

Americans With Disabilities Act

R-137-95

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Congress of the United States has adopted the Americans with Disabilities Act of 1990 (Public Law 101-336); and

WHEREAS, the Americans with Disabilities Act prohibits discrimination on the basis of disability by all units of state and local government, including counties, or instrumentalities thereof; and

WHEREAS, the rule implementing the Act requires that the County shall make information concerning the Act and its application to the services, programs, and activities available to applicants, participants, beneficiaries, and other interested persons.

THEREFORE, BE IT RESOLVED that the County intends to comply with the Americans With Disabilities Act in the delivery of services, programs, and activities, by making reasonable accommodations, such as the removal of architectural, transportation, and communication barriers; the changing of rules, policies, and practices; and the providing of auxiliary aids or services for the enhancement of communication with people with hearing or sight impairments, when such accommodations will enable people with disabilities to meet essential eligibility requirements for services, programs, and activities provided by the County;

FURTHER BE IT RESOLVED :

1. That all contracts entered into by the County which shall result in the delivery of services, programs, and activities shall include a requirement that such services, programs and activities be delivered without discrimination on the basis of disability, in a manner consistent with the Act and the rule;
2. That the County shall evaluate its current services, policies, and practices, including its facilities, to identify barriers in the environment and in service provision which may result in the exclusion of people with disabilities or in the provision of a less effective service for people with disabilities.
3. That the County designates Terry L. Proctor as the person responsible to coordinate compliance with the Act, and to investigate any complaint against the County alleging noncompliance with the Act, and that Mr. Proctor can be reached at 616-445-4420 or by writing to the:

**COUNTY OF CASS
120 North Broadway
Cassopolis, MI 49031**

4. That the attached procedure for the resolution of complaints against the County of Cass, alleging noncompliance with the Act is hereby adopted by the County of Cass; and
5. That the attached plan, for the removal of barriers in existing facilities is hereby adopted. **ADOPTED BY THE BOARD OF COMMISSIONERS of the COUNTY OF CASS, in Michigan this 13th day of July 1995.**

CASS COUNTY

AMERICANS WITH DISABILITIES ACT

Facility Transition Plan

MAY 10, 1995

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CASS COUNTY ADA TRANSITION PLAN

Review Findings - Courthouse

BUILDING APPROACH

The parking lots have handicapped spaces, and they are marked as such. The parking areas lead to an accessible entrance to the building.

PUBLIC PARKING AREA

This facility area seems to meet ADA requirements except:

Existing handicap signs do not specify "van accessible."

(REQUIREMENT: SIGNAGE MUST BE PROVIDED INDICATING SPACE IS ACCESSIBLE FOR VAN/WHEELCHAIR LIFTS).

Action to be taken: Install new signage.

Project date to initiate action: 02/06/1995

Project date to complete action: 04/01/1995

Cost: \$20.00

Overseeing Action: John Lee, Superintendent

RAMPS

This facility area seems to meet ADA requirements except:

Existing handicap ramp needs to have staging area and railings. Existing north ramp needs a pad and new sloped ramp.

Action to be taken: Install staging, railings, pad, and sloped ramp.

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$5,000.00

Overseeing action: John Lee, Superintendent

ENTRANCES

This facility area seems to meet ADA requirements except:

Exterior door handles can't be opened by closed fist.

Action to be taken: Install new handles.

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$200.00

Overseeing action: John Lee, Superintendent

INTERIOR DOORS

This facility has numerous interior doors with round handles that require twisting to operate.

Action to be taken: Install lever handles on each public hallway door (100).

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$990.00

Overseeing action: John Lee, Superintendent

This facility has fire doors with push-button latches.

Action to be taken: Replace latches with lever handles (21).

Project date to initiate action: 1996

Project date to complete action: 1997
Cost: \$1,365.00
Overseeing action: John Lee, Superintendent

ELEVATOR

This facility does not have audible indications of travel and floors.

Action to be taken: Install audible door opening, closing and floor indicator.

Project date to initiate action: 1996
Project date to complete action: 1997
Cost: \$7,850.00
Overseeing action: John Lee, Superintendent

DRINKING FOUNTAINS

This facility area seems to meet ADA requirements except:

The spout height from the floor is 37" (**REQUIREMENT = 34"**).

Action to be taken: Install paper cup dispensers that are available at the proper height (5).

Project date to initiate action: 4/1/95
Project date to complete action: 7/15/95
Cost: None
Overseeing action: John Lee, Superintendent

PUBLIC TELEPHONES

Both public telephones have a low mounting height and seems to meet ADA requirements except:

The phones do not have volume controls for the hearing impaired.

Action to be taken: Request GTE to install volume controls.

Project date to initiate action: 1996
Project date to complete action: 1997
Cost: \$1,000.00
Overseeing action: Edie Fitzsimons

EXHIBITS, SIGNS, AND INFORMATION DISPLAYS

This facility area seems to meet ADA requirements except:

Directional signs are not mounted 54-65" above the floor. Directional signs contain neither braille nor raised lettering.

Action to be taken: Install new signage as needed; remove unneeded signs.

Project date to initiate action: 1996
Project date to complete action: 1997
Cost: \$1,000.00
Overseeing action: Mary Brown

HAZARDOUS AREAS AND WARNING SIGNALS

This facility area seems to meet ADA requirements except:

This facility has a warning signal which emits audible sounds only.

(REQUIREMENT = VISUAL ALARM SIGNALS SHALL BE PROVIDED IN CONJUNCTION WITH AUDIBLE ALARMS IN EACH OF THE FOLLOWING AREAS: RESTROOMS AND ANY OTHER GENERAL USAGE AREA, HALLWAYS, LOBBIES, AND ANY OTHER COMMON USE AREAS).

Action to be taken: Install strobes in halls and in restrooms.

Project date to initiate action: 1996
Project date to complete action: 1997

Cost: \$9,239.00
Overseeing action: John Lee, Superintendent

RESTROOMS

Public restrooms are located on the second floor of this facility.

This facility area seems to meet all ADA requirements except:

The stall doors are not operable with a closed fist (6).

Action to be taken: Replace knobs with levers.

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$90.00

Overseeing Action: John Lee, Superintendent

The toilet seats are 15" high rather than 17-19"

Action to be taken: Replace seats (10).

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$800.00

Overseeing Action: John Lee, Superintendent

There is not 29" from the floor to the bottom of the lavatory apron (10).

Action to be taken: Replace the lavatories

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$850.00

Overseeing action: John Lee, Superintendent

The faucet cannot be operated with a closed fist (10).

Action to be taken: Replace faucets with paddle type.

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$400.00

Overseeing action: John Lee, Superintendent

The towel dispensers are not usable with a closed fist (10).

Action to be taken: Add dispensers with a lever type handle.

Project date to initiate action: 1996

Project date to complete action: 1997

Cost: \$0.00

Overseeing action: John Lee, Superintendent

TOTAL COST - COURTHOUSE: \$28,804.00

Program Accessibility Inquiry Procedure

COUNTY OF CASS

- I. This form describes the manner in which any person may bring an internal complaint (referred to as an inquiry) regarding the accessibility of programs, services, and activities of the County of Cass. This process is intended to comply with Section 35.107 of the Department of Justice rule (28 CFR Part 35) implementing Title II, Subtitle A of the Americans With Disabilities Act (P.L. 101-336).
- II. Any person either having a disability or associated with a person having a disability may file a Program Accessibility Inquiry with the County. The inquiry may be made by completing a Program Accessibility Inquiry Form (attached) or without the use of this form by writing to the County. If the form is not used, the letter to the County must include the following information:
 - A. Name of person making the inquiry;
 - B. Telephone number of person making the inquiry;
 - C. Address of person making the inquiry;
 - D. Basis for the inquiry (brief description of the circumstance or incident);
 - E. Date, time, and location of circumstance or incident;
 - F. Description of how the County has unfairly discriminated on the basis of disability; and
 - G. The change, correction, remedy, action, or relief sought by the person making the inquiry.
- III. The Program Accessibility Inquiry is to be filed with Mr. Terry L. Proctor, ADA Coordinator for the County of Cass. Within three (3) working days of its receipt of the inquiry, the County must arrange a conference with the person making the inquiry. The conference must be conducted within six (6) working days of the County's receipt of the inquiry. Before and after the conference, the ADA Coordinator must investigate the inquiry and examine actions which the County can take to address the inquiry.
- IV. Within four (4) working days of the conference, the ADA Coordinator will inform the person making the inquiry as to how and when the County will respond, or whether the County will take any action with respect to the inquiry. This notice to the person making the inquiry must be in writing or in another permanent and effective means of communication and must be mailed or delivered to the last known address of the person making the inquiry.
- V. If the person making the inquiry finds the County's response to be unsatisfactory, he/she may, within five (5) working days of receipt of the County's response, request that the inquiry be reconsidered. A request for reconsideration must be in writing and addressed to Chairperson, Board of Commissioners of the County of Cass, at 120 North Broadway, Cassopolis, MI 49031.
 - A. Reconsideration will be made by the Board of Commissioners. The person who made the request for reconsideration must meet with the Board of Commissioners. The Board of Commissioners must consider all original inquiries and responses as well as other information pertinent to the appeal.
 - B. Within fifteen (15) working days of its meeting the Board of Commissioners must send written notice to the person making the appeal of its decision. Such notice must describe the Board of Commissioner's decision and include a brief description of the grounds for that decision. This notice will constitute a final decision by the County on the inquiry.
- VI. If the person making the inquiry does not agree with the final response of the County, he/she may contact the United States Department of Interior, Washington, DC 20013-7127.

Program Accessibility Inquiry Form

COUNTY OF CASS

Please complete each section of this form to the best of your ability.
TYPE OR PRINT CLEARLY.

ABOUT YOU:

NAME (You may file anonymously):

ADDRESS:

CITY, STATE, ZIP:

COUNTY:

DAYTIME TELEPHONE: (_____) _____ - _____

Are you filing this inquiry: (Check all that apply)

- A. On behalf of yourself as a person with a disability?
- B. On behalf of a family member or ward who has a disability?
(Please describe your relationship.)
- C. As person associated with another who has a disability?
(Please describe your relationship.)
- D. As an interested person?

ABOUT YOUR INQUIRY:

NAME OF PROGRAM, SERVICE, ACTIVITY, PARK OR FACILITY INVOLVED:

LOCATION (IF PARK OR FACILITY), IF KNOWN:

IS THERE A DEADLINE?

Must this problem be addressed before a program begins or an event occurs? Please identify any date which you feel is important to the problem?

PLANNING A CONFERENCE

The County will contact you within three (3) working days of the date your inquiry is received to schedule a conference to discuss the inquiry. The conference will occur within six (6) working days from the date your inquiry is received.

Do you need an accommodation during the conference? (If yes, describe.)

When are you most available? **(Check two.)**

- | | |
|--|---|
| <input type="checkbox"/> MTW 9:00 AM to 11:00 AM | <input type="checkbox"/> MTW 2:00 PM to 4:00 PM |
| <input type="checkbox"/> ThF 9:00 AM to 11:00 AM | <input type="checkbox"/> ThF 2:00 PM to 4:00 PM |
| <input type="checkbox"/> Wed 6:30 AM to 8:30 AM | <input type="checkbox"/> Sat 10:00 AM to 11:00 AM |

SUBMITTING THIS FORM :

Thank you for completing the PROGRAM ACCESSIBILITY INQUIRY FORM. We will contact you soon.

