F8

CITY ADMINISTRATOR'S OFFICE MEMO
cityadmin@hiawatha-iowa.com
319-393-1515 ext.523

To: Mayor and City Council

From: City Administrator, Kim Downs

Date: June 29, 2016

RE: Required ADA Policies

The Americans with Disabilities Act (ADA) was passed July 26, 1990 as Public Law 101-336 (42 U.S.C. Sec. 12101 et seq.) and became effective on January 26, 1992. The ADA is landmark federal legislation that opens up services and employment opportunities to 43 million Americans with disabilities. The law was written to strike a balance between the reasonable accommodation of citizens' needs and the capacity of private and public entities to respond. It is not an affirmative action law but is intended to eliminate illegal discrimination and level the playing field for disabled individuals.

The law is comprised of five titles that prohibit discrimination against disabled persons within the United States. Titles I and II are the primary sections that affect local governments requiring us to provide and publicly post a "Notice Under the American's with Disabilities Act" policy along with the grievance procedures under the Americans with Disabilities Act.

Title I prohibits employers, including cities and towns, from discriminating against qualified job applicants and workers who are or who become disabled. The law covers all aspects of employment including the application process and hiring, training, compensation, advancement, and any other employment term, condition, or privilege. We do acknowledge the ADA regulations and its requirements within our employee handbook. This policy will be an additional notification that can be accessed on our website.

Title II prohibits state and local governments from discriminating against disabled persons in their programs and activities. Title II also sets forth the applicable structural accessibility requirements for public entities. In review of our city programs and facilities we currently comply with the regulations and will assess annually to ensure compliance.

Both of these policies will be placed in our policy books and accessible on our City website upon council approval.

ADA Coordinator:
Kim Downs
City Administrator
City of Hiawatha
101 Emmons Street
Hiawatha, Iowa 52233

Phone: 319-393-1515 Ext. 523
Email: cityadmin@hiawatha-iowa.com

City of Hiawatha, Iowa
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 City of Hiawatha will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment
The City of Hiawatha 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 City of Hiawatha 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 City'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 City of Hiawatha will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City 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 City program, service, or activity, should contact the office of Kim Downs, City Administrator at 319-393-1515 Ext 523, or cityadmin@hiawatha-iowa.com as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Hiawatha 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 City program, service, or activity is not accessible to persons with disabilities should be directed to Kim Downs, City Administrator at 319-393-1515 Ext. 523 or cityadmin@hiawatha-iowa.com.

The City of Hiawatha 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.

ADA Coordinator:
Kim Downs
City Administrator
City of Hiawatha
101 Emmons Street
Hiawatha, Iowa 52233

Phone: 319-393-1515 Ext. 523
Email: cityadmin@hiawatha-iowa.com

City of Hiawatha, Iowa
Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established 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 City of Hiawatha. The City of Hiawatha's Personnel Policy 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 the 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:

Kim Downs
City Administrator
101 Emmons Street
Hiawatha, Iowa 52233

Within 15 calendar days after receipt of the complaint, Kim Downs or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Kim Downs or her designee 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 City of Hiawatha and offer options for substantive resolution of the complaint.

If the response by Kim Downs or her designee 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 Hiawatha City Council or designee.

Within 15 calendar days after receipt of the appeal, the City Council or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after

the meeting, the City Council or 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 Kim Downs or her designee, appeals to the City Council or designee, and responses from these two offices will be retained by the City of Hiawatha for at least three years.

DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) NOTICE AND GRIEVANCE PROCEDURES

WHEREAS, federal law requires state and local governments with 50 or more employees to designate an Americans with Disabilities Act (ADA) Coordinator, adopt grievance procedures to handle disability discrimination complaints, and provide Notice to the public about their rights and the public entity's responsibilities under the ADA, and

WHEREAS, in order to comply with federal law, City Staff has determined it necessary to adopt an ADA Notice designating an ADA Coordinator and Grievance Procedures as shown in the attached Exhibit "A," and Notice and Grievance Procedures shall be made available to the public as required by law, and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hiawatha, Iowa that said ADA Notice and Grievance Procedures are hereby approved, adopted, ordered to be placed on file, and made available to the public as required by law.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 6th day of July, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk