



2023

RUSH COUNTY ADA TRANSITION PLAN

ORDINANCE 2023- 3

AN ORDINANCE ADOPTING THE AMERICANS WITH DISABILITIES ACT
TRANSITION PLAN

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities; and

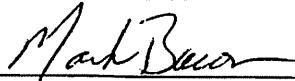
WHEREAS, Title II of the ADA requires that state and local governments to adopt and implement a Transition Plan to determine the requirements to make their buildings, facilities and programs accessible for those with physical and mental disabilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

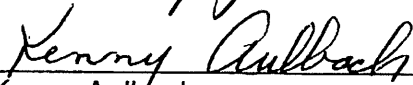
1. The Rush County Transition Plan is hereby adopted and shall be implemented simultaneously with this Ordinance.
2. This Transition Plan will be adopted, amended, and updated as needed and as required by law and by the needs of the residents and employees of Rush County, and by those that use Rush County's facilities, buildings and programs.
3. This Ordinance is effective upon adoption.

Adopted this 20th day of June, 2023.

RUSH COUNTY COMMISSIONERS


Mark Bacon


Ronald J. Jarman


Kenny Aulbach

ATTEST:

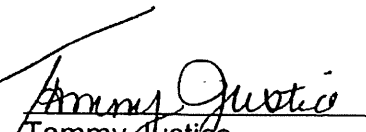

Tammy Justice,
Rush County Auditor

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Rush County ADA Transition Plan

Rush County Court House, 101 East 2nd Street, Rushville, IN 46173

Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation and telecommunications. There are many requirements, regulations, & guidelines under the ADA law. Rush County is a Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any Rush County facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodation for applicants and employees with disabilities.

The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodation for applicants and employees with disabilities.

We must ensure that:

- All services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of state and local legislative and judicial branches

are compliant with ADA Title II and accessible to people with disabilities. No qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of a public entity.

Five Titles of the ADA

Title I

Equal Employment Opportunity for individuals with disabilities

This title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

Title II

Nondiscrimination on the basis of disability in State and Local Government Services

This title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

Title III

Nondiscrimination on the basis of disability by Public Accommodations and in Commercial Facilities

This title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV

Telecommunications

This title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

Title V

Miscellaneous Provisions

The final title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Application of the ADA to Rush County

Rush County is covered under ADA, Title I Employment, and Title II, programs, services and activities. The ADA requires the County to making all its programs, services and activities readily accessible to and useable by qualified persons with disabilities when the programs, services and activities are viewed in their entirety, The Self Evaluation and Transition Plan are cornerstones to ensuring and documenting the County's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluation and Transition Plan update is significant in that it establishes the County's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all of citizens. The final product is a working document to be modified when all barriers are removed and/or alterations are made.

Each action item was outlined by the group and they offered recommendations to remedy each compliance issue and assisted the Rush County ADA Coordinator with the composition of a transition plan.

This information is outlined in the following report, with a summary of the general recommendations provided by ADA Consultants of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA coordinator.

Program Location & Staffing:

ADA Coordinator

Jerry Sitton

Rush County ADA Coordinator

Rush County Highway Superintendent

1352 E. State Road 44

Rushville, IN 46173

(765) 932-2926

highway@rushcounty.in.gov

ADA Committee:

Rush County has appointed the individuals below as the ADA Review Committee. The ADA requires state and local governments to make their goods, services, and/or facilities accessible to clients, customers and employees with disabilities. The Committee seeks to keep this reality ongoing in Rush County.

Jerry Sitton __ADA Coordinator

Tony Personett __Title VI Coordinator

Additional Rush County Staff Directory available @ www.rushcounty.in.gov located within each department under the County Offices tab.

Rush County's Notice of Non-Discrimination Policy & Grievance Procedure

Non-Discrimination Policy

NOTICE OF NONDISCRIMINATION

It is the policy of RUSH COUNTY not to exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, or national origin, religion, sex, sexual orientation, gender identity/expression, protected veteran's status, genetic information, or on the basis of disability or age in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out by RUSH COUNTY directly or through a contractor or any other entity with which RUSH COUNTY arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and the Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91, and 28 CFR Part 35.

RUSH COUNTY BOARD OF COMMISSIONERS has adopted an Internal grievance procedure providing for the prompt and equitable resolution of grievances alleging any action prohibited by Title VI, Section 504, Title II of the ADA, the Age Act, or the Federal regulations implementing these laws. The following Individual has been designated as RUSH County's ADA/Section 504 Coordinator and grievances or questions should be directed to:

Jerry Sitton
Section 504 Coordinator
Rush County Highway Department
1352 E. State Road 44
Rushville, IN 46173
Phone: (765) 932-2926
E-mail: highway@rushcounty.in.gov

Filing a grievance with RUSH COUNTY'S Section 504/ADA Coordinator (or his designee) does not prevent the applicant, patient, or his/her companion from filing a complaint with the:

Office for Civil Rights, Region V
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (312)886-2359

FAX (312)886-1807
TDD (312)353-5693

GRIEVANCE PROCEDURE UNDER SECTION 504 OF THE REHABILITATION ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (ADA), RUSH COUNTY does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any RUSH COUNTY program or activity. RUSH COUNTY does not retaliate or discriminate against, or coerce, intimidate or threaten any individual who (1) opposes any act or practice made unlawful by Section 504 or the ADA; or (2) files a grievance and/or complaint, testifies, assists, or participates in any investigation, proceeding, or hearing under Section 504 or the ADA.

