

The Americans with Disabilities Act (ADA)

In order to assist library patrons and staff with disabilities and in order to comply with the requirements of the Americans with Disabilities Act, PL 101-336, the Board of Trustees of the North Babylon Public Library resolves the following:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose or other instrumentality of a state or local government.

What is a qualified individual with a disability?

It includes any person who has a physical or mental impairment that substantially limits one or more of that person's major life activities - someone who has a history or record of that kind of impairment and someone who is regarded as having that kind of impairment.

Herewith it is also resolved that:

1. Librarians will assist any library patron who requires library material, which is in an inaccessible location. In the absence of a librarian, a member of the clerical staff will assist.
2. All library programs will be accessible to the handicapped by relocating the programs to a ground level area in response to a prior request. Advance notification of any patrons requiring special accommodations is appreciated, but not required. Accommodation at another site is an acceptable option.
3. The Library Director will continue a self-evaluation process to survey whether the library is in compliance with the ADA and to document any areas, which are not in compliance, such as the book stacks. (The meeting room is addressed above.)
4. A transition plan will be completed which outlines any structural changes, which are required, and how they will be implemented.
5. This evaluation and transition plan will be on file and accessible to the library public.
6. The Library Director will be the designated person in charge of the process to accommodate the disabled at the North Babylon Public Library.

Self-Evaluation Process and Transition Plan:

As upgrades are made to the building, necessary structural changes will be implemented.

Approved by the Board of Trustees
July 1999

Updated and Approved by the Board of Trustees, February 16, 2016

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Title I - Employment

In compliance with the Americans with Disabilities Act, PL 101-336, the Board of Trustees of the North Babylon Public Library resolves the following:

The North Babylon Public Library will not discriminate against any qualified individual with a disability in regard to job application procedures, the hiring or discharge of employees, employee compensation, advancement, job training, and other terms, conditions and privileges of employment.

Title II - Government Agencies

State and local government agencies are covered in their entirety. Federal agencies are required to develop regulations for what is discrimination by state and local government. Simply stated, the North Babylon Public Library must recognize these laws. If construction is necessary, it must be done in an accessible fashion. The ADA requires that for existing facilities that have architectural barriers, a plan to look at the facilities be made as a part of a self evaluation and transition plan.

Communication with persons with disabilities is also part of Title II. The library is required by law to provide appropriate auxiliary aids. These include but are not limited to: assistive listening devices, talking books, large type materials, CCTV systems, books in Braille, books on tape, reading machines, and other devices and/or services.

Title III - Public Accommodations

A public accommodation is a private entity that owns, operates, leases, or leases to one of twelve types of entity types, libraries being one. Therefore, libraries are covered by Title III of the ADA.

Title IV - Telecommunications

This required that the federal government was to create a telecommunications relay system. The North Babylon Public Library participates in this relay system, when asked to do so. In addition, the North Babylon Public Library has a TDD in the reference department.

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Employment Procedures

Recruitment

1. Recruitment materials will include positive references to persons with disabilities and cite the library's commitment to nondiscrimination.
2. All positions, including those above entry level, are open to qualified applicants with disabilities seeking opportunities for career advancement.
3. Advertisements for personnel will encourage responses from qualified persons with disabilities and are placed in forms and ways that reach these persons.
4. The library refuses to participate in a contractual or other union relationship with any employment or referral agency, a labor union, or an organization providing fringe benefits, or an organization providing training and apprenticeship programs that appears to subject qualified applicants to discrimination.

Preselection Criteria

1. Rooms in which interviews are conducted are accessible to persons with all types of disabilities
2. Applicants will be notified that alternate means of testing are available. This is a civil service responsibility.
3. Any tests, forms, or selection criteria used relate strictly to a specific job and are consistent with a library necessity.
4. Neither applications nor interviews will ask whether an applicant has a disability or questions the nature or extent of a disability (but may solicit information regarding an applicant's ability to perform essential job functions).
5. Equal consideration is given to applicants whose spouse or other family member has a disability.
6. If a particular job raises safety considerations, any eligibility criteria regarding mental or physical abilities developed to ensure safe performance shall include only criteria that are each objectively and demonstrably necessary for safety in the performance of the essential functions of the specific job.
7. Medical history and information is considered confidential and shared only with supervisors and managers concerned with work restrictions and accommodations, personnel who provide first aid and emergency treatment that may be needed, and government officials investigating compliance with ADA.

Reasonable Accommodations

1. Reasonable accommodations to the known physical or mental limitations of an employee will be provided throughout the employee's term of employment unless the accommodations impose an undue hardship (i.e., are significantly difficult or expensive) on the operation of the library.
2. Accommodations suitable for individual employees will be determined on a case-by-case basis by supervisors in consultation with the individual involved and after obtaining information and input from appropriate disability related organizations and other agencies and groups with expertise on such accommodations.

