



## Ohio Administrative Code

### Rule 5101:9-2-02 The Americans with Disabilities Act.

Effective: June 15, 2020

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(A) How do the Americans with Disabilities Act Amendments Act (ADAAA) (hereinafter referred to as ADA), 42 U.S.C. section 12101 (as in effect on 2/25/2020) and section 504 of the Rehabilitation Act (2008), 29 U.S.C. section 701 (as in effect on 2/25/2020), apply to programs supervised by the Ohio department of job and family services (ODJFS)?

Each county department of job and family services (CDJFS) is required to:

- (1) Provide an individual with a disability with an equal opportunity to benefit from all programs, services, and activities offered by the CDJFS.
- (2) Relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with individuals who are deaf, hard of hearing, blind, low vision or who have speech disabilities.
- (3) Make reasonable modifications to local policies, practices, and procedures where necessary to avoid discrimination, unless doing so would fundamentally alter the nature of the service, program, or activity being provided.

(B) Who is to comply with this rule?

This rule applies to every CDJFS and any governmental or non-governmental entity that receives funds from the CDJFS, whether directly or indirectly, to provide services to individuals or to perform duties or activities for or on behalf of the CDJFS pursuant to a contract, grant, or other agreement (hereafter, "contracted agent").

(C) For the purposes of this rule, what is a disability?

A disability is:



(1) A physical, or mental impairment that substantially limits one or more of the major life activities of such individual.

(2) A record of such impairment; or

(3) Being regarded as having an impairment as described in paragraph (C)(1) of this rule.

(D) What is a physical or mental impairment?

(1) The term "physical impairment" includes but is not limited to:

(a) Physiological disorders or conditions;

(b) Cosmetic disfigurement; or

(c) Anatomical loss affecting one or more of the following body systems:

(i) Neurological;

(ii) Musculoskeletal;

(iii) Special sense organs, which include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc;

(iv) Respiratory, including speech organs;

(v) Cardiovascular;

(vi) Reproductive;

(vii) Digestive;



(viii) Genitourinary;

(ix) Hemic and lymphatic;

(x) Skin; and

(xi) Endocrine.

(2) The term "mental impairment" includes mental or psychological disorders, such as:

(a) Intellectual disabilities;

(b) Organic brain syndrome;

(c) Emotional or mental illness; and

(d) Specific learning disabilities.

(E) What are major life activities?

Caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, speaking, breathing, learning, concentrating, thinking, communicating, interacting with others and working. Major life activities also include major bodily functions such as special sense organs, skin, bladder, bowel, digestive, immune system, cell growth, brain, respiratory, cardiovascular, hemic, lymphatic, genitourinary, musculoskeletal, neurological, circulatory, endocrine, and reproductive systems.

(F) What is a reasonable modification?

A reasonable modification is any reasonable change in the way a CDJFS or its contracted agents do something for an individual with a disability or which would allow the individual with a disability to participate in or enjoy equal access to programs administered by the CDJFS, which does not fundamentally alter the nature of the services, program or activity. If an individual is only regarded



as having such an impairment under paragraph (C)(1) of this rule, the individual is not entitled to reasonable modifications, but is otherwise entitled to all of the same process of redress as those identified in paragraph (C)(1) of this rule.

(G) What is an ADA plan?

(1) An ADA plan is written policies and procedures that describe how the CDJFS and its contracted agents will comply with the ADA, section 504 of the Rehabilitation Act, and all other applicable federal and state laws and regulations.

(2) Each CDJFS is required to complete the JFS 00207 "ADA Compliance Plan" or design its own plan that is substantively equivalent to the JFS 00207.

(3) Upon adoption or revision of its ADA plan, the CDJFS shall provide ODJFS with an accurate copy of the plan.

(4) Each CDJFS and its contracted agents shall implement and comply with the ADA plan adopted by the CDJFS.

(5) The CDJFS shall be responsible for maintaining copies of its ADA plan and making the ADA plan available to its staff, contracted agents, and the public.

(H) What is to be included in an ADA plan?

Each ADA plan shall include:

(1) A statement that the CDJFS and its contracted agents will comply with the ADA plan and all applicable federal and state laws and regulations.

(2) The name, telephone number, and email address of an ADA coordinator.

(3) A description of the county agency's ADA grievance procedure.



- (4) Examples of reasonable modifications that may be made by the CDJFS or its contracted agents.
- (5) A policy permitting the use of service animals, including modification of policies, practices or procedures as necessary for different facilities utilized by the CDJFS.
- (6) Procedures to provide effective communication with people with disabilities, including people who are deaf, hard of hearing, blind, low vision, or who have speech disabilities.
- (7) A protocol for training new and existing staff members on the provisions of the ADA plan adopted by the CDJFS.
- (8) An explanation on how the CDJFS plans to ensure the confidentiality of medical records received as a part of a request for reasonable modification.
- (9) A description of the process and tool the CDJFS utilizes to assess an individual with a disability prior to assigning the individual to participate in an activity.