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TRANSITION PLAN

Adopted by: **Dearborn County Board of Commissioners**
Date: **September 15, 2023**

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Dearborn County Government ADA Transition Plan

Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals based on disability. The ADA consists of five titles outlining protections in the following areas:

- Title I - Employment
- Title II - State and local government services
- Title III - Public accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous Provisions

Title II of the ADA is a section that pertains to the programs, activities and services public entities provide. Because Dearborn County provides public services and programs, the organization is committed to comply with this section of the Act as it specifically applies to state public service agencies and state transportation agencies. Title II of the ADA provides that, "...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 a public entity, or be subjected to discrimination by any such entity." (42 U.S.C. Sec. 12132; 28 C.F.R. Sec. 35.130)

As required by Title II of the ADA, Dearborn County Government has conducted a self-evaluation of its facilities and has developed this Transition Plan detailing how the organization will ensure all facilities, services, programs, and activities are accessible to all individuals.

ADA and its Relationship to Other Laws

Title II of the ADA is companion legislation to two previous federal statutes and regulations; the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act requires access to facilities designed, built, altered, or leased with Federal funds. Passed by Congress in 1968, it marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of the ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

When addressing accessibility needs and requirements it is important to note that the ADA and Title II do not supersede or preempt state or local laws that may offer equivalent or greater protections.

Program Location and Support

Staffing

The management and implementation of Dearborn County's transition plan will utilize a multidiscipline approach that encompasses policy development, outreach, technical support, and oversight. To accomplish its objectives, the County will assign responsibility for compliance to the internal ADA Coordinator. The Dearborn County ADA Coordinator is:

Sue Hayden
165 Mary Street
Lawrenceburg, IN 47025
Phone: 812-537-8894
Email: shayden@dearborncounty.in.gov

The ADA Coordinator is responsible for developing and updating policy and procedure to integrate Title II requirements into Dearborn County practices to ensure the obligations of ADA and the transition plan are met. The ADA Coordinator will also function as chair of the Internal ADA committee and is designated by and reports to the Dearborn County Board of Commissioners.

Americans with Disabilities Act Advisory Committee (ADAAC)

Dearborn County designated an internal advisory committee with representation from a cross section of functional areas to assist in the development of policy and practice to integrate ADA into Dearborn County project delivery and operations. The functions that make up ADAAC's membership follows:

- County Engineer
- Maintenance Supervisor
- Building Commissioner
- ADA Coordinator – Board of Commissioners

Consultants to the committee on an as needed basis are: Health Department, Planning & Zoning Director, Jail Commander, and the Highway Superintendent.

Members of the internal ADAAC and consultants each serve as technical experts and provide support and feedback on ADA policies and practices within the County. This Committee will be used to access and monitor the Self Evaluation. Everyone on the committee is responsible for notifying the ADA Coordinator of any ADA issues or concerns in their area of responsibility. The ADA Coordinator is responsible for tracking ADA requests in the County and ensuring compliance with the ADA Transition Plan and policies.

Additionally, the ADA Coordinator will designate and train additional personnel in each Campus building to respond and direct ADA complaints appropriately. All newly hired employees are required to be onboarded with ADA as well as Title VI training.

Transition Plan Management

Dearborn County's transition plan is a **living** document that will be updated on a regular basis, as appropriate. An updated plan shall be submitted to INDOT as Federally required every three years. To streamline the updating process and keep the document current and relevant, appendices will be updated annually if new information is available and does not alter the intent of the transition plan.

Grievance Procedure

Under the Americans with Disabilities Act, users of Dearborn County facilities and services have the right to file a grievance if they believe the County has not provided reasonable accommodation. All complaints should be presented in writing to Dearborn County's ADA Coordinator.

The procedure to file a grievance is found in **Appendix A** along with the Grievance Form. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Dearborn County Government will not officially act or respond to complaints made verbally.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Dearborn County. Accordingly, the resolution by Dearborn County of any one grievance does not constitute a precedent upon which Dearborn County is bound or upon which other complaining parties may rely.

Dearborn County's ADA Coordinator shall maintain ADA grievance files for a period of three years.

ADA Coordinator Contact Information

**Sue Ann Hayden, ADA Coordinator
Dearborn County Government / Commissioners Office
165 Mary Street
Lawrenceburg, IN 47025
(812) 537- 8894
shayden@dearborcounty.in.gov**

Communication

According to Section 35.160(a) of the ADA, "...A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others." Dearborn County will provide effective communication to individuals with disabilities so they can participate equally in programs, services and activities. Equally effective communication can be provided by offering alternative formats, auxiliary aid(s) and/or services upon request including, but not limited to sign language interpreters, documents in Braille and additional ways as identified for the hearing, speech or vision impaired.

Dearborn County Government is committed to assisting disabled individuals with access to the services, information, and resources they need as citizens of our community. A Disability Accommodation Request Form is provided as **Appendix B** for anyone in need of special assistance or accommodations. Once a request is received the ADA Coordinator will promptly work out a reasonable accommodation for request.

Website Communications

Dearborn County Government is committed to ensuring its website is in compliance with ADA accessibility requirements. Our IT vendor and website developer monitor Dearborn County Government's website so that it is in compliance with ADA access requirements. They will alert the ADA Coordinator if they feel adjustment need to take place. If a document is needed in an alternative format, customers are able to contact the Dearborn County ADA Coordinator to obtain the format they require.

Public Accessibility and Involvement Opportunities

All public meetings and hearings held by Dearborn County are required to be accessible to all. With advance request, Dearborn County will make qualified interpreters available and provide documents in accessible electronic format or other alternative formats such as large print or Braille. Public meetings, training, programs, or other events must be in an accessible location and indicated on the meeting notice.

The general public is encouraged to participate in identifying needs or barriers to accessibility. This may be done by contacting the ADA Coordinator.

A draft of the Dearborn County Transition Plan will be available on the website (www.dearborncounty.org) from August 25, 2023 through September 15, 2023, for a public comment period. The draft Transition Plan will also be available in the offices of the County Administrator and the County Auditor for viewing. These offices are located at 165 Mary Street, Lawrenceburg, Indiana. Anyone that would like to comment on the Transition Plan can submit their comments in these offices or can contact the ADA Coordinator.

After the Transition Plan has been approved by the Dearborn County Board of Commissioners it will be updated on the website and in the office aforementioned where it will remain until a new plan is submitted in the required three years.

Policies

Dearborn County is committed to reviewing its policies and procedures to ensure they comply with ADA Title II and Section 504. An ADA Compliance Public Notice & Policy Statement / Notice of Nondiscrimination Under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (**Appendix C**) will be posted at the Dearborn County Government Center.

Self-Evaluation

As required by Title II of ADA, a self-evaluation of physical assets and current policies and practices must be conducted. During the week of August 21, 2023, the Dearborn County Maintenance Director, Building Commissioner and Administrator/ADA Coordinator did an inventory of fixed work sites and completed an ADA Survey. A list of the identified buildings and ADA modifications can be found in **Appendix D**. This spreadsheet is a “living and working” document that will be updated as modifications are completed.

Fixed Work Sites

Dearborn County has identified several buildings that are routinely accessed by the public. The Building Commissioner and Maintenance Director did a thorough inspection and evaluation of all County buildings in August of 2023 to identify ADA access concerns/modifications and potential future accessibility opportunities. Compliance items have been logged on a tracking spreadsheet and prioritized for upgrade in 2024 & 2025; with the most critical items planned for 2024. Buildings with higher volumes of public traffic were viewed as more critical than those with limited or no public access.

