directors are responsible for determining if an animal is a service animal. Some individuals with disabilities who use service animals may be easily identified without any need for questioning. If there is uncertainty as to whether an animal meets the definition of a service animal, in accordance with the ADA, staff may only ask the patron two questions:

1. Is the dog a service animal required because of a disability? and/or
2. What work or task has the dog been trained to perform?

If the patron explains that the animal is required because of a disability, and is trained as a service animal, staff should welcome the person and service animal into the facility. Staff must permit service animals to accompany patrons with disabilities to all areas of the facility normally used by other customers.

Managers/Facility Directors - In the event that a particular service animal's behavior poses a direct threat to the health or safety of others, the service animal is acting out of control and the owner/handler does not take action to correct its behavior, or, in the event that M-NCPPC can demonstrate that a particular service animal's conduct fundamentally alters the nature of the facility's business, the manager/facility director has the right to exclude the animal from the facility/program at that time.

Barking, in and of itself, is not considered a direct threat. In addition, a direct threat does not exist if the service animal's owner/handler takes prompt and effective action to control the animal. Moreover, M-NCPPC will not exclude a particular service animal based on past experience with other animals or based on fear that is not related to a service animal's actual behavior. Each situation will be considered individually. In the event M-NCPPC excludes a service animal, it may not refuse service to the owner when he or she is not accompanied by that particular service animal.

QUESTIONS/INQUIRIES/COMPLAINTS:

Individuals with disabilities have the right to be accompanied by service animals in all public M-NCPPC facilities under the ADA, and M-NCPPC considers interference with or denial of this right to be a serious violation of agency policy.

Patrons with questions about this guidance or complaints about the improper treatment of customers should contact the departmental ADA Coordinator or office listed below, based on the department/location offering the program/services:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager
7833 Walker Drive, Suite 110
Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722
Phone 301-952-3595, Fax 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager
Parkside Headquarters, 9500 Brunett Avenue
Silver Spring, MD 20901
Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

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Office of the Director, Montgomery County Planning
8787 Georgia Avenue, Silver Spring, MD 20910
Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

Executive Office Building/Bi-County Operations

Office of the Executive Director
6611 Kenilworth Avenue, 4th Floor
Riverdale, MD 20737
Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410

M-NCPPC will promptly investigate all complaints and will take appropriate disciplinary action when employees fail to comply with this policy.



 **NOTICE**

No. 15-01C

Issue date:

May 6, 2015

**ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES
(FOR POSTING)**

This Notice, titled Electronic Personal Assistive Mobility Devices, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and parks and recreation programs that are inclusive and accessible to all patrons. In keeping with that dedication, the M-NCPPC has issued this notice to provide information on the use of Electronic Personal Assistive Mobility Devices (EPAMD)¹ as permitted under the Americans with Disabilities Act. The goal of this policy is to maintain a safe environment for all patrons while allowing for use of mobility assistive devices by individuals with disabilities that do not fundamentally alter the nature of the programs and services provided by the agency.

An EPAMD, as defined in § 21-101 of the Transportation Article of the Maryland State Code, means a pedestrian device that: (i) has two non-tandem wheels; (ii) is self-balancing; (iii) is powered by an electric propulsion system; (iv) has a maximum speed capability of fifteen (15) miles per hour; and (v) is designed to transport one person. Segway® PT and similar devices are examples of EPAMDs.

This policy does not authorize the use of golf cars, ATVs, off-road vehicles, motorized bicycles, motor scooters or any other motorized vehicles, whether electric or fuel powered, that do not fall within the definition of EPAMD above.²

The agency authorizes individuals with mobility disabilities to use EPAMDs in all M-NCPPC sites and facilities³ that are **open to the public**, including structures, buildings, park roads, sidewalks and trails, subject to the following restrictions:

1. The operator of the device must be an individual with a mobility disability. M-NCPPC staff may request verification of such status in the form of a valid State-issued disability parking placard or other State-issued proof of disability that is issued in the name of the operator.
2. The EPAMD shall at all times when in use:
 - A. be under the control of the operator;
 - B. yield to pedestrians; and
 - C. follow any applicable State of Maryland and local laws regarding use of the device.

¹ Electronic Personal Assistive Mobility Devices (EPAMD)¹ is a subset of Other Power Driven Mobility Devices under the Americans with Disabilities Act.

² For public safety and environmental reasons, the M-NCPPC prohibits the use of these devices by any person other than at sites where these vehicles are already permitted for use by the general public.

³ Not all agency sites and facilities are accessible. Additionally, use of EPAMDs may be prohibited where their use may be, at the M-NCPPC's discretion, unsafe or cause damage. Contact the location you plan to visit for specific details regarding accessibility.

