

COUNCIL POLICY

SUBJECT: AMERICANS WITH DISABILITIES ACT/CITY CONTRACTORS
POLICY NO.: 100-04
EFFECTIVE DATE: June 14, 1993

BACKGROUND:

The issue of accessibility, both architecturally and programmatically by people with disabilities, to public and private entities has been addressed by Section 504 of the Rehabilitation Act of 1973, and most recently by the Americans with Disabilities Act (ADA) of 1990. This broad reaching legislation addresses the right of people with disabilities to obtain equal access to services, programs, buildings, facilities, and employment.

PURPOSE:

It is the intent of the City Council that the City of San Diego take a leadership role in addressing compliance with the ADA in the workplace. It is the purpose of this policy to establish the requirement that all City contractors, including but not limited to construction contracts, consultants, grantees, and providers of goods and services agree to comply with all applicable titles of the ADA.

POLICY:**Section 1. Definitions**

- A. "Qualified individual with a disability" means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
- B. "Employee" means the employee of a contractor directly engaged in the performance of work pursuant to a contract as described in Section 2.
- C. "Contractor" means any person or entity who enters into an agreement with the City for the construction of capital improvements or the provision of goods or services. Contractor shall include, but not be limited to consultants, grantees, lessees and vendors.

Section 2. City Contractor Requirements

- A. Every person or organization entering into a contractual agreement with or receiving a grant from the City of San Diego shall certify to the City of San Diego that it will comply with the ADA by adhering to all of the provisions of the ADA listed below.

1. Title I. Employment Mandates

"No contractor may discriminate against qualified persons with disabilities in any aspects of employment, including recruitment, hiring, promotions, conditions and privileges of employment, training, compensation, benefits, discipline, layoffs, and termination of employment."

2. Title II. State and Local Government

“No qualified individual with a disability maybe excluded on the basis of disability, from participation in, or be denied the benefits of services, programs, or activities by contractors or subcontractors providing services for the City.”

3. Post a statement addressing the requirements of the ADA in a prominent place at the worksite.
- B. Contractors shall include in each subcontract agreement, language which indicates the subcontractor’s agreement, language which indicates the subcontractor’s agreement to abide by the provisions of subdivisions (1) through (3) inclusive of Section 2A. Contractors and subcontractors shall be individually responsible for their own ADA employment programs.

HISTORY:

“Cooperative Funding of Cultural
Institutions with the County of San Diego”
Adopted by Resolution R-214497 10/15/1976
Amended by Resolution R-220257 02/08/1978
Repealed by Resolution R-250684 11/19/1979

“Allocation of Transient Occupancy Tax
Funds To The Convention and Visitors Bureau”
Adopted by Resolution R-261328 08/06/1984
Amended by Resolution R-263886 08/19/1985
Amended by Resolution R-271995 09/26/1988
Rescinded by Resolution R-279227 01/06/1992
(Now included in 100-03)

“Americans with Disabilities Act/City Contractors”
Adopted by Resolution R-282153 06/14/1993