

ORDINANCE 2012-08

AN ORDINANCE RE-DESIGNATING THE PERSON DIRECTLY RESPONSIBLE FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) FOR NASSAU COUNTY AND ESTABLISHING PROCEDURES AND POLICIES REGARDING THE ADA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Americans with Disabilities Act (ADA) requires that the County designate an individual to be responsible for the coordination of ADA compliance and adopt ADA grievance procedures; and

WHEREAS, the Board of County Commissioners has previously designated the County Coordinator to be the person responsible for County-wide ADA compliance; and

WHEREAS, the Board of County Commissioners is hereby re-designating the County Manager as the County ADA Coordinator and contact person; and

WHEREAS, the Board of County Commissioners also hereby implements additional policies and procedures regarding the ADA.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, as follows:

SECTION I. ADMINISTRATION AND IMPLEMENTATION

A. The County Manager shall be directly responsible for the ADA compliance program for Nassau County, Florida, and has the complete support of the Board of County Commissioners in the

implementation of this program. The County Manager shall be responsible for the following functions:

1. Development of policy statements, guidelines, and internal and external communications about the requirements of the ADA and the County's compliance program.

2. Meeting with managers, supervisors, and employees to discuss any problems or concerns that may arise in accommodating individuals with disabilities to ensure that the program is being followed.

3. Determining the need for remedial action and designing policies to correct deficiencies in the program.

4. Serving as liaison between the County and enforcement agencies, persons with disabilities, and organizations representing individuals with disabilities.

5. Keeping the Board informed of the latest developments in hiring and employing persons with disabilities.

SECTION II. DISSEMINATION OF POLICY

A. The County Manager shall make every effort to ensure that all interested parties are informed about implementation of the ADA compliance program. All recruitment and job referral agencies will be notified of the County's nondiscrimination policy. The County Manager shall also notify other entities and organizations with which the County deals about the County's obligation and commitment to comply with the nondiscrimination

requirements of the ADA. These entities include, but are not limited to, the following:

1. Subcontractors
2. Labor unions
3. Training organizations.

B. The following actions shall be taken to ensure proper dissemination of information about Nassau County's compliance program:

1. Supervisors and other employees shall be notified about the program.

2. Internal procedures to ensure dissemination shall be developed, including training sessions and briefings on the program, for all employees.

3. Nondiscrimination clauses shall be included in all contracts and subcontracts, including modifications, renewals, and extensions to these contracts.

4. This program or parts of it shall be printed in Nassau County's Policy and Personnel Manuals as well as other County publications, such as newsletters, magazines, and annual reports.

5. This program shall be reviewed and discussed in employee orientation sessions and in management training programs.

6. Nassau County's nondiscrimination policy shall be posted on all County bulletin boards.

SECTION III. CONFIDENTIALITY

A. Applicants and employees are assured that all information regarding a disability shall be kept completely confidential except:

1. Appropriate supervisors and managers may be informed regarding restrictions on the work or duties of disabled employees and any accommodations that have been made;

2. If the condition may require emergency treatment, first aid and safety, personnel may be informed; and

3. Government officials investigating compliance with federal laws may be informed; and

4. As may be required by federal and state law, rules and regulations.

B. All employees with responsibilities which may require knowledge of disabilities shall treat the knowledge with confidentiality to the extent permitted by applicable federal and state law, rules and regulations.

SECTION IV. COMPLIANCE PROCEDURES

A. Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability shall immediately bring the problem to the attention of the County Manager. Any employee or job applicant who believes that

he/she has been discriminated against on the basis of disability shall set forth the basis for his/her complaint in writing and shall insure that the County Manager received the complaint within ten (10) days of the date of the allegation.

B. The County Manager shall investigate the complaint and may meet with the individual if the County Manager feels it is necessary. The County Manager, if he/she feels a meeting is necessary, shall notify the complainant in writing of the date and time of the meeting and advise that they have a right to have legal counsel available. The meeting shall be set within thirty (30) days of the County Manager's receiving the complaint.

C. The County Manager shall render a decision and respond to the complainant within twenty (20) days of receipt of the complaint, if a meeting is not required, or within thirty (30) days of the meeting, if a meeting is required. The response shall be in writing.

D. The time frames set forth herein for a response may be extended for up to twenty (20) additional days by the County Manager, and the complainant shall be notified in writing.

E. The complainant may appeal the decision of the County Manager to the Board of County Commissioners. Said appeal shall be filed within ten (10) days of the County Manager rendering a

written opinion. Appeal forms shall be obtained from the County Manager's Office.

F. The Board of County Commissioners shall review the appeal with the County Manager and the County Attorney at a regularly scheduled meeting within thirty (30) days of the receipt of the appeal.

G. The Board of County Commissioners shall have the discretion to grant or not grant a hearing. If a hearing is granted it shall occur within forty five (45) days of the date of the review meeting with the County Manager. If a hearing is granted, the complainant shall be notified in writing of the date and time of said hearing and may have legal counsel present. The hearings shall be quasi-judicial. The hearing(s) may be continued by the Board of County Commissioners.