3. The EPAMD **shall not**, at any time, be operated:
 - A. in a dangerous or reckless manner that jeopardizes the safety of the operator, any other person or property, or in a manner inconsistent with the manufacturer's safety recommendations;
 - B. at a speed greater than the pace of pedestrian traffic;
 - C. on any agency road or street unless there is no adjacent sidewalk; in all cases, an EPAMD may not be operated on any road or street where the speed limit is greater than 30 mph;
 - D. between dusk and dawn unless the device has an installed headlight that lights up the area in front of the driver and is visible from a distance of 300 feet in front of the device; or
 - E. while carrying another person on the frame, or any object on the frame that may make the EPAMD less stable.
4. The device, whether stationary or in motion, shall not block or restrict access to entrances, exits, passageways, stairways or other pedestrian routes. The agency reserves the right to move devices when violating this restriction or at any time when the device creates a safety risk or hazard.
5. M-NCPPC accepts no responsibility for storage or charging of the device.
6. The agency accepts no liability for theft, damage to the device, or for injury to the operator, whether caused by the operator, or any other third person.
7. M-NCPPC accepts no liability for damage caused by the device or operator of the device, or injury to others caused by the device or operator of the device.
8. M-NCPPC reserves the right to prohibit the use of the device by the operator if: (i) the operator fails to observe the restrictions set forth in this policy, or (ii) doing so is in the best interests of the agency and its patrons. However, nothing in this policy precludes the operator from the enjoyment of the facilities without the device.
9. M-NCPPC reserves the right to modify this policy at any time.

Patrons with questions about this policy or locations where EPAMDs may be safely used should contact the departmental ADA Coordinator or office listed below, based on the location where the EPAMD is sought to be used:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager
7833 Walker Drive, Suite 110
Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722
Phone 301-952-3595, FAX 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager
Parkside Headquarters, 9500 Brunett Avenue, Silver Spring, MD 20901
Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

Montgomery County Planning Department

Office of the Director, Montgomery County Planning

8787 Georgia Avenue, Silver Spring, MD 20910

Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

Executive Office Building/Bi-County Operations

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6611 Kenilworth Avenue, 4th Floor

Riverdale, MD 20737

Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410





NOTICE

No. 15-01D

Issue date:

May 6, 2015

ACCESSIBLE SEATING UNDER THE AMERICANS WITH DISABILITIES ACT (FOR POSTING)

This Notice, titled Accessible Seating under the Americans with Disabilities Act, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) strives to make its programs, and facilities accessible to all patrons. In keeping with that dedication, the M-NCPPC has issued this notice to provide information on our policy on accessible seating.

Please contact the sponsoring program directly for accessible seating requests. Patrons with disabilities should contact the venue, when possible, at least 14 days in advance of the event so the request can be reviewed.

Ticketing at the Show Place Arena: The Show Place Arena provides designated seating for guests with disabilities. Each accessible space is accompanied by one (1) companion seat and both may be purchased for the same price per seat.

- Patrons requiring accessible seating at Show Place Arena should contact the Show Place Arena box office at 301-952-7900 or 301-699-2544 (TTY), and notify the ticket agent when purchasing tickets.
- The Show Place Arena has an entire row reserved below the wheelchair accessible seats to accommodate additional patrons in a party. When a person using a wheelchair and a companion are accompanied by more persons, the Show Place Arena staff will attempt to seat the remainder of the party as close to the wheelchair/companion seats as possible.
- On the day of the event, unsold companion seats and seats in the row below the wheelchair accessible seats may be released and sold to the general public.

For general information or questions regarding accessibility, patrons may also contact the departmental ADA Coordinator or office listed below, based on the department/location offering the program/services:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager
7833 Walker Drive, Suite 110
Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722
Phone 301-952-3595, FAX 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager
Parkside Headquarters, 9500 Brunett Avenue
Silver Spring, MD 20901
Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

Montgomery County Planning Department
Office of the Director, Montgomery County Planning
8787 Georgia Avenue, Silver Spring, MD 20910
Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1





NOTICE

No. 15-01E

Issue date:

May 6, 2015

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT (FOR POSTING)

This Notice, titled Grievance Procedure under the Americans with Disabilities Act, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Maryland-National Capital Park and Planning Commission (M-NCPPC).⁴

Patron complaints should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available upon request for persons with disabilities.

The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged violation to the appropriate departmental ADA Coordinator/office listed below, based on the department/location offering the program/services:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager
7833 Walker Drive, Suite 110
Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722
Phone 301-952-3595, FAX 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager
Parkside Headquarters, 9500 Brunett Avenue
Silver Spring, MD 20901
Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

Montgomery County Planning Department

Office of the Director, Montgomery County Planning
8787 Georgia Avenue, Silver Spring, MD 20910
Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

⁴ The Merit System Rules and Regulations, Administrative Practice 2-25 (Employment Dispute Resolution), and applicable Collective Bargaining Agreements govern employment-related complaints of disability discrimination.

Executive Office Building/Bi-County Operations

Office of the Executive Director

6611 Kenilworth Avenue, 4th Floor

Riverdale, MD 20737

Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the M-NCPPC and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director or his/her designee:

Office of the Executive Director

6611 Kenilworth Avenue, Riverdale, Maryland 20737

Phone 301-454-1740, FAX 301-454-1750, TTY 301-454-1410

Within 15 calendar days after receipt of the appeal, the Executive Director or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Executive Director or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Executive Director or his/her designee, and responses from the ADA Coordinators and/or the Executive Director will be retained by the M-NCPPC for at least three years.

