

Local Public Agency

Section 504 – Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

NANCE COUNTY AGREEMENT/POLICY

POLICY STATEMENT

Nance 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). Nance 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 from 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 and Section 504 coordinator shall also serve as the Title VI/Civil Rights Coordinator for Nance County. The coordinator shall assure compliance with the above policies and regulations. The coordinator shall develop, adopt, and publish grievance and complaint procedures to provide for prompt and equitable resolution of complaints that allege violation of the ADA and Section 504 laws. If a complaint cannot be resolved at the local level, the coordinator will provide information to the complainant about where and to whom they may address their complaint on the next level.

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The ADA/504 Coordinator's responsibilities are:

- * Monitoring current policies and practices for implementing ADA/504*
- * Identifying shortcomings in compliance and developing remedies*

- * Evaluating remedial steps taken to eliminate the effects of discrimination
- * Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints alleging an action prohibited by ADA/504
- * Processing the disposition of complaints filed under ADA/504
- * Ensuring agency compliance with ADA/504
- * Collaborating and coordinating with the heads of major divisions and departments to enable ADA/504 compliance efforts
- * Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- * Monitoring the agency's ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards.
- * Monitoring established procedures to ensure that requested auxiliary aids are provided for persons
 - * Conducting annual reviews of ADA/504 program areas
 - * Conducting ADA/504 training programs for managers and employees
 - * Preparing a report of ADA/504 accomplishments and problem areas for the NDOR Annual report to FHWA
- * Monitoring 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.
- * Identifying, investigating, and eliminating ADA/504 discrimination when found to exist.

SECTION 504/ADA NOTICE TO PUBLIC (sample below)

Nance 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. Nance 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:

*Name and Title: Title VI/Civil Rights/ADA/504 Coordinator c/o Nance County Clerk
 Phone Number (Voice/TDD): (308) 536-2331 PO Box 338
 Office Address: 209 Esther Street, Fullerton, NE 68638
 Days/Hours Available: 8-4:30 M-F*

SECTION 504/ADA SELF-EVALUATION

The ADA/504 coordinator shall complete a self-evaluation of compliance for Nance County by March 1, 2011. Nance County shall evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements and to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modification.

SECTION 504/ADA TRANSITION PLAN

The ADA/504 coordinator shall complete a self-evaluation and shall include a transition plan for Nance County by March 1, 2011.

The transition plan should accomplish the following:

- * Identify physical obstacles in the facilities that limit the accessibility of its programs or activities to individuals with disabilities*
- * Describe in detail the methods that will be used to make the facilities accessible*
- * Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the transition plan; and*
- * Indicate the official responsible for implementation of the plan (28 CFR part 35.150(d)(3))*

COMPLAINT PROCEDURES

The coordinator shall develop, adopt, and publish grievance and complaint procedures to provide for prompt and equitable resolution of complaints that allege violation of the ADA and Section 504 laws. If a complaint cannot be resolved at the local level, the coordinator will provide information to the complainant about where and to whom they may address their complaint on the next level.

REASONABLE ACCOMMODATION PROCEDURES

If the Nance County ADA/504 coordinator or other official finds that a qualified handicapped person has been excluded from participation in, and denied the benefits of or otherwise subjected to discrimination under any program, activity or employment, Nance County shall take such remedial action as necessary to overcome the effects of the violation, shall provide reasonable accommodations or may take steps, in addition to any action required, to assure the full participation in Nance County's program or activity by qualified handicapped persons. Said steps will be developed and evaluated on a case by case basis.

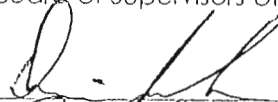
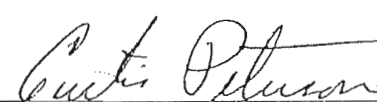
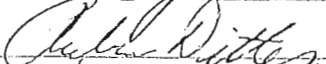
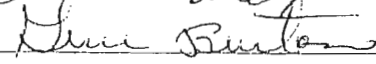
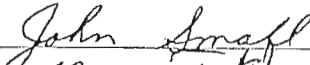
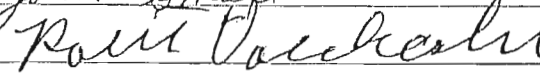
ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Nance County, desiring to avail itself of federal financial 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.

Nance 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 24th day of August, 2010 at Fullerton, Nebraska.
(Month) (Year)

The Board of Supervisors of Nance County

Prepared by: Rodney M Wetovick

Title: Nance County Attorney

~~NDOR USE ONLY~~

Date Received: _____

Questionnaire Review:

NDOR Employee: _____

Title: _____

Date: _____

Next Step:

Letter of compliance: _____

Further review required: _____
