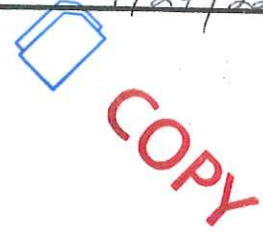


Dodge County

Section 504 – Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

Policy



POLICY STATEMENT

Dodge County will ensure that no qualified disabled individual shall; solely on the basis of his or her disability; be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), **Dodge County** further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap.”

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.”

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation

except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

28 CFR Part 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.”

49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR Part 28-140 (Employment) states that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department,” and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: “It is the policy of the Government of the United States ... to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees; employee compensation, job training, and other terms, conditions, and privileges of employment.”

ORGANIZATION

The ADA Coordinator is: Jean Andrews, 435 N. Park Rm. 204, Fremont, NE 68025.
Phone: 402-727-2724

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

Monitor Dodge County’s current policies and practices for implementing ADA/504

Identify shortcomings in compliance and develop remedies

Evaluate remedial steps taken to eliminate the effects of discrimination

Monitor complaint procedures that incorporate appropriate due process standards and provide for prompt and equitable resolutions of complaints alleging an action prohibited by ADA/504

Process the disposition of complaints filed under ADA/504

Ensure Dodge County's compliance with ADA/504

Collaborate and coordinate with the department heads to enable ADA/504 compliance efforts

Establish and maintain collaborative relationships with critical stakeholders, such as disability advocacy groups and organizations.

Monitor Dodge County's ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards.

Monitor established procedures to ensure that requested auxiliary aids are provided for persons

Conduct annual reviews of ADA/504 program areas.

Conduct ADA/504 training programs for department heads and employees

Prepare a report of ADA/504 accomplishments and problem areas for the NDOR Annual Report to FHWA

Monitor the preparation of ADA/504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation, upon request.

Identify, investigate and eliminate ADA/504 discrimination when found to exist.

SECTION 504/ADA NOTICE TO PUBLIC

Dodge County does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. Dodge County also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Jean Andrews, Dodge County Zoning Administrator
(402)727-2724
435 N. Park Rm. 204

Fremont, NE 68025
7:00 A.M. – 4:30 P.M.

SECTION 504/ADA SELF-EVALUATION

The following is a Summary of the Self-Evaluation performed by Stanley J. Howe and Associates Inc. Architects and was completed August 28, 1992. It included the Dodge County Courthouse at 435 N. Park, Fremont, NE; Dodge County Judicial Center at 428 North Broad, Fremont, NE; Extension Service Building at 1206 West 23rd St., Fremont, NE; and the Eastern Nebraska Community Office of Retardation (ENCOR) at 935 Schneider, Fremont, NE.

The survey included the sites, building access, public spaces, corridors, elevators and restrooms. It did not include the individual offices, mechanical rooms or space that is currently unused and is scheduled to be remodeled.

The survey addressed all accessibility requirements as if being used for a new facility. Section 4.1.6 addresses specific requirements for existing buildings undergoing alterations. The survey addressed accessible entrance into a facility, access to goods and services, access to restrooms, and any other measures necessary.

The survey considered handicapped parking stalls provided in off-street parking areas, signs directing the public needing handicapped access to the north entrance of the Courthouse and Judicial Center. The Extension building has no marked stalls, but a ramp is provided for the sidewalk. The survey considered building entrances, interior doors, circulation, access to services, elevator, drinking fountains, restrooms and signage for all the structures.

SECTION 504/ADA TRANSITION PLAN

Dodge County performed a complete remodel of the Dodge County Courthouse between the years of 1994 and completed in 1996 where an additional elevator was added to the north end of the courthouse. Both entrances of the courthouse have ramps and available disabled parking spaces. The restrooms were placed at the north end of the courthouse, which are ADA accessible. The offices were designed and constructed to be ADA accessible.

COMPLAINT PROCEDURES:

Dodge County has 50 or more employees and has developed an ADA Grievance Procedure.

Dodge County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to: Jean Andrews, Zoning Administrator, 435 N. Park Rm. 204, Fremont, NE 68025 (402)727-2724, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing, contain the name and address of the person filing it, and should describe the alleged violation of the regulations as well as the date of the alleged violation.
2. A complaint should be filed within 180 days of the date of the alleged act(s) of discrimination, unless the time for filing is extended by the Federal Agency for good cause. (Processing of allegations of discrimination, which occurred before this grievance procedure was in place, will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by ADA Coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by ADA Coordinator and a copy forwarded to the complainant no later than 10 days after its filing.
5. The ADA coordinator shall maintain the files and records of Dodge County relating to the complaints filed.

REASONABLE ACCOMMODATION PROCEDURES

All public entities must make “reasonable accommodation” to the known physical or mental limitations of otherwise qualified applicants or employees with disabilities, unless the public entity can show that the accommodation would impose an “undue hardship” on the operation of its program.

“Reasonable Accommodation” means any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Examples include:

- 1) Acquiring or modifying equipment or devices;
- 2) Job restructuring;
- 3) Part-time or modified work schedules;
- 4) Providing readers or interpreters;
- 5) Making the workplace accessible to and usable by individuals with disabilities.

However, any particular change or adjustment would not be required if, under the circumstances involved, it would result in an undue hardship.

“Undue Hardship” means significant difficulty or expense relative to the operation of Dodge County’s program. Where a particular accommodation would result in an undue hardship, Dodge County must determine if another accommodation is available that would not result in an undue hardship.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Dodge County, desiring to avail itself of federal assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Dodge County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

Adopted this _____ day of _____, 2022 at Fremont, Nebraska.

The Board of Supervisors of Dodge County:

Prepared by: _____

Title: _____