

SMITH COUNTY AMERICANS WITH DISABILITIES ACT POLICY

1. **Purpose.** The purpose of this Policy is to comply with the Americans with Disabilities Act (hereinafter “ADA” or “Act”) and to assure that persons with disabilities have equal access to County facilities, services, programs, activities and employment. The Smith County Human Resources Director is designated as the County’s ADA Coordinator.
2. **Public Notice Non-Discrimination Statement.** The Notice attached hereto as Appendix “A” will be posted at all County facilities and on the County’s website.
3. Responsibilities of the ADA Coordinator will include:
 - A. Familiarity with the ADA and applicable DOJ regulations.
 - B. Monitoring the County’s compliance with the ADA and applicable DOJ regulations.
 - C. Coordination of accommodations for visitors and employees.
 - D. Serving as the contact person for people who need information about the ADA.
 - E. Educating County officials and employees about their responsibilities under the ADA.
 - F. Coordination of Self-Evaluations and barrier identification.
 - G. Assuring that grievances are timely and properly handled.
4. **Grievance Procedure.** The A.D.A. Grievance Procedure to be followed is attached hereto as Appendix “B.”
5. **Self-Evaluations.**
 - A. Periodic self-evaluations will be conducted of the County, which include: physical facilities, programs, services and activities.
 - B. Items to be evaluated under self-evaluation include:
 1. Buildings and facilities.
 2. Services.
 3. Programs.
 4. Employment policies.
 5. Parking.
 6. Information Access.

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- C. A self-evaluation team is established. The team will consist of the HR Director, the County Engineer or his/her designee, the Director of Building Maintenance or designee, and the safety committee team.
- D. The self-evaluation team shall prepare a selfevaluation report. The report will be presented to the Commissioners Court for consideration and action.

6. **Barriers.**

- A. When a barrier is discovered that may prohibit an ADA qualified person from participating in a program, activity, access to a facility, communication with others, etc., the ADA Coordinator shall be notified as soon as possible in writing.
- B. Once a barrier is discovered and reported, a plan and schedule to eliminate the barrier will be set into place with corrective action being taken as soon as possible. For architectural or physical barriers, involvement of the County Engineer's Office and the Maintenance Department will be necessary.
- C. A report shall be made identifying the barrier and the steps taken to correct it.

7. **Record Retention Process.**

The following records shall be retained for a minimum of three years:

- A. Self Evaluation Reports
- B. Descriptions of modifications made or corrective actions taken in response to self evaluation.
- C. Reports regarding identified barriers and actions taken with regard thereto.
- D. Grievances and the action taken thereon.

8. **Limitations.**

- A. The processes and protections set forth herein are intended for the benefit of qualified disabled persons protected under the Act. The County will only make reasonable modifications that do not fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.
- B. The County need not make reasonable modifications if, even after the modification, the individual would still pose a direct threat to the health or safety of others. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.

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- C. This policy is not intended to and shall not extend the obligations or potential liabilities of the County beyond those provided for by the Act and lawful regulations adopted under the Act.

