

RESOLUTION NO. 97-108

*NASSAU COUNTY NON-DISCRIMINATION POLICY  
PURSUANT TO THE A.D.A.*

WHEREAS, Nassau County has consistently prohibited discrimination against people with disabilities; and

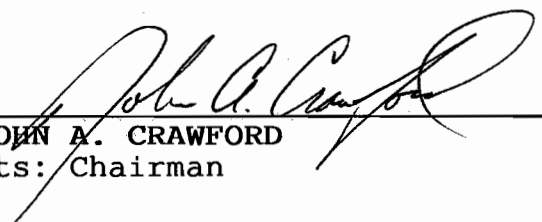
WHEREAS, the Nassau County A.D.A. Advisory Committee, after a publicly advertised meeting, recommends the adoption of the attached policy; and

WHEREAS, the Board of County Commissioners hereby approves this written policy.

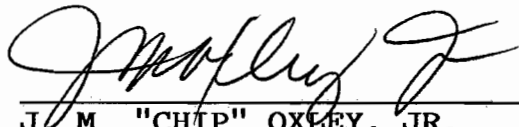
NOW, THEREFORE, BE IT RESOLVED this 24th day of March, 1997, by the Board of County Commissioners of Nassau County, Florida that:

1. The Board of County Commissioners hereby adopts the attached policy.
2. Directs the County Coordinator to insure the policy is adhered to and properly posted and disseminated to all employees and job applicants.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

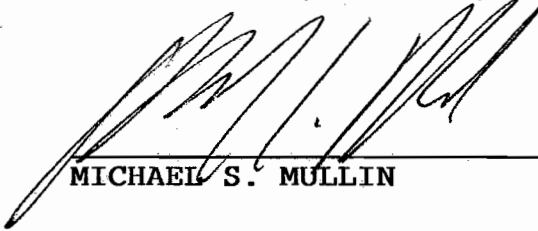
  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:



MICHAEL S. MULLIN

## NASSAU COUNTY POLICY

Nassau County prohibits discrimination against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process, including:

application	promotion
testing	medical examinations
hiring	layoff/recall
assignments	termination
evaluation	compensation
disciplinary actions	leave
training	benefits

Pursuant to the ADA, certain individuals are not covered by this policy.

Persons who currently use drugs illegally

Individuals who currently use drugs illegally are not individuals with disabilities protected under this policy when an action is taken because of their continued use of drugs. This includes people who use prescription drugs illegally as well as those who use illegal drugs.

### Other specific exclusions

Homosexuality and bisexuality are not impairments and therefore are not disabilities under the ADA. In addition, this policy specifically excludes a number of behavior disorders from the definition of "individual with a disability".

The following are examples of actions that are prohibited:

1. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability.
2. Participating in a contractual or other arrangement or relationship that subjects an employer's qualified applicant or employee with a disability to discrimination.
3. Refusing to make reasonable accommodation to the known

physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship, as defined by ADA.

4. Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the business.
5. Using tests that do not accurately reflect the skills, aptitude, or other factors being measured.
6. Discriminating against an individual because she/he has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Act.

The County Coordinator shall insure that all departments insure that reasonable accommodations are made for known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation creates an undue hardship as set forth by the ADA.

Some examples of reasonable accommodation include:

- retrofitting existing facilities so as to be accessible to, and usable by, an individual with a disability, unless an undue hardship, as defined by ADA, is created by the retrofitting;
- job re-structuring;
- modifying work schedules;
- reassignment to a vacant position;
- acquiring or modifying equipment or devices;
- adjusting or modifying examinations, training materials, or policies;

The County Coordinator shall also insure that all county employees who participate in hiring shall not ask questions of a job applicant about the existence, nature, or severity of a

disability. Applicants may be asked about their ability to perform specific job functions. Job descriptions should accurately describe the work requirements. Medical inquiries or medical examinations may not be required until after a job offer has been made. A job offer may be conditioned on the results of a medical examination or inquiry, but only if this is required for all entering employees in similar jobs. Medical examinations of employees must be job-related and consistent with the employer's business needs.

### Drug and Alcohol Testing

Nassau County has adopted a drug free work place environment and utilizes drug tests for hiring purposes and employment purposes.

### Enforcement and Remedies

An individual with a disability who believes that she/he has been discriminated against regarding hiring practices or employment practices may file a complaint with the County Coordinator's Office located at 3163 Bailey Road, Fernandina Beach, Florida 32034. The complaint should be filed within thirty (30) days of the alleged violation. The complaint should include:

1. The name, address, and telephone number of the complainant.
2. The date and time of the violation.
3. The specifics of the violation including the name of the

person who was involved in the violation, if any.

4. The complaint should be signed and dated.

The County Coordinator, or his designee, shall investigate the complaint and respond, in writing, within thirty (30) days of receipt of the complaint. If the County Coordinator believes that it is necessary to interview the complainant he shall advise him/her within twenty (20) days of the receipt of the complaint and the complainant shall cooperate by appearing for the interview. The complainant may be accompanied by counsel. If an interview is requested, the County Coordinator may have an additional twenty (20) days to respond in writing.

If the complainant does not agree with the County Coordinator's response, he/she may appeal the response to the Board of County Commissioners.

The complainant must file a Notice of Appeal within thirty (30) days of the date of the County Coordinator's written decision. The appeal shall be in writing and filed with the County Coordinator's Office and the appeal should indicate the basic information set forth above plus the reasons for the disagreement with the County Coordinator's decision.

The County Coordinator shall notify the Board of County Commissioners at the next meeting date after receiving the appeal and the Board of County Commissioners may respond in writing within thirty (30) days of receipt of the appeal or grant a hearing for the complainant before the Board within twenty (20) days of receipt

of the appeal. The complainant shall appear and may have counsel present.

A Complainant may by-pass the County procedures and may file a complaint with the U. S. Equal Employment Opportunity Commission or the Florida Equal Employment Opportunity Commission.

#### Posting Notices

The County Coordinator shall ensure that notices concerning this policy are posted and presented to each job applicant. The notices must be accessible, as needed, to persons with visual or other reading disabilities.