

Seward County

Section 504 – Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

POLICY STATEMENT

Seward County will ensure that no qualified individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Seward County further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

An individual with a disability is defined by the ADA as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 27.13 - Designation of responsible employee and adoption of complaint procedures.

- (a) *Designation of responsible employee.* Each recipient shall designate at least one person to coordinate its efforts to comply with this part.
- (b) *Adoption of complaint procedures.* A recipient shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 37, 38, and 39. The procedures shall meet the following requirements:
 - (1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the recipient's Web site;
 - (2) The procedures must be accessible to and usable by individuals with disabilities;
 - (3) The recipient must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

49 CFR Part 28.102 - Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation.

This part applies to all programs or activities conducted by the Department except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.

28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services. The purpose of this part is to implement subtitle A of Title II of the Americans with Disabilities Act of 1990 (ADA Amendments Act) which prohibits discrimination on the basis of disability by public entities.

49 CFR Part 27 - Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance.

The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 28-140 - Employment

- (a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department.
- (b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1614.101 – Federal Sector Equal Employment Opportunity.

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or genetic information and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

42 USC Part 12101-12213 - The Americans with Disabilities Act of 1990.

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

ADA Coordinator

Roxanne Knutson
Seward County Human Resources Director
529 Seward St, Room 105,
Seward, Nebraska 68434
402-643-2796
rknutson@sewardcountyne.gov

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The Seward County ADA/504 Coordinator is responsible for ensuring compliance with ADA/504 regulations by monitoring and identifying disparities, responding to compliants, grievances, and discrimination concerns. The Coordinator are also responsible for the coordination of compliant procedures, provide training, and work to eliminate ADA/504 discrimination when found to exist.

SECTION 504/ADA NOTICE TO PUBLIC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Seward County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

Seward County does not discriminate on the basis of disability on the basis of disability in its hiring or employment practices and complies with the ADA Title I employment regulations.

Seward County will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

Seward County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Seward County 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 program, service, or activity of Seward County should contact the Seward County ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Contact Information:

Name and Title: Roxanne Knutson, Human Resources Director
Phone Number (Voice/TDD): 402-643-2796
Office Address: 529 Seward Street, Room 105, Seward, NE 68434
Days/Hours Available: Monday – Friday, 8am-5pm

SECTION 504/ADA SELF-EVALUATION

28 CFR 35.105)

Seward County completed a self- evaluation in 2014, however little documentation was provided in our records. As such, we plan to conduct a re-evaluation during this fiscal year and provided.

SECTION 504/ADA TRANSITION PLAN

Since the self-evaluation was done in 2014, there is currently no documentation of the transition plan. Once the re-evaluation is completed, a transition plan will be conducted and provided.

COMPLAINT PROCEDURES

Complaints of Discrimination Procedures

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by Seward County or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Persons Eligible to File: any individual or group of individuals, or entity who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the civil Rights authorities based upon race, color, sex, age, national origin or disability may file a written complaint.

DISCRIMINATION: *an act (or action) or inaction whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving Federal financial assistance.*

FILING OF COMPLAINT:

1. Complaints may be filed by the affected individual or a representative of that individual
2. Complaints must be in writing and contain as much information as possible about the alleged discrimination. Seward County has prepared a Complaint Form to be used for the convenience of the complainant. The written complaint should include:
 - a. Complainant's name, address and telephone number
 - b. A detailed description of the issues,
 - c. Name and job titles of individuals perceived as parties in the complaint

Complaints received by telephone will be reduced to writing and provided to complainant for confirmation or revision, and signature before processing.

3. Complaint forms can be found at www.sewardcountyne.gov or by contacting the Title VI Coordinator. Complaints and substantiating information should be sent to:

Title VI Coordinator, Roxanne Knutson
Human Resources
529 Seward St, Suite 105
Seward, NE 68434

Alternate means of filing a complaint will be made available to accommodate persons with disabilities upon request.

4. A complaint should be filed as soon as possible but must be no later than 180 calendar days after the complainant becomes aware of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.

NOTIFICATIONS

1. Upon receipt of the complaint and no later than 10 days, Seward County will notify the Nebraska Department of Roads ADA/Title VI Coordinator, to coordinate further activity regarding the complaint. The following information will be included in every notification to NDOR:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by Seward County.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions Seward County has taken or proposed to resolve the issue raised in the complaint.

2. Within 10 days, the Title VI/ ADA Coordinator, or other Investigator, will contact the complainant to:
 - a. Acknowledge receipt of the complaint by the investigator
 - b. Confirm that the complainant wishes to go forward with the complaint
 - c. Confirm that there are allegations that need to be investigated and resolved,
 - d. inform the complainant of procedures to be followed,
 - e. advise the complainant of other avenues of redress available, ie. the Nebraska Department of Roads (NDOR) and the United States Department of Transportation (USDOT), and
 - f. Gather additional facts and further clarify the complaint.