PLEASE MAIL THIS FORM TO:

Terry L. Proctor
Cass County Administrator 120 North Broadway
Cassopolis, MI 49031

For assistance with this form, or for information about program accessibility, please call Terry L. Proctor at (616) 445-4420.

November 23, 1998

The Honorable Michael E. Dodge
43rd Judicial Circuit Court Judge
110 North Broadway
Cassopolis, Michigan 49031

Dear Judge Dodge:

Thank you for your memo. I have reviewed the State Court Administrative Office model policy and foresee no problems in the Court adopting it as your Americans With Disabilities Act Policy for requests for accommodations by persons with disabilities. The County has a separate policy and I do not see the need to adopt a joint County/Court ADA policy at this time. I would be willing to be designated the ADA Coordinator for the Court.

If you have any additional questions, please let me know. Thank you.

Sincerely,

Terry L. Proctor County Administrator

cc: Judge Dobrich
Board of Commissioners

TO: Mr. Terry Proctor, County Administrator

FROM: Michael E. Dodge, Circuit Judge

DATE: November 19, 1998

RE: Court ADA Policies and Coordinators

Attached please find a copy of recent correspondence received from our Region II Administrator, James P. Hughes, regarding court ADA policies. As you can see, the Supreme Court is requiring courts to adopt ADA policies and to appoint a coordinator. I have also attached an SCAO model policy which was provided by the Supreme Court for our benefit to assist with any policy we adopt.

Would you be kind enough to review the SCAO model policy and advise me as to whether you foresee any problems in the Court adopting the same as its ADA policy? If you would prefer to adopt a joint county/court ADA policy, I would be more than happy to consider the same. Also, I would like to know if you have any objections to being designated the ADA Coordinator.

Please let me know what your thoughts are with regard to this matter, and we can then proceed accordingly.

cc: Judge Dobrich

November 13, 1998

Honorable Michael E. Dodge, Chief Judge 43rd Circuit Court
Cass County Courthouse

110 N Broadway
Cassopolis, MI 49031

Re: Court ADA policies and Coordinators

Dear Judge Dodge:

In February of this year, State Court Administrator, John Ferry sent an administrative memorandum (ADM 1 998-02) to all chief judges and court administrators regarding the issuance of SCAO Guidelines for Accommodations for Persons with Disabilities. Included with the memo was a model policy, model public notice form, a request for accommodations form (MC 70) and a list of resources courts could use when providing accommodations to persons with disabilities. In his memo, John asked that every court adopt an accommodations policy and appoint an ADA coordinator (which has been required by federal law since 1 992) and provide SCAO with notification of same.

To date, we have not received any response from your court. Please review the previously distributed materials, as we need an adopted policy in place by early 1 999. The Americans With Disabilities Act (ADA) requires all public entities (including courts) to take the actions that are necessary to provide full service and access to persons with disabilities. We believe it is important for courts to adopt a policy both to ensure access for persons with disabilities, and to protect the court should there be a lawsuit or complaint files with the federal Department of Justice.

Kindly provide my office with a copy of your accommodations policy, including the identity of your ADA coordinator, as soon as possible. If you need another copy of what was distributed in February, or if we can be of any other assistance to you, feel free to contact us.

Sincerely,

James P. Hughes

American's With Disabilities Act

ADA Coordinator Designation

Michigan Judiciary

Court Name: _____

Court Number: _____

Chief Judge: _____

Name of ADA Coordinator: _____ (Ms. /Mr.)

Title: _____

Address: _____

Phone Number: _____

FAX Number: _____

Email Address: _____

Has court adopted/developed a written accommodations policy?

