

# **Southern New Hampshire Services**

## **Reasonable Modification Policy**

**January 2023**

### **1. Purpose**

The purpose of the reasonable modification policy is to ensure that Southern New Hampshire Services (SNHS) offers equal and effective opportunities and access to transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

### **2. Policy**

SNHS is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. SNHS recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. SNHS will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. SNHS does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. SNHS will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of SNHS, or be subject to discrimination by SNHS.

### **3. Reasonable Modifications**

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. SNHS will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.
- The individual with a disability is able to fully use SNHS's service without the accommodation being made.
- Where granting the request would cause an undue financial and administrative burden

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

#### **4. Eligibility Criteria**

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

#### **5. Requests for Reasonable Modifications**

SNHS shall provide information about how to contact SNHS to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines.

Real-time operational modification requests can be made directly with the driver or by calling (603) 878-1964

SNHS will make reasonable modifications to its policies and procedures upon request. To make a request, please call Al Burton/Housing Director South at (603) 595-9261 TTY Relay 7-1-1

SNHS shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at SNHS will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, SNHS requests that individuals make such requests for modifications before SNHS is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with SNHS’s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

## **6. Interactive Process**

When a request for accommodation is made, SNHS and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and SNHS must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

## **7. Time Frame for Processing Requests and Providing Reasonable Modification**

SNHS will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. SNHS recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

## **8. Granting a Reasonable Modification Request**

As soon as SNHS determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

## **9. Denying a Reasonable Modification Request**

As soon as SNHS determines that a request for reasonable accommodation will be denied, SNHS will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transit services as requested by the individual; and

- c. the opportunity to file a complaint relative to the SNHS's decision on the request.

## **10. Complaint Process**

SNHS has a process for investigating and tracking complaints from qualified individuals. These procedures will be provided to any individual where the SNHS has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the SNHS. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint. SNHS investigates complaints received no more than 30 days after receipt. SNHS will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, SNHS may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to SNHS.

If SNHS is not contacted by the complainant or does not receive the additional information within 30 business days, the SNHS may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After SNHS investigates the complaint, a decision will be rendered in writing to the complainant.

SNHS will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explain what actions will be taken by SNHS to address the complaint.
- b. *Letter of Closure* – This letter will explain why SNHS has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of SNHS, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 30 days of the initial decision of SNHS.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

## **11. Designated Employee**

SNHS shall designate one official within the organization responsible for processing reasonable modification requests. That individual is:

Al Burton

40 Pine St.

Manchester, NH 03103

603-668-8010

ABurton @snhs.org

SNHS shall designate one official within the organization responsible for processing complaints. That individual is:

Deb Stohrer

40 Pine St.

Manchester, NH 03103

(603) 668-8010

Dstohrer@snhs.org

## **12. Record Retention**

SNHS will maintain all records related to reasonable modification requests and denials for at least three (3) years.