



Americans With Disabilities Act, Title II and Section 504 of the Rehabilitation Act of 1973 Policies and Procedures

Effective Date: February 17, 2015

Purpose

Las Animas County supports the objectives of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 to ensure equal opportunity for individuals with disabilities in public accommodations, programs, activities and services. Las Animas County is committed to providing reasonable accommodations to ensure equitable access to and participation in our facilities, programs and services for all citizens. This policy outlines our commitment to comply with Section 504 and the Americans with Disabilities Act (ADA) and provide barrier-free access to county programs, services and activities.

Background

The Americans with Disabilities Act was signed into law on July 26, 1990, and became effective on July 26, 1992. The purpose of the ADA is to ensure that people with disabilities are afforded the same rights and privileges as non-disabled people. The ADA prohibits discrimination on the basis of disability in state and local government services and public accommodations and commercial facilities. In addition, Las Animas County will comply with Section 504 of the Rehabilitation Act of 1973 to the extent applicable. Title II of the ADA prohibits discrimination against qualified individuals by public entities in the operation of all services and programs offered by the entity.

Scope

The guidelines outlined in this policy apply to members of the public accessing Las Animas County programs, services and facilities.

Definitions

1. **Accessibility** As it pertains to county facilities, programs and services, the ability to gain physical and program access to county buildings, sidewalks, parking, public telephones, and other various programs and services; the ability to participate in programs and services; and the ability to communicate with and receive communication from Las Animas County government and its employees.
2. **Accessibility Process** An organized procedural system that is documented, maintained and in place to answer citizen questions and address complaints pertaining to the accessibility of county facilities, programs and services.
3. **ADA/Section 504 Coordinator** Employee designated with the responsibility of and coordinating of all ADA and Section 504 compliance issues.
4. **ADA/Section 504 Team** Staff members designated with the responsibility of reviewing all ADA and Section 504 compliance issues and complaints.
5. **Auxiliary Aids** Assistive devices that allow persons with impaired sensory, manual or speaking skills to gain an equal opportunity to benefit from and participate in programs and services. Examples of auxiliary aids include, but are not limited to, telecommunications devices for the deaf (TDD), sign

language interpreters, assistive listening headsets, readers, large print materials, easy grip utensils, Braille signs, note takers, and assistance filling out forms.

6. **Disability** With respect to an individual means:

- a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; or
- b) A record of such impairment; or
- c) Being regarded as having such impairment.

7. **Reasonable Accommodation (Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973)** Reasonable steps that may be taken to allow a disabled citizen or customer access to and participation in Las Animas County programs, facilities and services. Reasonable accommodation includes, but it not limited to, providing auxiliary aids and services and other actions taken to enable qualified individuals with disabilities to participate in services, programs, or activities offered by the county.

8. **TDD Telecommunications Device for the Deaf.** A device that allows conversation to take place over the telephone by sending typed messages through phone lines to the TDD screen.

General Policy

It is the policy of Las Animas County that all facilities, programs and services are accessible and usable by disabled individuals, unless providing access results in undue hardship to the county or causes fundamental alteration of the programs and services. It is also the county's policy that members of the public not experience discrimination, retaliation, or harassment based upon disability.

Requests for Reasonable Accommodations

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing county facilities, programs or services. No one will be turned away because of a disability, and no one will be charged for reasonable accommodations. An individual is considered a person with a disability if he or she has:

- 1) A physical or mental impairment that substantially limits one or more major life activities;
- 2) Having a record of such impairment; or
- 3) Being regarded as having such impairment.

Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Examples of auxiliary aids or services that may be provided as a reasonable accommodation include, but are not limited to, extra staff assistance, readers, interpreters, assisted listening devices, TDD machines, electronic mail, audit tapes, computer CDs, paper and pen.

In anticipation of accommodation requests, Las Animas County will identify resources in the county that could provide reader/scribe, note taking, and other disability-related services.

Las Animas County will respond to requests for reasonable accommodations in a timely manner that will not result in an unreasonable delay or an unreasonable denial of services.

How to Request Reasonable Accommodations

Disabled individuals who seek available assistance must make his or her needs known to county staff. We appreciate a minimum of 48 hours of advance notice for the use of the county facilities, programs or services so arrangements can be made to provide the requested auxiliary aid or reasonable accommodation. Some accommodations or aids, however, may require longer than 48 hours' notice. If notice cannot be provided, the county will attempt to provide the auxiliary aid or accommodation that is reasonable given the time frame and many accommodations can be provided without notice. If it is apparent that an individual needs an accommodation but has not requested one, Las Animas County will engage in an interactive process with the individual to determine whether a reasonable accommodation is necessary or desired and the nature of such accommodation.

