

**Greene County, Indiana**

**Americans with Disabilities Act**

**Transition Plan**

## **I. Introduction**

The Americans with Disabilities Act (ADA) of 1990 (revised September 2010), is Federal Civil Rights Legislation which mandates non-discrimination to persons with disabilities. The Act has five titles, which is listed below:

- Title I – Employment
- Title II – Public Services and Transportation
- Title III – Public Accommodations
- Title IV – Telecommunications
- Title V – Miscellaneous

Title II of the ADA prohibits discrimination by public entities on the basis of disability by making all programs, services, and activities accessible to persons with disabilities. In order to accomplish this, the Department of Justice developed regulations requiring the County to conduct a self-evaluation of the accessibility of its programs and services to determine whether issues of accessibility could be addressed through changes in the way such programs and services are provided. The County is obligated to remove physical barriers to accessibility when program changes cannot insure access to services, programs, and activities in existing facilities. Realizing that the structural changes would take time and money to provide, the Department of Justice Regulations, Federal Register 28 CFR Part 35 state that “in the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop a Transition Plan setting forth the steps necessary to complete such changes”. Additionally, “if a public entity has responsibility or authority over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act”.

The ADA regulations further require the Transition Plan to contain the following elements:

- A list of physical barriers in the public entity’s facilities that limit the accessibility of its programs, services, or activities to individuals with disabilities;
- A detailed description of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking necessary steps to achieve compliance with Title II;
- The name of the official responsible for the plan’s implementation;
- A schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priorities should be given to the following order:
  1. State and local government offices
  2. Transportation
  3. Places of public accommodation
  4. Employees
  5. Other areas (e.g., residential areas where people needing curb ramps reside)

- An estimate of the costs for making the modification.
- The opportunity for the disabled community and other interested parties to participate in the development of the Transition Plan.

## **II. ADA Program Elements**

- A. Responsible Official
- B. Public Notice of Rights of Individuals
- C. Grievance Procedure
- D. Self-Evaluation and Inventory
- E. Design Standards
- F. Transition Plan

### **A. Responsible Official**

The ADA Coordinator designed for Greene County is: Tim E. Barker, Emergency Management Director.

### **B. Public Notice of Rights of Individuals**

The enclosed Public Notice sets out the County's compliance with Title II of the 1990 ADA. It is available at the Greene County Auditor's Office for viewing and is posted on the County's website. (See Enclosure No. 1)

### **C. Grievance Procedure**

(See Enclosure No. 2 and Enclosure No. 3)

### **D. Self-Evaluation and Inventory**

As required by the ADA, the County has conducted a self-evaluation of its facilities to insure that they are accessible to and useable by persons with disabilities. The County is responsible for the following public buildings: the Greene County Courthouse, the Courthouse Annex, and the Greene County Community Events Center. There are also areas in the Greene County Jail that are available to the public. The County also has responsibility to maintain the sidewalks and curbs surrounding the Greene County Courthouse. There are no sidewalks or curbs surrounding the other two public buildings.

The Greene County Courthouse, the Greene County Courthouse Annex, the Greene County Community Building, and the Greene County Jail were inspected to determine if ADA parking was provided and properly signed and if the facilities met ADA Standards for accessibility. The areas surrounding all public facilities were examined to determine whether there are curb ramps with the truncated domes present at any corner within each intersection surrounding the buildings. Sidewalks between intersections were reviewed to determine if there was a minimum of 4 feet wide (with parkway) or 5 feet wide if adjacent to curb. Driveways were reviewed to

determine if they had a 4 foot width at a 2% (max) cross-slope. The results of the inventory are available at the Auditor's office in the Greene County Courthouse for viewing.

## **E. Design Standards**

Sidewalks and ADA ramp construction shall follow the current version of the Indiana Department of Transportation Standard Drawings and Specifications.

Building construction shall follow the current ADA requirements shown on the following website: [www.access-board.gov/ada/](http://www.access-board.gov/ada/)

## **F. Transition Plan**

The ADA Coordinator has the responsibility of identifying barriers and implementing the County's barrier removal program. The steps involved in the creation of this Transition Plan are as follows:

**i. Identify/Documents Needs** – Physical barriers in and around a facility that prohibit access to programs, activities, and services, shall be identified and documented. "Programs, activities, and services" include the functions necessary to fulfill a building's mission." Events or programs that are open to the public must be accessible by person with disabilities.

**ii. Document Solutions** – Document the structural or physical modifications needed to make a facility accessible. Structure modifications include architectural renovations; such as widening a door or construction of a ramp, or adding electronic door equipment. The modifications must meet ADA requirements for new construction and changes cannot force a disabled person to access the building in an unequal manner. For example, if the main entrance does not provide accessibility but the rear entrance does, rear entrance must be equal to the main entrance and available during operating hours.

**iii. Monitor Existing Facilities to Maintain ADA Accessibility.** A facility survey was conducted on all public buildings. Presently, all public buildings are largely ADA compliant. The Greene County Jail was constructed in 1995. The Courthouse Annex was remodeled in 1999 or 2000. The Greene County Courthouse was remodeled and expanded in 2008. The Greene County Community Event Center was remodeled and expanded in 2016. In each of those projects, the County followed ADA requirements in effect at the time of construction.