RUSH COUNTY has adopted an internal grievance procedure providing for the prompt and equitable resolution of grievances alleging any action prohibited by Section 504, the ADA, or the Federal regulations implementing these laws. The applicable Federal laws and regulations may be examined by contacting the following individual who is RUSH COUNTY'S ADA/Section 504 Coordinator and who has been designated to coordinate the efforts of Rush County to comply with Section 504 and the ADA:

Jerry Sitton
Section 504 Coordinator
Rush County Highway Department
1352 E. State Road 44
Rushville, IN 46173
Phone: (765) 932-2926
E-mail: highway@rushcounty.in.gov

Any person who believes she or he has been subjected to discrimination on the basis of disability or who believes she or he has been subjected to retaliation under Section 504 or the ADA may file a grievance under this procedure. It is against the law for RUSH COUNTY to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

PROCEDURE:

- Grievances must be submitted to RUSH COUNTY'S ADA/Section 504 Coordinator (or his designee) as soon as possible but no later than sixty (60) calendar days after the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A grievance must be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- RUSH COUNTY'S ADA/ Section 504 Coordinator (or his designee) will conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. RUSH COUNTY'S ADA/ Section 504 Coordinator will maintain the files and records of RUSH COUNTY relating to such grievances.
- RUSH COUNTY'S ADA/ Section 504 Coordinator will issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing.

- The person filing the grievance may appeal the decision of RUSH COUNTY's ADA/ Section 504 Coordinator by writing to the RUSH COUNTY BOARD OF COMMISSIONERS, within fifteen (15) calendar days of receiving RUSH COUNTY'S ADA/Section 504 Coordinator's decision.

The RUSH COUNTY BOARD OF COMMISSIONERS, or its designee, will issue a written decision on the appeal no later than thirty (30) calendar days after its filing.

- Filing a grievance with RUSH COUNTY's ADA/Section 504 Coordinator (or his designee) does not prevent the person filing the grievance from filing a complaint with the:

Office for Civil Rights, Region V
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (312)886-2359
FAX (312)886-1807
TDD (312)353-5693

- RUSH COUNTY Personnel, including all departments, will assist interested persons in filing grievances and will forward completed grievances to RUSH COUNTY'S ADA/Section 504 Coordinator for investigation or other appropriate action.
- RUSH COUNTY's ADA/Section 504 Coordinator (and/or his designee) will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in this grievance process. Such arrangements may include making the grievance procedure available in alternate formats such as Braille, large print, audiotape, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier-free location for proceedings.
- RUSH COUNTY Employees requesting workplace accommodations for a disability must file a request for accommodation with the RUSH COUNTY's ADA/Section 504 Coordinator, pursuant to RUSH COUNTY Personnel Policy 4.6, Americans with Disabilities.
- RUSH COUNTY Employees who believe they have been subjected to discriminatory treatment in their employment on the basis of disability or to retaliation as the result of requesting a disability accommodation, objecting to a discriminatory practice, or for participating in an ADA/Section 504 grievance process, may file an internal discrimination complaint with the RUSH COUNTY's ADA/Section 504 Coordinator, pursuant to RUSH COUNTY Personnel Policy 6.4, Sexual Harassment/Hostile Work Environment.
- Any disciplinary action taken against a RUSH COUNTY employee for violating the ADA/ Section 504 rights of a person will be handled through the grievance process outlined in RUSH COUNTY Personnel Policy 6.4.2, Reporting a Complaint.

RUSH COUNTY

Section 504 Grievance Form

Grievance Information

Your Name: _____

Your Address: _____

City, State, Zip Code: _____

Daytime Phone: _____ Evening Phone: _____

Email address: _____

Other Contact Information

Who else can we call if we cannot reach you? _____

Daytime Phone: _____ Evening Phone: _____

Grievance

1. What happened to you? How were you discriminated against? State briefly what happened.

2. Why do you believe you are being discriminated against?

4. Who do you believe discriminated against you?

Please note: If this is a housing-related grievance, it is a violation of the law to deny you your housing rights for any of the following factors: age, race, color, religion, sex, sexual orientation, gender identity, national origin, familial status (families with children under 18), or disability. Sufficient data should be included to substantiate any claims or charges. Additional supporting documentation may be attached.

4. Where did the alleged act of discrimination occur?

Address: _____

City, State, Zip Code: _____

5. When did the last act of discrimination occur?

Enter the date (mm/dd/yyyy) _____

Is the alleged discrimination continuous or ongoing? Yes No

6. Is there any solution you believe may remedy the problem?

Signature

Date

Send this form to:

Jerry Sitton
Section 504 Coordinator
Rush County Highway Department
1352 E. State Road 44
Rushville, IN 46173
Phone: (765) 932-2926
E-mail: highway@rushcounty.in.gov

RUSH COUNTY INDIANA

TITLE VI COMPLAINT LOG	
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Rush County's Notice of Non-Discrimination Policy & Grievance Procedure

Rush County Code Requirements and Engineering Plan Review Procedures:

Rush County will adopt ADAAG (Americans with Disabilities Act Accessibility Guidelines) and PROWAG (Pedestrian Rights of Way Accessibility Guidelines) when they adopt the transition plan itself regarding new construction or alterations.

