



## **Americans with Disabilities Act Transition Plan**



## **Americans with Disabilities Act**

The passage of the Americans with Disabilities Act (ADA) of 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 ADA requires state and local governments to make their programs and services accessible to persons with disabilities. [28 CFR §35.149]

In accordance with these requirements, Dorchester County Government will not discriminate against qualified individuals with disabilities on the basis of disability in services, programs or activities. Under the ADA, Dorchester County Government is required to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” Dorchester County is required to do so in every situation, unless it can demonstrate “that making the modifications would fundamentally alter the nature of the service, program, or activity.” [28 CFR 35.130(7)]

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

### **General & Administrative Requirements**

Title II of the Americans with Disabilities Act (ADA) identifies specific steps that state and local governments must follow to comply with the ADA. These include:

1. Designate a responsible employee as ADA Coordinator to be responsible for the ADA compliance program;
2. Provide notice to the public of the County’s obligations under Title II to prohibit discrimination on the basis of disability;
3. Establish a Grievance Procedure to respond to complaints regarding accessibility;
4. Prepare a Self- Evaluation of programs, services and activities that may not be accessible to persons with disabilities; and
5. Develop a Transition Plan to provide for the elimination of barriers for disabled persons to access these programs, services and activities.

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

Dorchester County Government  
Attn: ADA Coordinator  
Human Resources Department  
201 Johnston Street, St. George, SC 29477  
mail: hrdept@dorchestercountysc.gov

**Public Notice** - All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR § 35.106]. In order to assist individuals with disabilities who require special services for participation in or access to County programs, services, or meetings, the County posts the following accommodations notice for all meetings and public hearings:

If special accommodations are needed to participate in this public meeting, please contact Dorchester County Government, Human Resources (843) 563-0144 or hrdept@dorchestercountysc at least two business days prior to the scheduled meeting date.

**Grievance Procedure** - Dorchester County Government is required to adopt and publicize procedures for resolving grievances arising under Title II of the ADA [28 CFR §35.107 (b)]. The ADA Grievance Policy was submitted to County Council for adoption on November 6, 2017. A copy of the ADA Grievance Policy is attached.

**Self- Evaluation** –Dorchester County Government will complete its Self-Evaluation by using a system to identify and assess obstacles in its public programs and services, and facilities. The detailed evaluation will be accomplished with the use of *ADA Readily Accessible Checklist for Place of Public Accommodations*. The purpose of the checklist is to obtain a comprehensive overview of the complete list of programs and services, and facilities open to the public; to determine which programs and services, and facilities are not in compliance with the ADA guidelines; and to get the highest priority programs and services under review and to remediate as soon as practical. The checklist helped to determine whether the removal of barriers is “readily achievable” and could be decided on a case-by-case basis. If it is determined that some barriers cannot be removed under the “readily achievable” mandate, the list can help identify “alternative methods” enabling persons with disabilities to gain access to services. Barrier removal to programs and services, and facilities are prioritized in order of importance of: 1) access into the facility; 2) access to the goods and services; 3) accessible restrooms; and 4) any other measure improving accessibility.

**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 the barriers to persons with disabilities, that are present in the facilities, and to propose the structural modifications that will be undertaken to provide program accessibility. The County reserves the right to modify barrier removal priorities in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, changes in County programs, and funding constraints and opportunities. Due to the County’s efforts to make as many accessibility improvements as possible on a continual basis, some physical improvements listed may have been begun, been partially completed, or fully completed prior to the adoption of this Transition Plan. The implementation schedules will be updated by the ADA Coordinator to account for progress to provide for inclusion of new information or ADA complaints. It is the goal of this Transition Plan to provide access to the programs, activities and services provided by the County. Interim measures will be explored and implemented in order to provide programmatic access to the public pending the implementation of physical barrier removal projects.

**Dorchester County Government  
ADA Grievance Policy**

Dorchester County Government, South Carolina, hereby establishes an internal grievance procedure to provide for equitable and prompt resolution of complaints alleging any violation of U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, or denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

Dorchester County Government  
Attn: ADA Coordinator  
Human Resources Department  
201 Johnston Street, St. George, SC 29477  
mail: hrdept@dorchestercountysc.gov

1. Complaints must be filed in writing within thirty (30) days after the complainant becomes aware of the alleged violation, contain the name and address of the person filing it, and briefly describe the circumstances surrounding the alleged violation of the regulations.
2. An investigation, as may be appropriate, shall follow a filing of complaint and shall be conducted by the ADA Coordinator. Such investigation shall be informal but thorough, and shall afford complainant and his/her representative, if any, an opportunity to submit evidence relevant to the complaint.
3. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than thirty (30) days after its filing.
4. The complainant, in instances where he or she is dissatisfied with the initial resolution, may appeal the decision of the ADA Coordinator to the Chairman of the Dorchester County Council. Such request should be in writing and submitted within thirty (30) days following receipt of the Coordinator’s decision. Request for reconsideration of the case should be addressed to:

Dorchester County Council  
Attn: Chairman  
500 North Main Street  
Summerville, SC 29484

5. Files and records of Dorchester County Government related to the complaints filed shall be maintained by the ADA Coordinator.
6. Use of this grievance procedure by a complainant is not a prerequisite to the pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency.

7. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Lexington County complies with the ADA and implementing regulations.