INVESTIGATION OF COMPLAINT:

Within 60 days, the Title VI Coordinator/ADA Coordinator will conduct an investigation of the allegation. As part of the review, the investigator will at minimum:

1. Gather relevant documentation from the complainant not included in the complaint, such as forms, memos, letters, and photographs information
2. Contact complainant to arrange and conduct interview, if needed
3. Maintain log of all activities associated with complaint.
4. Complete Investigative Report of information, findings, photos, and recommendations for correction to the NE Department of Roads (NDOR) and the Federal Highway Administration (FHWA).
5. Based on the information obtained, the Coordinator will render a recommendation for action in a report of findings to the Seward County Commissioners. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
6. Within 90 days of receipt of the complaint, the Seward County Commissioners will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
7. A Title VI finding of violation or no violation is a Federal decision that cannot be delegated. Although Seward County can conduct a Title VI investigation and make a recommended finding to the NDOR and the Federal decision-making authority, Seward County must submit the proposed dispositions to the FHWA for a Final Agency Decision.

DISMISSAL OF COMPLAINT

A complaint may be dismissed for the following reasons:

1. The complaint is untimely filed
2. The complaint does not allege a basis covered by the statutes for which Seward County is responsible
3. The complaint does not allege any harm with regard to covered programs or statutes
4. The complainant requests the withdrawal of the complaint
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts

CONTACTS:

Contacts for the different Title VI administrative jurisdictions are as follows:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2, P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4870

Federal Highway Administration
Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402)437-5765

REASONABLE ACCOMMODATION PROCEDURES

Seward County firmly supports and enacts the provisions set forth in the Americans with Disabilities Act of 1990 (*P.L. 101-336*). The ADA enhances our policies and procedures to provide fair treatment and opportunities for individuals with disabilities.

Seward County will comply with all applicable provisions and titles of the Acts and will provide equal opportunity in employment, public accommodations, participation in Seward County programs or activities, and receipt of services.

PURPOSE OF POLICY:

This policy provides for reasonable accommodation and access to individuals with disabilities in:

- Services, activities and programs provided, sponsored, or conducted by Seward County.
- Hiring and all other aspects of employment.

In addition, this policy sets forth the procedure for submitting a request for a reasonable accommodation under the ADA.

DEFINITIONS:

Disability: a physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable Accommodation: a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity, to participate in agency programs, and/or receive agency services. Examples of accommodations may include acquiring or modifying equipment or devices, modifying training materials; making facilities readily accessible; modifying work schedules; reassignment to a vacant position; providing assistive listening devices and interpreters.

Individual with a Disability: a person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment.

PUBLIC ACCOMMODATION:

All Seward County meetings/hearings, which are open to the public, are held in locations accessible to people with disabilities when possible. All sites of public involvement activities, as well as the information presented, must be accessible to persons with disabilities.

Special needs requiring accommodation include, but are not limited to:

- Meeting notices for deaf, hard of hearing, blind and visually impaired
- Accessible entrances, facilities and parking
- Communication devices
- Sign and language interpreters

Persons interested in attending public meetings and need accommodation can complete the "Request for Accommodation" and submit to Seward County Title VI Coordinator/ADA Coordinator. Individuals with questions should contact the ADA Coordinator.

EMPLOYMENT

APPLICANTS:

Individuals with disabilities applying for positions with Seward County government may request accommodations by contacting the Seward County Title VI Coordinator. Individuals selected for interviews should request accommodations as soon as possible to ensure proper arrangements can be made. For interview accommodations, potential candidates should contact the Seward County Title VI Coordinator at (402) 643-2796.

CURRENT EMPLOYEES:

Employees with disabilities have the responsibility to inform his or her supervisor if they need an accommodation. A Request for Accommodation form should be completed and submitted to his or her supervisor and to the Title VI Coordinator.

The Title VI Coordinator may request documentation of the individual's functional limitations to support the request. The employee may be asked to complete a Release for Medical Information in order to assess the employee's request.

Individuals with questions should contact the Title VI Coordinator at (402) 643-2796

INFORMATION OF ACCESSIBLE FACILITIES AND PROGRAMS

Information regarding Seward County's Title VI and ADA Program is available to the public through our website and available at the Human Resources Department; 529 Seward Street Room 105, Seward, NE 68434. Proper signage at inaccessible entrances to our facilities are posted and adequately direct users to an accessible entrance if those entrances are not accessible ([28 CFR 35.163](#))

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Seward County, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified person shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Seward County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

Misty Ahmic
Signature of Responsible Agency Official

Misty Ahmic, Chairperson
Name and Title of Responsible Agency Official (please print)

7/23/2024
Date