3. Accommodations may include, but are not limited to:
 - A. Making existing facilities used by all employees readily accessible to and usable by individuals with disabilities
 - B. Restructuring a job by eliminating nonessential elements, re-delegating tasks, exchanging assignments with another employee or introducing other modifications that enable the employee with a disability to perform the essential functions of a position.
 - C. Allowing constant shifts and part-time or modified work schedules.
 - D. Reassigning or transferring an employee to another vacant job for which he or she is qualified.
 - E. Adjusting marginal job requirements, such as the need to hold a driver's license, that is nonessential for performing a specific job.
 - F. Acquiring or modifying equipment or devices such as adapted hardware or software for computers or talking calculators for employees with vision impairments, telephone handset amplifiers or telecommunications devices for the deaf (TDD's) for persons with hearing impairments, and mechanical page turners or raised or lowered furniture for persons with limited dexterity.
 - G. Providing readers for persons with blindness, interpreters for individuals with deafness, or attendants for those with severe mobility limitations, when feasible.
4. Employees and job applicants are notified of the Library's obligation under ADA to make reasonable accommodations
5. A problem solving approach is used to identify particular tasks or aspects of the work environment that limit performance and could be remedied to provide meaningful equal opportunity to an individual with a disability.
6. The North Babylon Public Library shows no discrimination toward qualified employees or applicants who have disabilities in any form, condition, or privilege of employment, including, but not limited to the following areas:
 - A. Upgrade
 - B. Promotion
 - C. Award of tenure
 - D. Demotion
 - E. Transfer
 - F. Termination
 - G. Rehiring
 - H. Compensation/change in compensation
 - I. Job assignment
 - J. Job classification
 - K. Organizational structure
 - L. Line of progression
 - M. Leave of absence
 - N. Sick leave or any other leave
 - O. Fringe benefits, including health and other insurance coverage and provisions, available to all by virtue of employment
 - P. Selection and financial support for training, including apprenticeships, professional meetings, and related activities
 - Q. Employer sponsored activities, including social or recreational programs.

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Grievance Procedure

The North Babylon Public Library has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in the programs or activities sponsored by a public entity.

Complaints should be addressed to: Marc D. Horowitz, Library Director, 815 Deer Park Avenue, North Babylon, New York 11703-3812; (516 or 631) 669-4020, who has been designated to coordinate ADA compliance efforts.

There may be other venues for bargaining unit members to seek in dealing with grievances concerning the Americans with Disabilities Act.

1. A complaint should be filled out in writing and may also be communicated verbally. It must contain the name and address of the person filing it, and briefly but clearly describe the alleged violation of the regulations.
2. A complaint must be filed within forty-five (45) days after the complainant becomes aware of the alleged violation.
3. An informal investigation, as may be appropriate, shall follow a filing of complaint. The Library Director or a designee shall conduct the informal investigation. These rules contemplate informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as the validity of the complaint and a description of the resolution, if any, shall be issued by the Library Director, and a copy forwarded to the complainant no later than thirty (30) days after its filing.
5. On receiving a decision, the complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the President, Board of Trustees, through the Library Director.
6. The ADA Coordinator shall maintain the files and records of the North Babylon Public Library relating to the complaints filed.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency, i.e. EEOC. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the North Babylon Public Library complies with the ADA and implementing regulations.

Note: Wherever "days" are referred to, this reflects calendar days, not work days.

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Examples of Current Technology use by
The North Babylon Public Library

Accessible Restrooms
Amplified Phones
Assistive Listening Device (Meeting Room)
Audiobooks / Books on Tape / Books on CD
Braille books, available from TB+
CCTV Systems on display at TB+
Closed Caption Decoder (Gift of the Lions)
Handicapped Parking
Electrically opening door
Large Print Books
Lowered OPAC Terminal
Magnifying Glass
Passenger loading zone
Ramps and Curb-cuts
Safety alarms audible and visual
Security System Gates have minimum clear opening of 32 inches
Signs for doors and accessibility areas
Talking Books and TDD's available from TB+
TTD 669-6140 (Reference Office)
Wheelchair accessible aisles on main floor

Discrimination Complaints

This is just an opportunity to review discrimination, covered in depth elsewhere in the policy manual.

Discrimination based on the following eight bases, is illegal:

1. Race
2. Religion
3. Color
4. Sex or Sexual Harassment
5. National Origin
6. Age (Over 40 at time of alleged incident)
7. Handicap: Physical or Mental
8. Reprisal for filing a discrimination complaint

The North Babylon Public Library takes great strides to insure that we comply with federal laws.