When considering what type of auxiliary aid is appropriate, Las Animas County will give primary consideration to the request of the individual with a disability. Las Animas County is not required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administration burden.

Individuals who require reasonable accommodation to access facilities, programs or services should contact the department or elected official's office or:

1. Kim Chavez
ADA Coordinator
Human Resources Coordinator
200 E. First Street
Trinidad, CO 81082
719-845-2566 phone
kim.chavez@lasanimascounty.org

2. Kent Robinson
Building Inspector
200 E. First Street
Trinidad, CO 81082
719-846-4488
kent.robinson@lasanimascounty.org

ADA/Section 504 Complaint Procedure

If any person feels that they have not been able to access a Las Animas County facility, program or service because of lack of accessibility, or if a person feels that they have been discriminated against because of a disability, they are asked to fill out a written ADA/Section 504 Complaint Form.

Step 1: In the event a complaint cannot be resolved informally with the department or elected official's office, an ADA Complaint Form may be filed in writing to:

1. Kim Chavez
ADA Coordinator
Human Resources Coordinator
200 E. First Street
Trinidad, CO 81082
719-845-2566 phone
kim.chavez@lasanimascounty.org

2. Kent Robinson
Building Inspector
200 E. First Street
Trinidad, CO 81082
719-846-4488
kent.robinson@lasanimascounty.org

Complaints should contain the name and address of the person filing the complaint and describe the alleged violation of Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act, if appropriate, and the remedy the person believes is appropriate. A complaint must be filed within 30 calendar days after the complainant becomes aware, or should have become aware, of the alleged violation. Assistance with and/or an accommodation to filling out the ADA Complaint Form will be provided to those persons with disabilities requesting such assistance and/or accommodation.

Step 2: An investigation will follow the filing of a complaint. The ADA/Section 504 Team Members shall conduct an investigation unless such complaint alleges misconduct on the part of any Team Member.

Step 3: Upon conclusion of the investigation a written determination shall be issued within forty-five (45) working days of the filing of the ADA/Section 504 Complaint Form as to the validity of the complaint and description of the resolution. A copy of the written determination will be forwarded to the complainant and the affected department/elected office.

Step 4: A complainant may appeal the written determination within fifteen (15) calendar days to the designated appeals officer, which shall be noted on the response. The designated appeals officer, or his or her designee, shall review the matter on appeal and render a decision within thirty (30) working days. The decision of the designated appeals officer or his or her designee shall be final.

Filed Complaints

The ADA/504 Coordinator in Human Resources shall be the custodian of all filed complaints and shall maintain the confidentiality of all files and records of any complaint, unless disclosure is authorized or required by law. The entire record shall be maintained for a period of three years.

Filing a complaint with Las Animas County does not preclude a complainant from filing a complaint or seeking relief from any other federal or state agency with jurisdiction over such matters.

Program Materials and Services

Publicity for programs or services shall mention, when practicable, accessibility and contact information for the ADA/Section 504 Coordinator. The following statement will be used to inform the public that alternate accommodations are available:

Las Animas County is committed to making its public meetings, programs, services, and materials accessible to persons with disabilities. If you need special accommodations, contact one of the ADA/Section 504 Coordinators listed in this document. Please allow at least two days advance notice to comply with your request.

Complaint Form

A copy of the Title II Americans with Disabilities Act (ADA) Complaint Form is attached to this policy document and is made a part thereof. (Attachment A)



(Attachment A)

**Las Animas County
200 E. First Street
Trinidad, CO 81082
(719) 846-2081**

Title II Americans with Disabilities Act (ADA) Complaint Form

Name: _____ **Date:** _____

Street Address _____ **City** _____ **State** _____

Telephone _____ **Email Address** _____

(If assistance is needed completing this form or if a different format or accommodation is needed, please contact Kim Chavez at the telephone number or email address provided below.)

My complaint is: (use additional sheets if necessary) _____

Suggested Solution: _____

Signature: _____

Date: _____

Please allow up to 45 days for investigation and response to complaint.

Return this form to:

Kim Chavez
ADA Coordinator
Las Animas County
200 E. First Street, Room 106
Trinidad, CO 81082
Phone 719-845-2566
kim.chavez@lasanimascounty.org