

**Vermillion County  
Indiana**

**Americans with Disabilities Act**

**Transition Plan**

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## I. Introduction

The Americans with Disabilities Act (ADA) of 1990 (revised September 2010), is Federal Civil Rights Legislation which mandates non-discrimination to persons with Disabilities. The Act has five titles, which are listed below:

- Title I - Employment
- Title II - Public Services and Transportation
- Title III – Public Accommodations
- Title IV – Telecommunications
- Title V - Miscellaneous

Title II of the ADA prohibits discrimination by public entities on the basis of disability by making all programs, services, and activities accessible to persons with disabilities. In order to accomplish this, the Department of Justice developed regulations requiring the County of Vermillion to conduct a self-evaluation of the accessibility of its programs and services to determine whether issues of accessibility could be addressed through changes in the way such programs and services are provided. The County is obligated to remove physical barriers to accessibility when program changes cannot insure access to services, programs, and activities in existing facilities. Realizing that the structural changes would take time and money to provide, the Department of Justice Regulations, Federal Register 28 CFR Part 35 state that In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop a Transition Plan setting forth the steps necessary to complete such changes". Additionally, "if a public entity has responsibility or authority over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act".

The ADA regulations further require the Transition Plan to contain the following elements:

- A list of physical barriers in the public entity's facilities that limit the accessibility of its programs, services, or activities to individuals with

disabilities;

- A detailed description of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking necessary steps to achieve compliance with Title II;
- The name of the official responsible for the plan's implementation;
- A schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priorities should be given to the following order:
  1. State and local government offices
  2. Transportation
  3. Places of public accommodation
  4. Employees
  5. Other areas (e.g., residential areas where people needing curb ramps reside) the name of the official responsible for the plan's implementation;
- An estimate of the cost's for making the modifications
- The opportunity for the disabled community and the interested parties to participate in the development of the transition plan

## **II. ADA Program Elements**

- A. Responsible Official
- B. Public Notice of Rights of Individuals
- C. Grievance Procedure
- D. Self-Evaluation and Inventory
- E. Design Standards
- F. Transition Plan

## **III. Responsible Official**

The ADA Coordinator designated for Vermillion County is: Mr. Mark O'Heir, Emergency Management Director

## **IV. Public Notice of Rights of Individuals**

The enclosed Public Notice sets out the County's compliance with Title II of the 1990 ADA. It is available at the office of the Emergency Management Director for viewing and is posted on the County's website. (See Enclosure No. 1)

## **V. Grievance Procedure**

(See Enclosure No. 2 and No 3)

## **VI. Self Evaluation and Inventory**

As required by the ADA legislation Vermillion County will Conduct a self evaluation of its facilities and rights of way to Ensure that they are accessible to and useable by persons with Disabilities.

Items inventoried included:

1. Curb Ramps - whether there are curb ramps with the truncated domes present at any corner within each intersection.
2. Sidewalk between intersections was reviewed to determine if it was a minimum of 4 feet wide (with parkway) or 5 feet wide if adjacent to curb. Driveways were reviewed to determine if they had a 4 foot width at a 2% (max) cross-slope.

## **VII. Design Standards**

Sidewalk and ADA ramp construction shall follow the current version of the Indiana Department of Transportation Standard Drawings and Specifications.

Building construction shall follow the current ADA requirements shown on the following website:

[wtivw.access-board.gov/ada/](http://wtivw.access-board.gov/ada/)

## **VIII. Transition Plan**

The ADA Coordinator has the responsibility of identifying barriers and implementing Vermillion County's barrier removal program. The steps involved in the creation of this Transition Plan are as follows:

**a) Identify / Document Needs** - Physical barriers in and around a facility that prohibit access to programs, activities, and services, shall be identified and documented. Programs, activities, and services" include the functions necessary to fulfill a building's mission". Events or programs that are open to the public must be accessible by person with disabilities.

**b) Document Solutions** Document the structural or physical modifications needed to make the facility accessible. Structure

modifications include architectural renovations; such as widening a door or construction of a ramp . The codifications must meet ADA requirements for new construction and changes cannot force a disabled person to access the building in an unequal manner. For example, if the main entrance does not provide accessibility but the rear entrance door does, the rear entrance must be equal to the main entrance and available during operating hours.

### **c) Strategies for Removal of Barriers**

#### **1. Buildings and Parks**

##### **a. Targeted Removal**

Barrier removal is based on the facility survey that was conducted. The plan will be reviewed annually to insure that Vermillion County is meeting the needs of those with accessibility issues. Total accessibility for all Vermillion County owned facilities, for every citizen, is the goal of the Transition Plan. Whenever funding is made available, facilities are added to the priority list for that particular *fiscal year*.

##### **b. Retrofit or Remodel**

Whenever a retrofit or remodel of an existing Vermillion County owned building occurs, the facility is required to become compliant with ADA regulations (subject to availability of funding).

##### **c. Maintenance or Repair**

When appropriate, and when funding is available, Vermillion County will bring facilities into compliance by replacing defective fixtures with compliant models, i.e., door knobs replaced with levered door handles , etc.

