

DEARBORN
County, IN



TRANSITION PLAN

Adopted by: Dearborn County Board of Commissioners
Date: August 7, 2012

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 on the basis of disability. The ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- 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 is conducting 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 ADA Coordinator is responsible for developing policy and procedure to integrate Title II requirements into Dearborn County practices to ensure the obligations of ADA and the transition plan can be 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)

In 2011 Dearborn County convened 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
- GIS Coordinator / IT Support
- ADA Coordinator – Board of Commissioners

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

County Expertise

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. Each individual 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.

Transition Plan Management

Dearborn County's transition plan is a **living** document that will be updated on a regular basis, as appropriate. The first formal update to the Dearborn County ADA Transition Plan is scheduled to occur two years from the plan's formal adoption and on a five year cycle thereafter. At the recommendation of the ADA Coordinator, the update schedule may be altered at the discretion of the Dearborn County Board of Commissioners.

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.

Please consult the Grievance Procedure found in Appendix A or Dearborn County's website at www.dearborncounty.gov for details. 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.

Communications

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." This means that Dearborn County is required to provide equally effective communication to individuals with disabilities. Equally effective communication can be provided by offering alternative formats, auxiliary aid(s) and/or services upon request. For example, interpreters may be hired as requested, or as needs are identified, for the hearing impaired.

Website Communications

Dearborn County Government is committed to ensuring its websites are in compliance with ADA accessibility requirements. By the end of 2013, it is expected that the Dearborn County Government website is in full compliance with ADA access requirements. Until full compliance is attained, the ADA Advisory Committee (ADAAC) will review the website, recommending and implementing modifications and improvements on a regular basis.

To assist our customers with website navigation, Dearborn County has provided a mechanism to request ADA assistance and/or file a grievance through its website and by paper. An accessibility statement is posted on the Dearborn County website at: <http://www.dearborncounty.org/Government/County-Offices/GIS-Services/Accessibility-Statement>.

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 at: shayden@dearborncounty.in.gov

Public Involvement

All public meetings and hearings held by Dearborn County are required to be accessible to all. Dearborn County is able to make qualified interpreters available with advance request 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.

Self Evaluation

As required by Title II of ADA, Dearborn County Government must conduct a self-evaluation of physical assets and current policies and practices. As inventories are completed they will be included as appendices to the transition plan and modified ongoing, as appropriate.

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 2012 to identify ADA access concerns/modifications and potential future accessibility opportunities. All compliance items have been logged on a tracking spreadsheet and prioritized for upgrade in 2013 & 2014; with the most critical items planned for 2013. Buildings with higher volumes of public traffic were viewed as more critical than those with limited or no public access.

A list of the identified buildings and ADA modifications can be found in Appendix B. This spreadsheet is a "living and working" document that will be updated ongoing as modifications are completed.

Parks & Recreation

Parks are unique and ADA Accessibility Guidelines (ADAAG) are applicable to these facilities. All County owned Parks & Recreation areas have been included in the Self-Evaluation (Appendix B).

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. In 2012, Dearborn County completed a self-evaluation on these facilities. Deficient curb ramps and sidewalks have been identified and will be upgraded to PROWAG standards as a part of the County's self-evaluation (Appendix B).

Transit

As the sponsoring agency for Life Time Resources, Catch-A-Ride Program, Dearborn County is required to ensure that Life Time Resources is compliant with the Americans with Disabilities Act. Specific transit-related aspects of the ADA fall into two distinct categories: (1) ensuring that transit services and facilities are designed to allow access by individuals with disabilities and (2) ensuring that transit vehicles purchased with federal funds meet the accessibility standards of the ADA.

Pedestrian Bridges and Walkways

Dearborn County owns and maintains one (1) pedestrian bridge and one walkway. Both structures were evaluated in 2012. It was verified that they meet PROWAG standards.

Policies

Dearborn County is committed to reviewing its policies and procedures to ensure they comply with ADA Title II and Section 504.

Correction Program

Dearborn County is committed to addressing the issues identified in the self evaluation (Appendix B). 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.

Training

Following formal adoption of the Dearborn County ADA Transition Plan, the ADA Advisory Committee (ADAAC) will conduct department-wide training on the policies and procedures outlined herein. As a key element of the training, all employees designated (in each building) as ADA Compliance Assistants will receive more in-depth training on how to assist and respond to ADA accommodation requests, general concerns, and grievances. In light of personnel changes that may occur from time to time, the ADA Coordinator will monitor and ensure there is an adequate number of ADA Compliance Assistant's throughout the County offices ongoing. As the training is completed, documentation will be retained in Appendix C of this Plan document.

Appendix A

How to file a Grievance

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.

File Maintenance

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

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

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