Also any future construction would require outside contractors to sign a statement saying that their project complies with ADAAG, PROWAG, and the ADA.

(A complete review of Rush County's Code of Ordinances and any other county issued policies/procedures has been completed March 31st, 2013.)

Rush County Communications:

A new Effective Communication Policy in conjunction with an Auxiliary Aids and Services Policy has been developed for the County. This policy has been shared with all staff in each department.

Additional important information regarding effective communication is outlined in a handbook, *Disability Guidelines and Etiquette Handbook*, that has been given to all County Staff.

Indiana Relay will be the service used by Rush County for persons using TTY/TDD and/or are deaf or hard of hearing. Staff will receive information and training regarding this service. This has been addressed in a staff training session.

Rush County Website:

Rush County maintains its website to allow general accessibility to all users including those who listen to the content of the site by using a screen reader. Major reports and other special publications are made available in alternative formats.

If you use assistive technology and the format of any material on our website interferes with your ability to access the information please contact the ADA Coordinator at (765)-932-3090.

Rush County is committed to making our Website accessible to any and all users and we welcome comments on how to improve the site's accessibility for users with disabilities. (This is an ongoing commitment)

Rush County Public Involvement:

Public Outreach/Advocacy Groups

The following groups have been invited to participate in Rush County's Transition Plan Process

Audiology Associates
119 E. 3rd St.
Rushville, IN 46173

Mental Health Association
102 N. Main St.
Rushville, IN 46173

Indiana Alliance of Boys & Girls Clubs,
INC 1590 N. Sexton St.
Rushville, IN 46173

Rush County Special Needs Parent Support Group
328 West 5 St.
Rushville, IN 46173

Patient & Family Advisory Council
Rush Memorial Hospital
1300 N. Main St.
P.O. Box 608
Rushville, IN 46173

ARC
P.O. Box 44
Rushville, IN 46173
Cindy Sickbert —President
765-932-4563

Ms. Victoria A Harris / Clinical Social Work Therapist
ER Counseling
54 W. Broadway St. Suite
11 Shelbyville, IN 46176

Rush County Community General Public

Public Meetings:

- The first public meeting was held August 21, 2012 @ 7:00 p.m. A power point presentation along with verbal explanation of the Transition Plan and Rush County's progress was given by ADA Consultants of Indiana, LLC. A brief question and answer period followed. Areas of Concern forms were made available to the public at the meeting, online, and in the office of the ADA Coordinator. Public comment period was open for 30 days, No further comments were received. Minutes of the August 21st, 2012 meeting are available in the office of the ADA Coordinator.

(The minutes will be available online under the ADA Tab on the County's website by June 30, 2013.)

- A Public Hearing was held November 8, 2012 @ 7:00 p.m. The hearing was conducted to take questions and comments from the public regarding the County's Transition Plan.

Minutes of the November 8th, 2012 Public Hearing are available in the office of the ADA Coordinator.

(The minutes will be available online under the ADA Tab on the County's website by June 30, 2013.)

A Public Hearing regarding Rush County's Sidewalk and Curb Ramp Inventory was held November 29, 2012 @ 5:30p.m. A power point presentation along with a verbal explanation of the Sidewalk and Curb Ramp Inventory was given by ADA Consultants of Indiana, LLC. Comments and questions were accepted by the attendees. The Comment period will be open for 30 days from the date of the meeting.

Minutes of the November 29th, 2012 meeting are available in the office of the ADA Coordinator.

(The minutes will be available online under the ADA Tab on the County's website by June 30, 2013.)

A Public Hearing regarding Rush County's updating their ADA Transition Plan was held June 5, 2023 at 6:00 P.M. to take questions and comments from the public. There were no questions and comments.

ADA Compliance Self Evaluation:

Sidewalk and Curb Ramp Inventory:

- Sidewalk & Curb Ramp Inventory

(Completed)

Policies & Procedures / Programs, Services, and Activities Evaluations

Each County Department will be evaluated for ADA compliance and the findings will be compiled into a report document with suggested corrections. The corrections within the report will then need to be prioritized and time —lined.

Polling Places Evaluation Report

(Complete)

Policies & Procedures / Programs, Services, and Activities Evaluations

(Complete)

Access Compliance Assessments of Facilities:

The following appendixes are available upon request in alternative formats. Facility assessments will be available to the public for 3 years:

(Appendixes are available on Rush County's website under the ADA tab.)

Rush County Facilities:

To be completed by:

Rush County Courthouse

Complete

A New Rush County Jail and Parking facilities were completed in 2020 in accordance with current ADA Standards and Indiana Building Codes

Rush County Highway Buildings

Complete