

# FLORENCE COUNTY

## American with Disabilities Act (ADA) Transition Plan



## **AMERICAN WITH DISABILITIES ACT (ADA)**

### **ADA Transition Plan - Need and Purpose**

The Americans with Disabilities Act (ADA), a civil rights law prohibiting discrimination against individuals on the basis of disability, enacted on July 26, 1990, produced a comprehensive package of civil rights protections for persons with disabilities. The key goals of ADA are to ensure that all people with disabilities have equality of opportunity, economic self-sufficiency, full participation in American life, and independent living. To ensure these goals are met, Title II of the Act requires that local governments, such as the County of Florence, a public entity as defined by Title II, 42 U.S.C. § 12131(1) will make their programs and services accessible to persons with disabilities. {28.CFR §35.149.

In accordance with these requirements, Florence County will not discriminate against qualified individuals on the base of disability in services, programs or activities in the following areas: Employment, Local Government Services, Public Accommodations and Telecommunications.

Under the ADA, the County of Florence is required to make reasonable modifications in policies, practices, or procedures when the modification/s is necessary to avoid discrimination on the basis of disability. This must be achieved in every situation, unless it can be demonstrated that making the modification/s would fundamentally alter the nature of the service, program, or activity.

The reasonable modification requirement does not demand the County take any action that would impose an undue financial or administrative burden. The County of Florence will strive to provide its services, programs and activities in the most accessible manner feasible.

### **GENERAL & ADMINISTRATIVE REQUIREMENTS**

Title II of the ADA – identifies specific steps that a local governments must follow to comply; these include:

- Designate at least one responsible employee to serve as the ADA Coordinator to be responsible for the ADA compliance program.
- Provide notice to the public of the County's obligations under Title II to prohibit discrimination on the basis of disability.
- Establish, adopt and publish a Grievance Procedure to respond to and provide for the prompt and reasonable resolution of complaints.
- Prepare a Self- evaluation of programs, services and activities that may not be accessible to persons with disabilities to identify potential needs and supply remedies.
- Develop a Transition Plan to provide for the elimination of barriers for public access.

### **ADA COORDINATOR**

As required by the ADA, public agencies with 50 or more employees must designate at least one responsible employee to coordinate ADA compliance and investigate complaints. The County's ADA Coordinator may be reached at the following:

**County of Florence Human Resources**  
**Attn: ADA Coordinator**  
**180 North Irby Street. MSC-S**  
**Florence, South Carolina 29501-3456**  
**Phone: 843.665.3054**  
**Fax: 843.676.8665**  
**ataylor@florenceco.org**

## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Florence will not discriminate against qualified individuals with disabilities on the basis of a debility in all its services, programs, and/or activities.

**Employment:** the County of Florence 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 I of the ADA.

**Effective Communication:** the County of Florence will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Florence's 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:** the County of Florence 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. For example, individuals with service animals are welcomed in the County of Florence offices, even 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, service, or activity of the County of Florence, should contact the office of: Anita Taylor, Director/ ADA Coordinator, the County of Florence, Human Resources Department, 180 North Irby Street, MSC-S, Florence, SC 29501, telephone 843-665-3054 or fax 843-676-8665 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County of Florence to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of the County of Florence is not accessible to persons with disabilities should be directed to: ADA Coordinator, the County of Florence, Human Resources Department, 180 North Irby Street, MSC-S, Florence, SC 29501, telephone 843-665-3054 or fax 843-676-8665.



The County of Florence 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.

## **GRIEVANCE PROCEDURES**

The County of Florence established a Grievance Procedure via Resolution No. 15-2007/08 (see Appendix A) 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 of Florence. The County of Florence's Employee Handbook 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: ADA Coordinator, Florence County Human Resources; Department, 180 North Irby Street, MSC-S, Florence, South Carolina 29501.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 of Florence and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator 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 County Administrator or [his/her] designee. Within 15 calendar days after receipt of the appeal, the County Administrator or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Administrator or [his/her] designee 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, appeals to the County Administrator or (his/her) designee, and responses from these two offices will be retained by the County of Florence for at least three years.