H. If the Board of County Commissioners does not grant a hearing, the complainant shall be notified in writing by the County Manager within five (5) days of the decision being made.

I. If a hearing is not granted, the Board of County Commissioners shall consider the appeal during the review with the County Manager and County Attorney and shall direct that the County Manager provide the complainant with a written decision of the Board of County Commissioners. Said decision shall be provided to the complainant within twenty (20) days of the date of the decision of the Board meeting, at which appeals are

considered and may be continued by the Board of County Commissioners.

J. The County Manager's Office shall maintain complete files of all complaints.

K. No applicant or employee will be subjected to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in an investigation of any alleged violation of laws prohibiting discrimination on the basis of disability.

SECTION V. NON EMPLOYEE/JOB APPLICANT GRIEVANCE PROCEDURES

A. Any individual who is a qualified disabled individual pursuant to the Americans with Disabilities Act, who solely by reason of such disability, is, or has been excluded from participation in, has been or is denied the benefits of, or is, or has been subjected to discrimination in programs or activities based upon a violation of the Americans with Disabilities Act, Title II, as regards any aspect of County Government under the control of the Board of County Commissioners may address the complaint to the County Manager at 96135 Nassau Place, Suite 1, Yulee, Florida 32097, Phone: (904) 491-7380.

B. The complaint shall be filed in writing, contain the name, address, and phone number of the person filing it and

describe the alleged violation of the ADA, Title II. A complaint form may be obtained from the County Manager's Office.

C. The complaint shall be filed within twenty (20) days after the complainant becomes aware of the alleged violation.

D. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall commence within twenty (20) days of receipt of the complaint and shall be conducted by a county employee designated by the County Manager. The complainant shall have the opportunity to submit evidence to the designated employee.

E. The complainant shall be notified in writing of the commencement of the investigation and advised that they may submit additional information within a period of time designated by the county employee. The county employee may require additional information of the complainant. In addition, if the county employee conducting the investigation deems it necessary, he/she may meet with the complainant to further review the complaint. Notification of the opportunity to meet shall be sent, in writing, to the complainant with a date and time. The dates and times may be varied with the consent of the County Manager. The investigation stage may take up to sixty (60) days.

F. The designated county employee shall submit a recommendation to the County Manager within the investigation time period set forth herein.

G. The County Manager within thirty (30) days of the completion of the investigation shall make a written determination as to the complaint and a resolution, if required, shall also be provided. The complainant shall receive the determination and resolution within thirty (30) days of the completion of the investigation.

H. If the complainant is not satisfied with the decision, he/she may request a meeting with the County Manager within fifteen (15) days of the date of the decision. The County Manager shall schedule a meeting within thirty (30) days of the date of receipt of the request. The complainant may be accompanied by counsel. The County Manager shall render a decision in writing within twenty (20) days of the meeting.

I. If the complainant is not satisfied with the decision of the County Manager, he/she may appeal the decision to the Board of County Commissioners. Said appeal shall be filed within ten (10) days of the County Coordinator rendering a decision. Appeal forms shall be obtained from the County Manager's Office.

J. The Board of County Commissioners shall review the appeal at a regularly scheduled meeting within thirty (30) days of receipt of the appeal.

K. The Board of County Commissioners shall have the discretion to grant or not grant a hearing. If a hearing is granted, it shall occur within thirty (30) days of the date of the appeal having been filed. If the hearing is granted, the complainant will be notified in writing of the date and time of said hearing and further notified that they may have legal counsel present. The hearing shall be quasi-judicial and the hearings may be continued by the Board of County Commissioners.

L. If the Board of County Commissioners does not grant a hearing, the complainant shall be notified in writing by the County Manager within five (5) days of the Board rendering such a decision.

M. If the hearing is granted, the Board of County Commissioners shall render an opinion within twenty (20) days after the hearing and the complainant shall be notified.

N. The County Manager's Office shall maintain complete files of all complaints and shall advise the Board of County Commissioners on a quarterly basis as to complaints filed and the actions taken pursuant to the complaints.

O. The County Manager shall also provide all complaints with a list of agencies both state and federal, that are involved with ADA complaints and procedures.

SECTION VI. ADDITIONAL PROCEDURES

A. Any person not satisfied with the procedure as set forth herein or the decision of the Board of County Commissioners or the County Manager may file a complaint with the appropriate federal agency. A list of agencies may be obtained from the County Manager's Office.

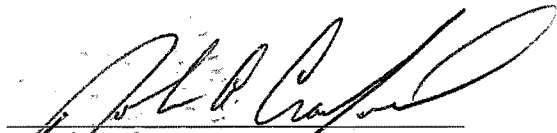
SECTION VII. EFFECTIVE DATE

A. This ordinance shall become effective upon its being filed with the Office of the Secretary of State.

ADOPTED this 26th day of March, 2012.

ATTEST AS TO CHAIR'S SIGNATURE:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



John A. Crawford
Its: Ex-Officio Clerk



Stacy P. Johnson
Its: Chair

Approved as to form by the
Nassau County Attorney



David A. Hallman