Those included are:

- Dearborn County Government Center (Administration, Annex, Historic Courthouse)
165 Mary Street, Lawrenceburg, IN 47025
- Dearborn County Juvenile Center
219 W. High Street, Lawrenceburg, IN 47025
- Dearborn County Law Enforcement Center (Sheriff's Department)
301 W. High Street, Lawrenceburg, IN 47025
- Dearborn County Emergency Management Agency
401 W. High Street, Lawrenceburg, IN 47025
- Dearborn County Court Services (Probation / Community Corrections)
215 W. Williams Street, Lawrenceburg, IN 47025
- Dearborn County Animal Control
210 Charles Liddle Drive, Lawrenceburg, IN 47025
- Dearborn County Highway Department
10255 Randall Avenue, Aurora, IN 47001

Historic Properties

Exceptions to the ADA have been made for historic properties that are listed, or are eligible for listing, in the National Register of Historic Places, or a property designated as historic under state or local law. A public entity is not required to make alterations that would destroy or threaten the historical significance of a historic property. In such a case, alternative requirements may be used as discussed in 28 CFR 36.405 and ADAAG 4.1.7(3). An example of an alternative requirement would include providing displays and written information in a location where they can be seen by a seated person.

Curb Ramp and Sidewalks

A key element of the County's transition plan is the self evaluation of pedestrian facilities with its public right of way. Dearborn County completed a self-evaluation on these facilities. Deficient curb ramps and sidewalks were identified and upgraded to PROWAG standards as a part of the County's self-evaluation.

Pedestrian Bridges and Walkways

Dearborn County owns and maintains one (1) pedestrian bridge, the historic Tripple Whipple Bridge in Aurora, IN and one walkway on the Georgetown Iron Bridge also in Aurora, IN. Both structures were evaluated and verified that they meet PROWAG (Public Right-of-Way-Accessibility Guidelines) standards.

Correction Program

Dearborn County is committed to addressing the issues identified in the self-evaluation. All new construction, reconstruction, and alteration projects in Dearborn County's right of way are required to provide for accessibility needs in the project's scope per ADA requirements. These projects are all monitored by our County Engineer. Any Dearborn County owned buildings that are constructed, remodeled or updated shall be constructed in accordance with the most current ADAAG (Accessibility Guidelines for Buildings and Facilities) regulations and standards.

Funding & Scheduling

Dearborn County will use funding from the General Fund to repair, modify or reconstruct facilities. As of July 2021, sidewalk curbs and ADA ramps have been updated and are ADA compliant and were paid for from MVH (Motor Vehicle Highway) funds. New projects will have the costs for these requirements built in to the bids. Inadequacies found in the Self Evaluation will be taken care of in a timely manner.

Appendix A

How to file an ADA Grievance and Grievance Form

Dearborn County Government

The procedure to file a grievance is as follows:

1. A formal written grievance should be filed on the ADA Grievance Form. An oral grievance can be filed by contacting the ADA Coordinator. The oral grievance will be reduced to writing by the ADA Coordinator utilizing the ADA Grievance Form. Additionally, individuals filing a grievance are not required to file a grievance with Dearborn County, but may instead exercise their right to file a grievance with the Department of Justice. The grievance must include:

- The name, address, and telephone number of the person filing the grievance.
- The name, address, and telephone number of the person alleging the ADA violation, if other than the person filing the grievance.
- A description and location of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

2. The grievance will be either responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern a Dearborn County facility, it will be forwarded to the appropriate agency and the grievant will be notified.

3. Within 60 calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented in Dearborn County's ADA Grievance File. The ADA Coordinator may, at his/her discretion, request an appropriate member of the ADAAC to be present at the meeting with the grievant.

4. If a resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Coordinator and a copy forwarded to the grievant no later than 90 days from the date of Dearborn County's receipt of the grievance.

5. The grievant may appeal the written determination. The request for reconsideration shall be in writing and filed with the Indiana Department of Transportation Ombudsman within 30 days after the ADA Coordinator's determination has been mailed to the grievant. Dearborn County's Ombudsman shall review the request for reconsideration and make a final determination within 90 days from the filing of the request for reconsideration.

6. If the grievant is dissatisfied with Dearborn County's handling of the grievance at any stage of the process or does not wish to file a grievance through the Dearborn County's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Dearborn County. Accordingly, the resolution by Dearborn County of any one grievance does not constitute a precedent upon which Dearborn County is bound or upon which other complaining parties may rely.

Dearborn County's ADA Coordinator shall maintain ADA grievance files for a period of three years.