## **SELF-EVALUATION**

The County of Florence has an established Self-Evaluation system to identify and assess obstacles in its public programs and services, and facilities. A detailed evaluation was accomplished October, 2009 using a checklist to provide a comprehensive overview of areas not in compliance with ADA requirements. A new checklist has been created, to provide a more comprehensive documentation of area, access issue, solution, target date, person responsible cost estimate and potential funding source; see **Appendix B**.

## **TRANSITION PLAN**

The major purpose of a Transition Plan, as it relates to buildings and facilities owned and operated by the County, is to document barriers to persons with disabilities, that are present in the facilities, and to propose the structural modifications that will be undertaken to provide accessibility. The County reserves the right to modify barrier removal priorities in order to allow for flexibility in accommodating community requests, petitions for reasonable modifications from people with disabilities, changes in county programs, and funding constraints and opportunities.

## **APPENDIX**

**A. Resolution 15-2007/08.**

**B. ADA Transition Plan Survey**



Sponsor(s)/Department : County Council  
Adopted: : January 3, 2008  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

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COUNSEL SHEARIN  
STROSS & ASSOCIATES  
FLORENCE COUNTY, SC

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**RESOLUTION NO. 15-2007/08**

**(Establishing A Grievance Procedure In Order To Enhance Compliance With The Americans Disabilities Act (ADA) Requirement For The Prompt And Equitable Resolution Of Complaints Alleging Discrimination In Access To Florence County's Facilities, Programs, Or Services And Other Matters Related Thereto)**

**WHEREAS:**

1. The County of Florence continues to enhance its compliance with the Americans with Disabilities Act (ADA) requiring public entities with fifty (50) or more employees to establish procedures for resolving complaints or violations of Title I and II; and
2. The County of Florence is required to adopt a public grievance procedure, incorporating due process standards and providing for the prompt and equitable resolution of complaints alleging discrimination in access to its facilities, programs, services, etc.

**NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:**


The grievance procedure providing for the prompt and equitable resolution of complaints alleging discrimination in access to its facilities, programs, or services shall read as follows:

1. Any individual who believes that he or she has been subjected to discrimination on the basis of disability in the provision of services, activities, programs or benefits by Florence County may file a complaint. Complaints are to contain information about the alleged discrimination, including but not limited to, name, address, phone number of complainant and location, date and description of the alleged discrimination and any other pertinent supporting details. 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 designee as soon as possible but no later than 180 calendar days after the alleged discrimination. All complaints should be submitted in writing to: ADA Coordinator, Florence County Human Resources Department, 180 North Irby Street MSC-S, Florence, South Carolina 29501, 843-665-3054.
2. The ADA Coordinator, upon receiving a written complaint, may refer all Category I complaints involving alleged discrimination in access to public facilities to the Florence County Procurement and Facilities Director. All Category II complaints, such as alleged discrimination against applicants and other issues will be handled by the ADA Coordinator.

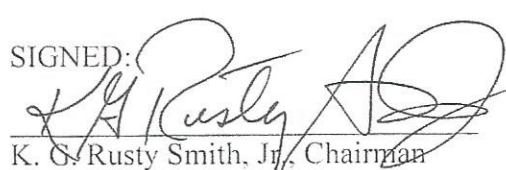
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3. The ADA Coordinator or Procurement and Facilities Director will meet with the complainant, if necessary, within 15 calendar days after receipt of the complaint to discuss the complaint and possible resolutions. The ADA Coordinator or Procurement and Facilities Director will respond in writing via certified mail within 15 calendar days after the meeting. The response will state the position of Florence County and offer options for substantive resolution of the complaint.
4. If the response by the ADA Coordinator or Procurement and Facilities Director does not satisfactorily resolve the issue, the complainant and/or his designee may appeal the decision to the County Administrator within 15 calendar days after receipt of the response.
5. Within 15 calendar days after the receipt of the appeal, the County Administrator will schedule a meeting with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Administrator will respond in writing via certified mail with a final resolution of the complaint.
6. Florence County will maintain all complaints for a period of three years.
7. The County Administrator may appoint a designee to handle any and all complaints filed with the ADA Coordinator as needed.

ATTEST:

  
Connie Y. Haselden, Council Clerk

SIGNED:

  
K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: *unanimous*

OPPOSED: *0*

ABSENT: *1 - M. Kirby*



