

FRANKLIN COUNTY



TRANSITION PLAN

Adopted by: Franklin County Board of Commissioners
Date: October 9, 2018

Franklin 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 Franklin 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, Franklin 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 and Support

Franklin County is evaluating existing buildings and will be incorporating ADA accessible requirements. These needed improvements are listed in the survey reports.

Projects within the County's ADA Transition Plan are budgeted annually and prioritized based upon the following:

- Projects where the greatest number of individuals will benefit from the available County services and/or where safety issues, related to accessibility, exist.
- Accessibility priorities such as parking, accessible routes and accessible restrooms.
- Available funding based on the budget.

Staffing

The management and implementation of Franklin 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 ADA Coordinator.

The ADA Coordinator is responsible for developing policy and procedure to integrate Title II requirements into Franklin County practices to ensure the obligations of ADA and the transition plan can be met. The ADA Coordinator is designated by and reports to the Franklin County Board of Commissioners.

Transition Plan Management

Franklin County's transition plan is a **living** document that will be updated yearly or as appropriate.

Accessibility surveys are being conducted by the Franklin County Building Inspector and an outside consultant (Mr. Robin Warner) to determine the need for updating existing facilities to meet the accessibility requirements.

These surveys are recapped below:

Courthouse
Government Annex
Sheriff's Dept.
Parks Dept.
Highway Dept.
Transfer Station

Accessibility Barrier Removal Schedule

Will be completed when inspections and evaluations are finished.

Grievance Procedure

Under the Americans with Disabilities Act, users of Franklin 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 Franklin County's ADA Coordinator.

Please consult the Grievance Procedure found in Appendix A or Franklin County's website at www.franklincounty.in.gov for details. A formal complaint must be filed within 60 calendar days of the alleged occurrence. Franklin 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 Franklin 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 (if reasonably available or in a reasonably timely manner), or as needs are identified, for the hearing impaired.

Website Communications

Franklin County Government is committed to ensuring its website is in compliance with ADA accessibility requirements. By the end of 2019, it is expected that the Franklin County Government website will be in full compliance with ADA access requirements.

If a document is needed in an alternative format, customers are able to contact the Franklin County ADA Coordinator to obtain the format they require at: jcopeland@franklincounty.in.gov.

Public Involvement

All public meetings and hearings held by Franklin County are required to be accessible to all. Franklin County will take reasonable steps 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 any special accommodations needed shall be requested in the meeting public notice.

Self Evaluation

As required by Title II of ADA, Franklin 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

Franklin County has identified several buildings that are routinely accessed by the public. The outside consultant shall do a thorough inspection and evaluation of all County buildings in 2018-2019 to identify ADA access concerns/modifications and potential future accessibility opportunities. All compliance items shall be logged on a tracking spreadsheet and prioritized for future upgrades/improvements as the budget allows.

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

Accessibility survey locations:

Courthouse
Government Annex
Sheriff's Dept.
Parks Dept.
Highway Dept.
Transfer Station

Parks & Recreation

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

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 2019, Franklin County shall complete a self-evaluation on these facilities. Deficient curb ramps and sidewalks shall be identified and will be upgraded to PROWAG standards as a part of the County's self-evaluation (Appendix B when completed).

Correction Program

Franklin County is committed to addressing the issues identified in the self evaluation (Appendix B when completed in 2019). All new construction, reconstruction, and

alteration projects in Franklin County's right of way are required (if funding is available) to provide for accessibility needs in the project's scope per ADA requirements.

Training

Following formal adoption of the final Franklin County ADA Transition Plan, Franklin County shall in the future conduct department-wide training on the policies and procedures outlined herein. As the training is completed, documentation will be retained with the ADA Coordinator.

Appendix A
FRANKLIN COUNTY, INDIANA
Grievance Procedure under The Americans with Disabilities Act

This 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 Franklin County, Indiana. Franklin County's Personal 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 of 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 no later than 60 calendar days after the alleged violation to:

Joseph D. Copeland, P.E.
ADA Coordinator Franklin County, Indiana
Franklin County Highway
1360 Fairfield Avenue
Brookville, Indiana 47012
765-647-4271 Office

Within 30 calendar days after receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the ADA Coordinator or his 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 Franklin County and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his 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 Franklin County Commissioners, or their designee. Within 30 days after receipt of the appeal, the Franklin County Commissioners will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting the Franklin County Commissioners will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. All written complaints received by the ADA Coordinator or his designee, appeals to the Franklin County Commissioners, and responses from these two offices will be retained by the Franklin County Commissioners for at least three (3) years.

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 Franklin County. Accordingly, the resolution by Franklin County of any one grievance does not constitute a precedent upon which Franklin County is bound or upon which other complaining parties may rely.

**ADA Complaint / Grievance Form
Franklin 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: Joseph D. Copeland, P.E.
ADA Coordinator Franklin County, Indiana
Franklin County Highway
1360 Fairfield Avenue
Brookville, Indiana 47012
765-647-4271 Office
jcopeland@franklincounty.in.gov