

ORDINANCE 2012-28
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF RUSHVILLE, INIANA
ADOPTING THE NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT
AND THE GRIEVANCE PROCEDURE

WHEREAS, it is required of the City of Rushville under the Americans with Disabilities Act to establish a Grievance Procedure and separate Notice under the Americans with Disabilities Act which shall be on file for public inspection at City Hall, 133 West First Street, Rushville, Indiana, and on the City of Rushville Website, www.cityofrushville.in.gov. That additionally anyone shall be provided copies of the Notice and Grievance Procedure free of charge at that person's request. Requests for alternate formats of either document should be provided to the City of Rushville and all reasonable requests will be accommodated.

WHEREAS, the City of Rushville also believes that it is in the best interests of its citizens to establish a Grievance Procedure and separate Notice under the Americans with Disabilities Act.

Now, therefore, the Common Council of the City of Rushville states as follows:

1. The City of Rushville Grievance Procedure and separate Notice under the Americans with Disabilities Act are hereby established effective immediately upon the passage of this Ordinance. The City of Rushville adopts the 2012 Americans with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Right-of-Way, including any future updates to either document enforceable by the U.S. Department of Justice or other Federal agency with jurisdiction.
2. The City of Rushville shall have on file for public inspection the Grievance Procedure and Notice in City Hall, Rushville, Indiana and shall post them on the City of Rushville, Indiana Website. That additionally anyone shall be provided copies of the Notice and Grievance Procedure free of charge at that person's request including copies in alternate format.

SEVERABILITY OF PROVISIONS: If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

REPEAL OF PREVIOUS ORDINANCES: Any and all ordinances in conflict herewith shall be repealed.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RUSHVILLE, INDIANA this Ordinance will be in full force and affect from and after its passage and signature by the Common Council of the City of Rushville, Indiana, and as provided by law, and upon any further requirements under Indiana law.

DULY ORDERED BY THE COMMON COUNCIL OF THE CITY OF RUSHVILLE this 7th day of November, 2012.

ROBERT M. BRIDGES, MEMBER

BRIAN G. CONNER, MEMBER

CRAIG A. SMITH, MEMBER

BRADLEY A. BERKEMEIER, MEMBER

BRIAN J. SHEEHAN, MEMBER

PRESENTED to me for approval and approved this 7th day of November, 2012, at 6:00 p.m.

MICHAEL P. PAVEY, MAYOR
CITY OF RUSHVILLE

ATTEST:

ANN L. COPLEY, CLERK-TREASURER
CITY OF RUSHVILLE

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title D of the Americans with Disabilities Act of 1990, the City of Rushville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City 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 Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communication accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City 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 City program, service, or activity, should contact the office of Marcia Fish, Human Resources, Purchasing, and ADA Coordinator (phone: 765-932-2672) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to Marcia Fish, Director of Personnel, Purchasing, and ADA Compliance, (phone 765-932-2672).

The City 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.

THE CITY OF RUSHVILLE GRIEVANCE PROCEDURE
UNDER THE AMERICANS WITH DISABILITIES ACT

The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. 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 City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as the name, address, and 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.

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:

Marcia Fish
Human Resources/Purchasing/ADA Compliance
133 West First Street
Rushville, IN 46173
Phone: 765-932-2672

Within 15 calendar days after the receipt, Marcia Fish or her designee will meet with the complainant to discuss the complaint and possible resolutions. As soon as possible following the investigation, but not in excess of 30 calendar days of the meeting, Marcia Fish or her 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 City and offer options for the substantive resolution of the complaint.

If the response by Marcia Fish or her 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 Mayor or his designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Marcia Fish or her designee, appeals to the Mayor or his designee, and responses from these two offices will be retained by the City for at least 3 years.