

**RESOLUTION 2011- *f***

**A RESOLUTION OF THE CITY OF GOSHEN'S BOARD OF PUBLIC WORKS AND SAFETY  
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)  
ADA COORDINATOR AND PROCEDURES**

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

**WHEREAS**, in compliance with Title II of the ADA the City of Goshen shall name an ADA Coordinator; and

**WHEREAS**, in compliance with Title II of the ADA the City of Goshen shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

**WHEREAS**, in compliance with Title II of the ADA the City of Goshen shall publish notice to the public regarding the ADA;

**WHEREAS**, in compliance with Title II of the ADA the City of Goshen shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

**NOW, THEREFORE, BE IT RESOLVED** by the Goshen Board of Public Works and Safety:

Patty Morgan, the City of Goshen Human Resource Manager is designated as the ADA Coordinator for the City of Goshen. In the event that Patty Morgan leaves her employment with the City of Goshen the Human Resource Manager replacing her shall assume the role of ADA Coordinator.

The Notice under the Americans with Disabilities Act, a copy of which is attached as Exhibit A, is adopted as the City of Goshen's Notice under the Americans with Disabilities Act.


The City of Goshen Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached as Exhibit B, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Goshen.

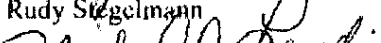
In compliance with Federal and State laws as set forth above, the City of Goshen resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and City of Goshen Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

This policy expressly replaces and repeals City Policy 900-1, originally passed and adopted by the Board of Public Works and Safety on January 27, 1992.

Passed and adopted by the Board of Public Works and Safety on 12-12, 2011.

  
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Allan Kauffman

  
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Rudy Stegelmann

  
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Michael Landis

Michael Landis

## **Exhibit A**

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Goshen will not discriminate against qualified individuals with disabilities on the basis of disability in the City of Goshen's services, programs, or activities.

***Employment:*** The City of Goshen 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 Americans with Disabilities Act (ADA).

***Effective Communication:*** The City of Goshen 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 of Goshen'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 Goshen 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 the Human Resource Manager, Patty Morgan, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Goshen 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 Human Resource Manager, Patty Morgan, at 574-534-8475.

The City 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.

## Exhibit B

### **GRIEVANCE PROCEDURES FOR ADA COMPLAINTS**

The procedures established in this policy, set out a system for resolving complaints of disability discrimination in a prompt and fair manner. Anyone wishing to file a grievance complaint can obtain the grievance form from the Goshen Human Resource Manager at 574-534-8475 or through the City website at [www.goshenindiana.org](http://www.goshenindiana.org). Instead of submitting the grievance form a written grievance may be submitted which includes the following:

- 1) Name, address and phone number of the person filing the grievance.
- 2) Name, address and phone number of the person alleging the ADA violation, if different than the person filing the grievance.
- 3) Description of the alleged violation and the remedy sought.

The City of Goshen, Human Resource Manager will acknowledge the receipt of the grievance within ten (10) working days.

The Human Resource Manager will forward the complaint to the City of Goshen's legal department which will conduct the investigation necessary to determine the validity of the alleged violation. The legal department may contact the grievant to discuss the matter as part of the investigation. The legal department will submit a written findings and a proposal resolution within forty five (45) calendar days of receiving the complaint from the Human Resource Manager. If a resolution of grievance is reached during this investigation the resolution will be documented in ADA Coordinator's file.

If the grievance is not satisfied with the legal department's determination, the grievant may request a hearing before the Goshen Board of Public Works and Safety. The hearing will be scheduled within thirty (30) days of the request unless the grievant and City agree on a different date. The grievance request for a hearing before the Board of Public Works and Safety must be requested with fifteen (15) days of receiving the legal department's written findings and proposal resolution. At the hearing the grievant may appear with or without legal counsel. The grievant will be given the opportunity to present evidence, and/or witnesses and will be given the opportunity to question any witnesses that the City presents the Board of Public Works and Safety.

At any time during the process a grievant may file a complaint directly with the U.S. Department of Justice or other appropriate state or federal agency.

The resolution of any specific grievance will require consideration of the specific nature of the disability, the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation, the health and safety of others and the degree to which an accommodation would constitute a fundamental alteration to the program, service a facility or cause undue hardship to City. Accordingly the resolution of any grievance does not create a precedent for any future grievance.