##### **d. Leased Facilities**

When Vermillion County lease agreements are scheduled for renewal, facilities are required to

become compliant with the ADA. The responsibility for the improvements shall be negotiated with the lessee.

## **2. Public Rights of Way**

### **a. Targeted Removal**

Barrier removal is based on the field inventory conducted. As needs may arise, through either complaints from the public or by the County's own review, select specific locations may be addressed.

### **b. New or Reconstruction of Existing Facility**

New or reconstruction projects will include sidewalks, drives and ADA ramps in conformance with current design standards. This will include full intersection ADA ramps where projects only involve a single approach.

### **c. Maintenance or Repair**

As maintenance and/or repair work is done to existing sidewalks, all replacement work will meet current ADA standards. If such work involves ADA ramps on one corner of an intersection, the receiving corner will be included in such work if it is not in compliance.

### **d. New Construction or Reconstruction of Existing Private Facility**

All permits for new construction or reconstruction of sidewalk, drives or intersection corners will be reviewed and required to be in compliance with current ADA standards.

## **3. Personnel Responsible for Carrying Out Strategies**

ADA Coordinator, Mr. Mark O'Heir



## **e. Priorities**

### **1. Buildings**

- A. First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- B. Second priority: Locations where there is routine County business conducted.
- C. Third priority: All other locations

### **2. Parks**

- A. First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- B. Second priority: Locations where there is routine programs conducted or facilities are used for functions that have a high likelihood of use by the ADA community.
- C. Third priority: All other locations

### **3. Sidewalks**

- A. First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- B. Second priority: Locations where there is routine County business conducted.
- C. Third priority: Locations where there is private partnership in cost
- D. Fourth priority: Locations in the Courthouse area
- E. Fifth priority; Locations in the residential areas.
- F. Sixth priority: All others

### **4. Intersections**

- A. First priority: Missing ramps at locations where complaints/problems have been identified by the public or here there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- B. Second priority: Missing ramps at locations where there is routine City business conducted.
- C. Third priority: Missing ramps at locations where there is private partnership in cost

- D. Fourth priority: Missing ramps at locations in the Courthouse area
- E. Fifth priority; Missing ramps at Locations in the residential areas.
- F. Sixth priority: Replacement of substandard ramps and all others.

#### 5. Parking, Facilities and Signage

Identifiable areas, without proper ADA signage or accessibility information, will be corrected, with the proper signage installed. Facility improvements will be implemented whenever funding becomes available.

#### **g. Financial Plan and Schedule**

1.The County will endeavor to provide an annual amount in services, materials or contract replacement of deficiencies. 2.The County will actively look for grants and others sources of funds from various programs available.

#### X. Updated Modifications

Enclosure No. 1

NOTICE UNDER THE AMERICANS  
WITH DISABILITIES ACT

In accordance with the requirements of the title II of the Americans with Disabilities Act of 1990 ("ADA"), the Vermillion County Government will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Vermillion County Government 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 Vermillion County Government 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 Vermillion County Government 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 Vermillion County Government will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcomed in The Vermillion County Government 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 program, service, or activity of The Vermillion County

Government, should contact the office of Mark O’Heir, ADA Coordinator, 259 Vine Street Clinton, IN 47842, phone 765-832-5500, email: [mark.oheir@vermillioncounty.in.gov](mailto:mark.oheir@vermillioncounty.in.gov) as soon as possible but no later than 1 week prior to the scheduled event.

The ADA does not require the Vermillion County Government 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 program, service, or activity of The Vermillion County Government is not accessible to persons with disabilities should be directed to Mark O’Heir, ADA Coordinator, 259 Vine Street Clinton, IN 47847 phone 765-832-5500, email: [mark.oheir@vermillioncounty.in.gov](mailto:mark.oheir@vermillioncounty.in.gov)

The Vermillion County Government will not place a surcharge on a particular individual with disabilities 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.

Enclosure No. 2

The Vermillion County Government  
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 Vermillion County Government. Vermillion County'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 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: Mark O'Heir, ADA Coordinator, 259 Vine Street Clinton, IN 47842 phone 765-832-5500, email: [mark.oheir@vermillioncounty.in.gov](mailto:mark.oheir@vermillioncounty.in.gov), Within 15 calendar days after receipt of the complaint, Mark O'Heir or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of that meeting, Mark O'Heir or his 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 Vermillion County Government and offer options for substantive resolution of the complaint.

If the response by Mark O’Heir or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days of receipt of the response to the county Commissioners or their designee.

Within 15 calendar days after receipt of the appeal, the County Commissioners or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Commissioners or their 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 Mark O’Heir or his designee, appeals to the County Commissioners or their designee, and responses from these two different offices will be retained by the Vermillion County Commissioners for at least three year

Enclosure No. 3

## Vermillion County ADA Grievance Form

Name:

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Address:

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Phone Number:

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Email Address:

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Location of problem:

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Date noticed:

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Description of problem:

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\*Please attach additional pages if needed

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:

Attn: ADA Coordinator  
259 Vine Street,  
Clinton, IN 47842  
(765-832-5500)