ADA Coordinator Contact Information:

Sue Ann Hayden
Dearborn County Government / Commissioners Office
165 Mary Street
Lawrenceburg, IN 47025
(812) 537- 8894/ phone
(812) 532-2003 / fax
shayden@dearborncounty.in.gov

**ADA Complaint / Grievance Form
Dearborn County, Indiana**

Complainant: _____ **Date:** _____

Person Preparing Form (if different from Complainant): _____

Relationship to Complainant: _____

Street Address & Apt. No.:

City: _____ **State:** _____ **Zip:** _____

Phone: (____) _____ **E-mail:** _____

Please provide a complete description and location(s) of the specific complaint or grievance:

Please state what you think should be done to resolve the complaint or grievance:

Your concerns are important to us. Someone will contact you shortly.

If you prefer not to be contacted, please check here:

Signature: _____ **Date:** _____

Return to: Sue Hayden
Dearborn County ADA Coordinator
165 Mary Street
Lawrenceburg, IN 47025 Phone: (812) 537-8894 Fax: (812) 532-2003
Email: shayden@dearborncounty.in.gov

September 2023

Appendix B
Disability Accommodation Request Form

Dearborn County Government

Dearborn County Government is committed to assisting disabled individuals with access to the services, information, and resources they need as Citizens of our community.

If you or someone you know is in need of special assistance or accommodation, please complete this form and return it to the address below. Our ADA Coordinator will contact you promptly to work out a reasonable accommodation. Thank you.

Person Needing Accommodation: _____

Date of Request: _____ **Form completed by:** _____

Follow up Contact Information:

Street Address & Apt. No.:

City: _____ **State:** _____ **Zip:** _____

Phone: (____) _____ **E-mail:** _____

Please provide a complete description of the Accommodation you are requesting, including the date & time the assistance is needed:

Signature: _____ **Date:** _____

Return to: Sue Hayden
Dearborn County ADA Coordinator
165 Mary Street
Lawrenceburg, IN 47025 Phone: (812) 537-8894 Fax: (812) 532-2003
Email: shayden@dearborncounty.in.gov

September 2023

Appendix C
NOTICE OF NONDISCRIMINATION
UNDER THE AMERICANS WITH DISABILITIES ACT AND
SECTION 504 OF THE REHABILITATION ACT OF 1973

DEARBORN COUNTY GOVERNMENT
ADA COMPLIANCE PUBLIC NOTICE & POLICY STATEMENT

Pursuant to Title II of the Americans with Disabilities Act as amended (ADA) of 1990 (42 U.S. C. §§12101 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. §794) and implementing regulations found in 28 CFR 35 and 49 CFR 27, Dearborn County Government does not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services or activities.

It is the policy of Dearborn County, Indiana not to exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the County. Further, it is the policy of Dearborn County, Indiana not to discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of Dearborn County, Indiana to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

Upon request, Dearborn County will make reasonable efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities so that they have an equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as provided to others. Dearborn County is not required to take any action that would fundamentally alter the nature of its programs or services or impose undue financial or administrative burden.

The general public is invited to contact the ADA Coordinator to request that a need be addressed or to seek relief from a barrier of access using the contact information below. Additionally, any individual wishing to address any ADA concerns directly to the Dearborn County Board of Commissioners at a public meeting may request to be placed on the meeting agenda by contacting the County Administrator, Sue Hayden at (812) 537-8894 or via email: shayden@dearborncounty.in.gov.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to county officials on how the county might better meet the needs of individuals with disabilities pursuant to its stated policy. Assistance in identifying barriers to accessibility is also encouraged.

RIGHTS AND PROTECTIONS FOR DISABLED PERSONS

Any individual who is disabled and wishes to request reasonable accommodation OR who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of the American with Disabilities Act (ADA) may take any of the following steps:

1. Contact the Dearborn County ADA Coordinator at the address below.
 2. Complete a Request for Accommodation form that is available on the Dearborn County website.
 3. Follow the ADA Grievance Procedure outlined on the Dearborn County Government website.
- Website: www.dearborncounty.org

Sue Ann Hayden, ADA Coordinator
Administrator – 3rd Floor Administration Building
Dearborn County Government Center
165 Mary Street
Lawrenceburg, IN 47025

NOTE: Notice of a barrier may also be communicated in person, by e-mail, or by mail to the Office of the Dearborn County Board of Commissioners, 165 Mary Street, Lawrenceburg, Indiana 47025 / Email: shayden@dearborncounty.in.gov.

SYSTEM	CORRECTION	DISTRESS	QTY	EST COST	COMMENTS	URGENCY LEVEL 1 - 2 - 3
	GOVERNMENT CENTER					
	Administration Area (Gov't Ctr)					
Counters	Counters are 42" Bldg dept, Recorder, Receptionist, Auditor, Treasurer, Assessor, Health, P&Z. Should be 28-34" or service counters 36"	Inadequate	8	\$100.00	Remedy - providing clipboards and training employees to recognize when to supply them to those with ADA needs.	2
Doors/signage	18" clearance needed on latch side of door. Bldg, mtg rm(2 doors), Surveyor(pole in way).	Inadequate	4	Not feasible	Remedy - relocated signage	2
Pay Phone	Needs to be Hearing Aid compatible, Height is 55", should be 54", Protrudes more than 4" into path, needs cane detection	Inadequate	1	\$0.00	Payphones are scheduled to be removed by Combined Public Communications	3
	<u>Annex Area - Gov't Ctr</u>					
	New build completed 2018 - built to ADA standards					
	<u>Historical Courthouse (Gov't Ctr)</u>					
Doors	Lever handles not installed at many of the doors in the historic courthouse.	Missing	21	Historical	These were not changed as to not alter the historic value of the structure. Doors are left opened during business hours and ONLY closed/opened by employees.	N/A
Doors	Path of egress swing is inadequate at a few of the doors in the historic courthouse.	Inadequate	4	Historical	These were not changed as to not alter the historic value of the structure. Doors are left opened during business hours and ONLY closed/opened by employees.	N/A
Counters	Circuit Court counters are 41-42". Service counter heights should be 36"H.	Inadequate	1	\$100.00	Remedy - providing clipboards and training employees to recognize when to supply them to those with ADA needs.	2

2023 Dearborn County ADA Self - Survey

2

Tables	Table in Circuit Court, Sup Court and Juvenile are 24 3/4 - 25 3/4 " Knee clearance should be 28"-34"	Inadequate	3	\$200.00	Remedy - add lift costers to tables with instruction to staff not to remove and reason for installation	2
Pay Phone	Needs to be Hearing Aid compatible, Height is 55", should be 54", Protrudes more than 4" into path, needs cane detection	Inadequate	1	\$0.00	Payphones are scheduled to be removed by Combined Public Communications	3
	<u>JUVENILE CENTER</u>					
	NO Inadequacies					
	<u>LAW ENFORCEMENT CTR</u>					
Doors/Signage	Need 18" clearance on pull side of doors, we have 13"	Inadequate	?	Infeasible	Signage, if needed was placed in prominent area	Infeasible
Counters	Service counter height is 47 3/4" should be 36"	Inadequate	1	\$100.00	Remedy - providing clipboards and training employees to recognize when to supply them to those with ADA needs.	2
Pay Phone	Needs to be hearing aid compatible.	Inadequate	?	\$0.00	Payphones are scheduled to be removed by Combined Public Communications	3
Drinking Fountains	Needs cane detection	Inadequate	1	\$300.00	Maintenance will order and install cane bump	2
	<u>EMERGENCY MGMT AGENCY</u>					
Entrance	Needs 18" of clearance on pull side of door	Inadequate	1	Infeasible?	Signage placed in prominent area	3
	<u>COURT SERVICES</u>					
	Probation / Community Corrections					
	NO Inadequacies					
	<u>ANIMAL CONTROL</u>					
	NO Inadequacies					

	<u>HIGHWAY DEPARTMENT</u>					
Tables	Knee space is 25.5 needs to be 27	Inadequate	1	\$200.00	Remedy - add lift costers to tables with instruction to staff not to remove and reason for installation	3
	Highway Sidewalk and Curb Ramp List					
	Per County Engineer all sidewalk and curb ramps have been bourgh to ADA compliance					
	COST: Counters/Tables			\$1,000.00		