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CH22 22 .2 - ADA Amendment

WHEREAS, in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Lapel will not discriminate against qualified individuals with disabilities on the basis of disability in its access to services, programs, or activities; and

WHEREAS, the Town of Lapel Council has determined that it is in the best interests of the citizens of Town of Lapel, and those persons seeking to participate in the Town of Lapel programs, services, and activities, to adopt such requirements; and

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Lapel COUNCIL, OF Town of Lapel, MADISON COUNTY, INDIANA, a new section be added to the Ordinances of the Town of lapel as follows:

Employment

Town of Lapel does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations as outlined by the US Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication

Town of Lapel will upon request, provide appropriate aids and services leading to effective participation for people with disabilities to participate equally in Town of Lapel programs, services, and activities. Anyone who requires an auxiliary air or service for effective participation or modification of policies or procedures to participate in a service, program, or activity, should contact the office of the ADA Coordinator as soon as possible, but no later than forty-eight (48) hours before the scheduled event.

Modification to Policies and Procedures

The Town of Lapel will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. The ADA

does not require the Town of Lapel to take any action that would fundamentally alter the nature of its services or programs or impose an undue financial or administrative burden to the Town of Lapel, Grievances regarding a service, program, or activity of the Town of Lapel that is not accessible to persons with disabilities should be directed to the ADA Coordinator and use the appropriate grievance procedure form.

Town of Lapel 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 to policy, such as retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs.

Procedures

Town of Lapel 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 ("ADA"). 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, services, or activities sponsored by a public entity".

Step One: File the Grievance

Complete the Town of Lapel Grievance Form. Grievance Form can be found on the Town of Lapel, Indiana, website (www.lapelindiana.org) or in the ADA Coordinator's office. A grievance may be communicated in writing, by e-mail, by fax or by telephone, but must follow the format of the Town of Lapel Grievance Form.

A grievance concerning the accessibility of Town of Lapel services, programs or activities should be addressed to: ADA Coordinator

Step Two: Acknowledgement

A grievance should be filed within 90 days after the grievant party becomes aware of the alleged violaton. The ADA Coordinator will send an acknowledgement of receipt of the grievance within 12 working days.

Step Three: Informal Resolution

Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or his/her designee. A thorough investigation affords all interested persons and their representatives an opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the

ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

Step Four: Written determination

If an informal resolution of the grievance is not reached in Step 3, within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the ADA Coordinator to the Executive Officer for approval.

Step Five: Final determination and resolution

The ADA Coordinator shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Officer.

If the grievant is not satisfied with Town of Lapel handling of the grievance at any stage of the process, or does not wish to file a grievance through Town of Lapel ADA Title II Grievance Procedure, the grievant may file a complaint directly with the U.S. Department of Justice or other appropriate state or federal agency. Use of Town of Lapel grievance procedure is not a prerequisite to the pursuit of other remedies.

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, 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 service, program or facility, or cause an undue hardship to Town of Lapel. Accordingly, the resolution by Town of Lapel of any one grievance does not constitute a precedent upon which Town of Lapel is bound or upon which other complaining parties may rely.

File Maintenance

Town of Lapel ADA Coordinator shall maintain ADA Grievance files for three years.

Further Information

2-2013

Date Passed: 2/21/2013

