



## PROGRAM POLICIES

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**POLICY:** Reasonable Modification

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**EFFECTIVE DATE:** 4/18/22      **REVISED DATE:** 9/23      **POLICY:** 800.07

**DISTRIBUTION:** All Administrative Policy & Procedure Manual Folders

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### **Purpose**

To ensure that Paladin offers equal and effective opportunities and access to transportation services for persons with disabilities in full compliance with the Americans with Disabilities Act (ADA). Paladin does not discriminate on the basis of disability in admission to or participation in any program or activity, and no individual with a disability shall, by reason of such disability, be excluded from receiving the benefits of Paladin's Transportation service.

### **Reasonable Modifications**

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Paladin will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transportation 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 others.
- The individual with a disability is able to fully utilize Paladin's services without the accommodation being made.
- Granting the request would cause an undue financial and administrative burden.

### **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 the individual, a record of such impairment, or has been regarded as having such an impairment.

## **Procedure**

### **1. Reasonable Modification Requests**

Paladin shall make information about how to make requests for reasonable modifications readily available to the public through its website at [www.paladin.care](http://www.paladin.care).

Paladin will follow these steps when taking in requests:

- a. Individuals requesting modifications should 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. Paladin staff will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever possible, Paladin requests that individuals make such requests for modifications before Paladin 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), staff will make a determination of whether the modification should be provided at the time of the request. Staff may need to consult with management before making a determination to grant or deny the request.

Requests for modification may be made either orally or in writing. A Reasonable Modification Request Form will be made available at Paladin’s website. 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, virtual meetings, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing.

### **2. Interactive Process**

When a request for accommodation is made, Paladin and the individual making the request must engage in a good faith interactive process to determine what, if any, accommodation shall be provided. The individual and Paladin 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.

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

Paladin will process requests for reasonable accommodation and then provide the accommodations, where appropriate, in as short a time frame as reasonably possible. Paladin 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 support information and/or equipment.

### **4. Granting Reasonable Modification Requests**

As soon as Paladin determines that a reasonable accommodation will be provided, that decision will be immediately communicated to the individual making the request. 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.

#### 5. Denying a Reasonable Modification Request

As soon as Paladin determines that a request for reasonable accommodation will be denied, the basis for that decision will be communicated to the individual in writing. The explanation will include:

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transportation services as requested; and
- c. the opportunity to file a complaint relative to Paladin's decision on the request.

#### 6. Complaint Process

Paladin has a process for investigating and tracking complaints. These procedures will be posted at [www.paladin.care](http://www.paladin.care) and will be provided to any individual that has been denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the website. Alternative means of filing complaints such as personal interviews, phone calls, virtual meetings, or taped requests, will be made available for persons with disabilities if unable to communicate the request in writing.

Any person that believes they have been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting the Reasonable Modification Complaint Form. Paladin investigates complaints received no more than 30 days after receipt and notifies INDOT of any such complaints. Paladin 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, Paladin may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Paladin.

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

After Paladin investigates the complaint, a decision will be rendered in writing to the complainant. Paladin will either issue 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 Paladin to address the complaint.
- b. Letter of Closure – This letter will explain why Paladin has determined that the complaint does not merit accommodation under the ADA and that complaint will be closed.

If the complainant disagrees with Paladin's decision, an opportunity to appeal the decision may be pursued provided the complainant files a notice of appeal within 21 days of the initial decision. In the event of an 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.

7. Designated Employee

Paladin's designated official responsible for processing reasonable modification requests and handling complaints is:

Corporate Compliance Officer  
4315 E Michigan Blvd.  
Michigan City, IN 46360  
219-874-4288  
[compliance@paladin.care](mailto:compliance@paladin.care)

8. Record Retention

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