**iv. Strategies for Removal of Barriers.** Barrier removal is based upon the facility survey that was conducted.

**a. Annual Review.** The County will review the condition of all public buildings annually to insure that the County is meeting the needs of those with

accessibility issues. Total accessibility for all County owned facilities for every citizen is the goal of the Transition Plan.

**b. Retrofit or Remodel.** Whenever a retrofit or remodel of an existing County owned building occurs, the facility will be required to become compliant with ADA regulations (subject to availability of funding).

**c. Maintenance or Repair.** When appropriate, and when funding is available, the County will correct any existing deficiencies in County owned public facilities.

**d. Leased Facilities.** When County lease agreements are scheduled for renewal, leased facilities are required to become compliant with the ADA. The responsibility for the improvements shall be negotiated with the lessor.

**v. Public Rights of Way.** The County's responsibility for public rights of way includes sidewalks and curbs around the Greene County Courthouse and the Courthouse Annex and parking areas adjacent to the Courthouse Annex, the Greene County Jail, and the Greene County Community Events Center.

**a. Targeted Removal.** Barrier removal is based on the field inventory conducted. As needs may arise, through either complaints from the public or by the County's own review, select specific locations may be addressed.

**b. New or Reconstruction of Existing Facility.** New or reconstruction projects will include sidewalks, drives and ADA ramps in conformance with current design standards. This will include full intersection ADA ramps where projects only involve a single approach.

**c. Maintenance or Repairs** maintenance and/or repair work is done to existing sidewalks, all replacement work will meet current ADA standards. If such work involves ADA ramps on one corner of an intersection, the receiving corner will be included in such work if it is not in compliance.

**vi. Personal Responsible for Carrying out Strategies.** The person responsible for carrying out the barrier removal strategies is the ADA Coordinator, Tim E. Barker.

**vii. Costs for ADA Modifications.**

## **TO BE DETERMINED**

**G. Public Involvement** – Record of the opportunity given to the disabled community and other interested parties to participate in the development of the Transition Plan will be

documented. The Draft development of the Transition Plan will be provided to members of the Greene County Council and the public for review and input into the process.

Public input was sought from the residents of County and Four Rivers Resource Services to help in identifying their concerns and the areas of the County they feel need modifications.

A public hearing was held on \_\_\_\_\_, 2017, which was organized by the Board of Commissioners. A discussion period and workshop occurred at this hearing to obtain feedback from the residents in attendance.

Also, an ADA Access Questionnaire was made available to the residents that attended the public hearing. The questionnaire contained the following two questions that were used to help identify the areas that the residents feel need modifications.

1. Are there any public buildings which you have observed and/or experienced problems in accessing or using?
2. Are there any sidewalks that are the responsibility of the County that you have observed and/or experienced problems in access or using?

Several responses were received, with some valuable feedback, which was of assistance in determining the priority areas. These responses will also be filed in the Office of the ADA Coordinator.

#### **H. Priorities**

**TO BE DETERMINED**

#### **I. Financial Plan and Schedule**

**TO BE DETERMINED**

### **III. Enclosures**

Enclosure No. 1

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

Greene County, Indiana, adopts the 2010 American with Disabilities Act Standards for Accessible Public Rights. In accordance with the requirements of Title II of the American with Disabilities Act of 1990 ("ADA"), Greene County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**EMPLOYMENT:** Greene County, Indiana, does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title 1 of the ADA.

**EFFECTIVE COMMUNICATION:** Greene County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**MODIFICATIONS TO POLICIES AND PROCEDURES:** Greene County will make all reasonable modifications to policies and programs to ensure that people with disabilities have equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in the County offices, where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, services or activity of the County of Greene, should contact the office of **Tim E. Barker, ADA Coordinator, c/o Greene County Auditor, Greene County Courthouse, 1 E. Main Street, Bloomfield, IN 47424 (812) 847-4257**, as soon as possible but no later than 48 hours before the scheduled event.

Greene County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **GREENE COUNTY ADA GRIEVANCE PROCEDURE**

The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number or complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and /or his/her designee as soon as possible but not later than 60 calendar days after the alleged violation to: Tim E. Barker, ADA Coordinator, c/o Greene County Auditor, Greene County Courthouse, 1 E. Main Street, Bloomfield, IN 47424.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response, to the Board of Commissioners or its designee.

Within 15 calendar days after receipt of the appeal, the Board of Commissioners or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Commissioners or its designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution to the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Board of Commissioners or its designee, or responses from these two offices will be retained by the County for at least three years.



Enclosure No. 3

**Greene County, Indiana**

**ADA Grievance Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Location of Problem: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Noticed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Please attach additional pages if needed

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Tim E. Barker, ADA Coordinator, c/o Greene County Auditor, Greene County Courthouse, 1 E. Main Street, Bloomfield, IN 47424.