YES: _____ NO: _____

Chief Judge Signature:

_____ DATE

Signature

SCAO Model Policy: Requests for accommodations by persons with disabilities.

a. **[Policy]** It shall be the intent of the _____ court to assure that qualified individuals with disabilities have equal and full access to the judicial system by providing a written accommodations policy. Nothing in this policy shall be construed to impose limitations or to invalidate the remedies, rights, and procedures accorded to any qualified individuals with disabilities under state or federal law.

b. **[Definitions]** The following definitions shall apply under this policy:

- (1) "Qualified individuals with disabilities " means persons covered by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) and other related state and federal law; and includes individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.
- (2) "Applicant" means a qualified individual who is involved in a case such as lawyer, party, witness, juror, or any other individual (such as a parent, family member, guardian etc.) with a legitimate interest in attending any proceeding before any court of this state.
- (3) "Accommodation(s)" may include, but are not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities , auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities requesting accommodations. In order to ensure that court services are accessible. Access may be provided by various methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites. The court will consider the expressed choice of the individual requesting the accommodation to facilitate effective communication. The court may not place a surcharge on a particular individual or group of individuals to cover the cost of accommodation.
- (4) The "policy" means this policy regarding requests for accommodations in state and local courts by qualified individuals with disabilities.
- (5) "Confidentiality" applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process.

c. **[Process]** The following process for requesting accommodations is established:

- (1) Applications requesting accommodations pursuant to this policy may be presented ex parte in writing, on a form approved by the State Court Administrative Office and provided by the court, or orally as the court may allow. Applications should be made at the office designated by the court where the proceeding will take place, or to the judicial officer who will preside over the proceeding, or other court staff designated to coordinate requests for accommodations.
- (2) All applications for accommodations shall include a description of the accommodation sought along with a statement of the functional impairment that necessitates such accommodation. The court, in its discretion, may require the applicant to provide additional information about the qualifying impairment.
- (3) Applications should be made as far in advance of the requested accommodations implementation date as possible.

- (4) Upon request, the court shall maintain the application form in a separate, confidential file so as not to reveal the identify or other information contained in the application for accommodation.
- d. **[Permitted communication]** An applicant may make ex parte communications with the court; such communications shall deal only with the accommodation(s) necessary to provide access and shall not deal in any manner with the subject matter or merits of the proceedings before the court.
- e. **[Grant of accommodation]** A court shall grant an accommodations as follows :
- (1) In determining whether to grant an accommodation and what accommodation to grant, the court shall consider, but is not limited by, the applicable provisions of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the state Deaf Persons Interpreters Act PA 204 of 1982; Michigan Handicapper Civil Rights Act P.A. 220 of 1976; and the Elliott-Larsen Civil Rights Act P.A. 453 of 1976.
 - (2) The court shall inform the applicant in writing, or other accessible format needed by the applicant, of the reasons and basis upon which an order either grants or denies the accommodations request.
- f. **[Denial of accommodation]** An application may be denied **only if** the court finds that:
- (1) The applicant has failed to satisfy the requirements of this policy; or
 - (2) The requested accommodation(s) would result in a fundamental alteration in the nature of the program, service, or activity, or create an undue financial or administrative burden on the court.
 - (3) All courts however, **must make every effort** to enable individuals with disabilities to participate in and benefit from the services, programs, and activities of the court.
- g. **[Review procedure]**
- (1) An applicant or any participant in the proceeding in which an accommodation has been denied or granted may seek review of a determination made by nonjudicial court personnel within 5 days of the date of the notice of denial or grant by submitting a request for review to the presiding judge of the case.
 - (2) An applicant or any participant in the proceeding in which an accommodation has been denied or granted may seek review of a determination made by a presiding judge within 10 days of the date of the notice of denial or grant by submitting a request for review to the chief judge of the court.
- h. **[Duration of accommodations]** The accommodations by the court shall commence on the date indicated in the notice of accommodation and shall remain in effect for the period specified in the notice of accommodation. The court may grant accommodations for indefinite periods of time or for a particular matter or appearance. [Adopted effective _____, 1998 .]