

**TO: ALL COUNTY PERSONNEL**

**FROM: ROBERT WEISMAN  
COUNTY ADMINISTRATOR**

**PREPARED BY: EMPLOYEE RELATIONS AND PERSONNEL**

**SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA) OF 1990**

**PPM #: CW-P-051**

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**ISSUE DATE**  
**January 1, 1993**

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**EFFECTIVE DATE**  
**January 1, 1993**  
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**PURPOSE:**

To assure compliance with the requirements of the Americans With Disabilities Act (ADA) of 1990.

**AUTHORITY:**

Board Policy and the Americans With Disabilities Act (ADA) of 1990.

**POLICY:**

This policy establishes the Board's commitment to complying with the requirements of the Americans With Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability in County services, programs, or activities, including employment. This policy outlines the procedures for implementing and/or providing guidance to departments on the various requirements of the law. It is the responsibility of all supervisory level personnel to comply with the requirements of the ADA by following the procedure outlined below.

**PROCEDURES:**

- 1. EMPLOYMENT (Title I):** Employee Relations & Personnel (E R & P) is the central staff function responsible for advising management regarding the employment aspects of the Act and for making referrals to appropriate agencies when necessary.
  - A. Recruitment & Selection:** The Recruitment & Selection (R & S) Section of E R & P is responsible for complying with the ADA in the selection of applicants for employment and in advertising and testing. The EEO/AA Specialist is responsible for reviewing advertisements and other R & S material on weight lifting requirements,

driver's license requirements, physical requirements, or other job requirements which may have an adverse effect on persons with disabilities.

- B. Accommodations:** All requests for accommodation are referred to the EEO/AA Specialist in Employee Relations & Personnel and considered in consultation with the employee/applicant with a disability and the department head or designee. The EEO/AA Specialist may consult with E R & P's Assistant County Attorney liaison for legal opinion at any time during the accommodation process. It is the responsibility of all managers & supervisors to contact the EEO/AA Specialist in E R & P before granting or denying any request for accommodation. Additional information on the accommodation process can be found in CW-P-017, Employment of Qualified Persons With Disabilities and the Accommodation Process.
  - C. Employees Unable to Perform Assigned Duties Due to Illness/Injury/Disability:** Accommodation requests will be considered for an employee's present classification as well as possible placement into an alternative position providing a position is available and the employee meets the minimum requirements for that position. The EEO/AA Specialist in E R & P is responsible for reviewing accommodation requests, and the Employee Relations staff is responsible for coordinating possible placement of employees unable to perform assigned duties due to illness/injury/disability.
  - D. Position Descriptions:** Position descriptions will be developed by departments to identify essential versus marginal duties of a position and will be reviewed by staff in E R & P. Maintenance of position descriptions is handled by the Classification & Pay Section of E R & P.
  - E. Management Training/Employee:** All managers, supervisors, and department/division heads are required to attend ADA Training when scheduled to assure compliance with the law. It is the responsibility of E R & P to coordinate the training and assist in facilitating training in a timely manner.
- 2. GRIEVANCE PROCEDURE:** If an employee/applicant/citizen feels they have been discriminated against on the basis of a disability in a County program, service, or facility, including employment, that employee/applicant/citizen should be informed of their right to file a complaint with the Office of Equal Opportunity (OEO) or the Equal Employment Opportunity Commission (EEOC) in Miami consistent with the procedures currently in place for other forms of discrimination. The OEO is responsible for investigating and making recommendations on complaints filed with their office.
  - 3. NOTICES:** It is the responsibility of the OEO to post notices to employees, applicants, or other interested persons informing them of their rights and protections afforded by the ADA. In complying with this requirement, the OEO must also consider how to effectively communicate with persons with disabilities. All County Departments that issue notices or

publications to the general public are also required to state a non-discrimination clause as well as inform the public of any alternative formats that are available. In addition, a notice should also be included which advises the public of their right to inform the organization of any specific accommodation needed that would enable them to participate in the program, service, or activity. That notice may also advise the public of any advance notice required for accommodation requests. The OEO is responsible for informing departments of the specific language to be included in County notices and publications.

4. **LOCAL GOVERNMENT SERVICES, PROGRAMS, AND ACTIVITIES (TITLE II):** The ADA requires that government programs and services be accessible to and usable by persons with disabilities and requires that examinations or courses related to licensing or certification for professional or trade purposes be accessible to persons with disabilities. The OEO is the central staff function responsible for advising departments on the requirements, possible alternatives, and for investigating complaints associated with Title II.

All County Department Heads are responsible for ensuring that all services, programs, and activities offered by their department are accessible to persons with disabilities and for providing equally effective communications.

When OEO has determined that barrier removal or a structural modification may be necessary (either as the result of input from a department or through a recommendation/complaint), the Facilities Planning, Design, & Construction Department will be responsible for assuring compliance with the ADA. Alternatives to barrier removal or structural modifications may be submitted by OEO or the Facilities Department to the ADA Advisory Committee for their review and recommendation.

5. **ADA ADVISORY COMMITTEE:** The ADA Advisory Committee, appointed by the Board of County Commissioners, consists of nine (9) members of the community representing various disabilities. The ADA Advisory Committee is responsible for making recommendations through staff to the Board regarding the removal of barriers to programs, services, and facilities.
6. **ADA COORDINATOR:** The ADA Coordinator is responsible for the overall coordination and implementation of the ADA. The ADA Coordinator may refer issues to the ADA Advisory Committee and may also designate other employees to carry out the responsibilities in complying with the Act. The ADA Coordinator is designated by the County Administrator.

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**ROBERT WEISMAN  
COUNTY ADMINISTRATOR**