## **ADA GRIEVANCE POLICY**

### **I. AUTHORITY**

The Americans with Disabilities Act (ADA) requires that public entities establish a procedure whereby individuals can make complaints of discrimination based on disability status in admission to, access to, and treatment in programs, services and activities provided by the public entity. This requirement is contained in title II of the ADA, 28 CFR 35.107, entitled "Non-Discrimination on the Basis of Disability in State and Local Government Services." (In accordance with federal law, a complaint alleging discrimination based on an individual's disability status may also be filed directly with an appropriate federal agency.)

### **II. PURPOSE AND COVERAGE**

1. The following complaint procedure provides an avenue for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the County provision of programs, services and activities.
2. This provision must be used by individuals who wish to file complaints with the County based on ADA Title II and/or Section 504 of the Rehabilitation Act of 1973, as amended. ADA complaints under Title I-Employment should be referred to the ADA Coordinator in the Human Resources Department.
3. Any individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by him or herself or by an authorized representative, file a complaint using this form. Also covered are individuals who have a relationship or association with a person with a disability.

### **III. PROCEDURE**

1.
  - A. All complaints should be submitted in writing on a County complaint form, which is available from the ADA Coordinator. Other arrangements for submission of a complaint, such as an in-person interview or tape recording in lieu of a written complaint, shall be made available upon request by persons who have difficulty using a written format. The complaint must contain as much information as possible about the alleged discrimination, including the complainant's name, address, and day-time phone number.
  - B. The complaint shall be submitted in writing or by alternate format either by mail or in person within 180 calendar days of the alleged discriminatory act to:

Dorchester County Government, Attn: ADA Coordinator, Human Resources Department  
201 Johnston Street, St. George, SC 29477  
mail: hrdept@dorchestercountysc.gov  
fax: (43) 563-0210

- C.** The Section 504/ADA Coordinator shall be responsible for coordinating the grievance procedures process in conjunction with the Department Head or other designee of the Department named in the complaint. The Coordinator shall assist in investigating the complaint and in consulting with the County Attorney and the Department named in the complaint. Consultation activities may also include the County Administrator and other County offices, as deemed necessary. The Coordinator shall notify the complainant in writing (or in some other mutually agreed upon format) within 10 working days of the receipt of the complaint that the complaint has been received and is under review.
- D.** After the investigation is complete, the Coordinator shall meet with the Department Head or Department designee to discuss recommended action and to coordinate a response. This process shall be completed within forty-five (45) working days of receipt of the complaint, unless an extension is warranted. The complainant shall be notified within thirty (30) working days of the receipt of the complaint if an extension is necessary. The response shall be provided by the Department Head or designee in writing or by another method acceptable to the complainant. The response shall offer a resolution of the complaint and/or explain the position of the County with respect to the complaint. The Coordinator shall provide the County Administrator with a copy of the response.
- E.** All of the above filing dates and timelines may be adjusted by mutual consent of the parties.
- F.** If a complainant is dissatisfied with the Department's response, an appeal may be made within thirty (30) calendar days to the County Administrator. A request for appeal must be made in writing or an alternative format and must include specific reasons as to why an appeal is being requested. Send written appeals to:

Dorchester County Government  
Attn: County Administrator  
201 Johnston Street  
St. George, SC 29477
- G.** All information from the Section 504/ADA Coordinator and the Department pertaining to the complaint is then turned over to the County Administrator. The County Administrator or designee will determine if the decision is reasonable and if the appeal should be sustained based on this review, considering relevant laws, legal precedents and regulations. The County Administrator or designee will issue a written decision or a decision in an alternate format when necessary within thirty (30) calendar days of the receipt of the appeal request.
- H.** In lieu of or in addition to an appeal, the complainant may at this stage file with the appropriate federal agency if the complainant has not yet done so.

- I. All complaints filed with the County and all response to such complains shall be kept on file by the Section 504/ADA Compliance Coordinator for a period of five (5) years from the date of the initial filing of the complaint.

**DORCHESTER COUNTY HUMAN RESOURCES  
ADA COMPLAINT FORM**

**Grievant Information**

Grievant Name: \_\_\_\_\_ Home Phone  
(include area code): \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone  
(include area code): \_\_\_\_\_  
 Mobile Phone  
(include area code): \_\_\_\_\_

**Alternative Contact Person (other than Grievant)**

Name: \_\_\_\_\_ Home Phone  
(include area code): \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone  
(include area code): \_\_\_\_\_  
 Relationship  
To Client:

**Witnesses to the discrimination**

Name: \_\_\_\_\_ Home Phone  
(include area code): \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone  
(include area code): \_\_\_\_\_

Name: \_\_\_\_\_ Home Phone  
(include area code): \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone  
(include area code): \_\_\_\_\_

**Government, organization, institution or business which you believe has discriminated**

Date and Location of Alleged Violation (dd/mm/yyyy)

Description of Alleged Violation and Requested Remedy

Has this case been filed with the Department of Justice or other government agency or court?

Yes      No

**If You Answered "Yes" to the Previous Question, Complete the Following**

Agency or Court: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone  
(include area code): \_\_\_\_\_  
 Date Filed: \_\_\_\_\_

Other Comments

Signature: \_\_\_\_\_ Date: \_\_\_\_\_