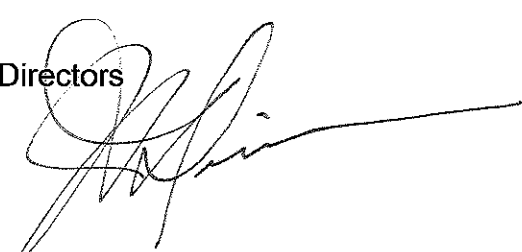




Inter-Office Memorandum

TO: All County Department and Division Directors

FROM: James T. Dinneen, County Manager 

CC: Daniel Eckert, County Attorney
Tura Schnebly, Deputy County Attorney
Jamie Seaman, Deputy County Attorney
Larry Smith, Deputy County Attorney
Marcy Zimmerman, Deputy Clerk to County Council

DATE: January 12, 2012

SUBJECT: ADA (Title II) Grievance Procedure and Notice

In accordance with federal law, enclosed is a public notice and grievance procedure to be utilized by members of the public for complaints under The Americans With Disabilities Act (Title II). Title II of the ADA governs requests for accommodation by members of the public, not county employees. For purposes of Title II, I have designated George Baker as ADA Coordinator. ADA issues involving county employees should be directed to Personnel Department Director, Tom Motes.

Please arrange to have the attached notice posted on bulletin boards and/or other appropriate areas within your department for the benefit of the public.

The grievance procedure is being provided to you for reference.



**COUNTY OF VOLUSIA
GRIEVANCE PROCEDURE UNDER
THE AMERICANS WITH DISABILITIES ACT (TITLE II)**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Volusia ("County"). The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint shall be in writing and contain information about the alleged discrimination, including, but not limited to, name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

Review by ADA Coordinator

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Mr. George Baker ("ADA Coordinator")
County of Volusia
1270 Indian Lake Road
Daytona Beach, Florida 32124
(386) 248-1760

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

Review by Chief Financial Officer

If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chief Financial Officer or designee.

Within 15 calendar days after receipt of the appeal, the Chief Financial Officer or designee will contact or meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after contact or the meeting, the Chief Financial Officer or designee will respond in writing or other format accessible to the complainant.

ADA (Title II) Grievance Procedure

If the response by the Chief Financial Officer or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Manager or designee.

Review by County Manager

Within 15 calendar days after receipt of the appeal, the County Manager or designee will contact or meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after contact or the meeting, the County Manager or designee will respond in writing, or other format accessible to the complainant, with a final determination of the complaint.

All written complaints received by the ADA Coordinator, appeals and responses by the county will be retained by the County as required by law.

This procedure may be amended by the County Manager in writing at any time.



**COUNTY OF VOLUSIA
NOTICE UNDER THE AMERICANS
WITH DISABILITIES ACT (TITLE II)**

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

County 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 ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County 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.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

County will make such reasonable modification to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in 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 County, should contact the office of the County's ADA Title II Coordinator, Mr. George Baker, at (386) 248-1760 as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the *County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II)*. A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County 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.