

# **Rockingham Nutrition & Meals on Wheels Transportation Program**

## **Reasonable Modification Policy**

(For people who qualify for RNMOW transportation program)

### **1. Purpose**

The purpose of the reasonable modification policy is to ensure that Rockingham Nutrition & Meals on Wheels, also known as RNMOW, offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the American with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

### **2. Policy**

RNMOW is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. RNMOW recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modification to policies and procedures. RNMOW 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. RNMOW 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. RNMOW 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 RNMOW or be subject to discrimination by RNMOW.

### **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. RNMOW 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 public transportation service.
- Making the accommodation would create a direct threat to the health or safety of others including passengers.

- The individual with a disability is able to fully use the RNMOW's service without the accommodation being made.

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 for people who qualify for RNMOW transportation program**

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**

Requests for accommodation may be made either orally or in writing or by any means that suits the person making the request. The reasonable accommodation process begins as soon as the request for accommodation is received by a designated RNMOW staff member who has the authority to grant the request. Request may be submitted by calling 603-679-2201 and asking for the Operations Director, emailing [Operations@RNMOW.org](mailto:Operations@RNMOW.org) or by mail to  
RNMOW

ATT: Operations Director  
106 North Road  
Brentwood, NH 03833

RNMOW shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Personnel at RNMOW will determine if the request represents a reasonable modification and if it does, then proceed in accommodating the request accordingly.
- c. Whenever feasible, RNMOW requests that individuals make such requests for modifications in advance if it is possible to do so before RNMOW 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, demand response, or fixed route 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 RNMOw's management before making a determination to grant or deny the request.

## **6. Interactive Process**

When a request for accommodation is made, RNMOw 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 RNMOw 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**

RNMOw will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. RNMOw 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 RNMOw determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice will be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, RNMOw shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

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

As soon as RNMOw determines that a request for reasonable accommodation will be denied, RNMOw 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 RNMOV's decision on the request.

## **10. Complaint Process**

RNMOV has a process for investigating and tracking complaints from qualified individuals. These procedures are posted on the RNMOV website and will be provided to any individual where RNMOV has been denied a request for accommodation. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be accepted 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 by completing and submitting a RNMOV's Reasonable Modification Complaint Form. RNMOV investigates complaints received no more than 30 business days after receipt. RNMOV 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, RNMOV may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to RNMOV.

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

After RNMOV investigates the complaint, a decision will be rendered in writing to the complainant. RNMOV 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 explains what actions will be taken by RNMOV to address the complaint.
- b. *Letter of Closure* – This letter will explain why RNMOV 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 RNMOV, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of RNMOV.

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

### **11. Designated Employee**

RNMOW shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Helen Kostrzynski, Operations Director  
Rockingham Nutrition & Meals on Wheels  
106 North Road  
Brentwood, NH, 03833  
603-679-2201  
Operations@RNMOW.org

### **12. Record Retention**

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

### **13. Adoption**

Adopted by: RNMOW Board of Directors

Date: December 21, 2021