



# City of Rensselaer, Indiana Transition Plan

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# City of Rensselaer ADA Transition Plan

124 S. Van Rensselaer St., Rensselaer, IN 47978

## Introduction

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation and telecommunications. There are many requirements, regulations, & guidelines under the ADA law. The City of Rensselaer is a Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any City of Rensselaer facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also protects employees with disabilities, with certain protections and requires employers to make reasonable accommodation for applicants and employees with disabilities.

The City of Rensselaer must ensure that:

- All services and programs offered by the entity
- All facilities that house programs and services
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of state and local legislative and judicial branches

are compliant with ADA Title II and accessible to people with disabilities. No qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of the City of Rensselaer.

## Five Titles of the ADA

### Title I

#### ***Equal Employment Opportunity for individuals with disabilities***

This title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

## **Title II**

### ***Nondiscrimination on the basis of disability in State and Local Government Services***

This title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

## **Title III**

### ***Nondiscrimination on the basis of disability by Public Accommodations and in Commercial Facilities***

This title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

## **Title IV**

### ***Telecommunications***

This title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

## **Title V**

### ***Miscellaneous Provisions***

The final title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

## **Application of the ADA to the City of Rensselaer**

The City of Rensselaer is covered under ADA, Title I Employment, and Title II, programs, services and activities. The ADA requires the City to making all its programs, services and activities readily accessible to and useable by qualified persons with disabilities when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to ensuring and documenting the City's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluation and Transition Plan update is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all of citizens. The final product is a working document to be modified when all barriers are removed and/or alterations are made.

ADA Consultants of Indiana, LLC was hired in to assist the City with a comprehensive evaluation for their compliance with the 2010 ADA Requirements & Guidelines of the facilities, programs and services.

Each action item was outlined by the group and they offered recommendations to remedy each compliance issue and assisted the City of Rensselaer's ADA Coordinator with the composition of a transition plan.

This information is outlined in the following report, with a summary of the general recommendations provided by ADA Consultants of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA coordinator.

# **Public Notice of Non-Discrimination**

[or See Attachment A](#)

## **Grievance Procedure**

[or See Attachment B](#)

### **Complaint Form**

[or See Attachment C](#)

## **Program Location & Staffing:**

### **ADA Coordinator**

Kenny Haun –ADA Coordinator  
Building Commissioner, Fire Chief  
City Hall  
124 S. Van Rensselaer St.  
P.O. Box 280  
Rensselaer, IN 47978  
219-866-2311  
[khaun@cityofrensselaerin.com](mailto:khaun@cityofrensselaerin.com)

### **ADA Implementation Committee:**

The ADA Implementation Committee members of the City of Rensselaer are listed below. It is suggested that the committee meet every other Wednesday with the ADA Consultants of Indiana, LLC. until the transition plan is further developed. The ADA requires state and local governments to make their goods, services, and/or facilities accessible to clients, customers and employees with disabilities. The ADA Implementation Committee seeks to make this a reality in the City of Rensselaer.

Ken Haun –ADA Coordinator/Building Commissioner  
Jerry Lockridge – Project Coordinator  
The City of Rensselaer Department Heads

Additional Rensselaer Staff Directory available @ [www.cityofrensselaerin.com](http://www.cityofrensselaerin.com)

## ADA Compliance Self Evaluations:

The Title II ADA Self-Evaluation Requirements can be divided into two major categories;

- Administrative Requirements
- Requirements of Access to Programs, Services and Activities.

A summary of findings for these categories is listed below.

### Administrative Requirement Findings:

- The *Transition Plan* should be examined with persons with disabilities, adopted and implemented. It will be substantial evidence of the City of Rensselaer's good faith efforts to comply with ADA's Title II mandates.
- ADA Consultants of Indiana, LLC is conducting accessibility assessments of designated City facilities which will result in the first phase of the mandated Transition Plan. It is designed to address physical access barriers within high priority City facilities.
- The City has appointed an *ADA Coordinator* to address compliance issues. The ADA Coordinator will act as a liaison between the City and persons with disabilities in the community.
- A new *Grievance Procedure* has been developed and appears in the City's current Transition Plan. It is recommended that this grievance procedure be posted in each department City-wide and all City staff are trained regarding this procedure.
- A *Notice of ADA Compliance* has been developed and appears in the City's current Transition Plan. It is recommended that a Notice be included with job applications, in local newspaper, on the City of Rensselaer's website, in all handbooks, announced at public meetings, and published as a legal notice and advertised to the public and posted in all City departments.

### Requirements of Access to Programs, Services and Activities Findings:

The U.S. Department of Justice (Primary ADA enforcement agency) has suggested 13 points of program access for the Self Evaluation review. These 13 points and administrative requirements were used to set the scope of the review for the City of Rensselaer.

**1. Transition Plan** – The Transition Plan is being updated as a part of this project. The completed working Transition Plan will be made up of a list of barriers within the physical environment and a statement of method for removal of barriers. The City's current plan is to continue a schedule for barrier removal by funding projects based on available funds and the disproportioned undue burden ratio until they have reached full compliance and all barriers have been removed. The plan will name the City's ADA Coordinator responsible for Transition Plan Implementation.

(To be adopted on Dec 10, 2012)

**2. Program Access** – ADA Consultants of Indiana will perform a Self-Evaluation to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. The City of Rensselaer 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. The City will also provide auxiliary aids and services and reasonable accommodations upon request. This means that policies and or procedures will be modified or adapted, as long as it is reasonable, to insure inclusion, service, or eliminate barriers. ) See also the **Self Evaluation** portion of this document regarding this point of review.

(Programs, Services and Activities evaluations to be conducted in winter 2013 and completed by May 2013)

**3. Communication with persons with disabilities** - An Effective Communication Policy does not currently exist. A new Effective Communication Policy in conjunction with an Auxiliary Aids and Services Policy has been developed for the City of Rensselaer. This policy will need to be implemented and shared with all staff in each department. Additional important information regarding effective communication is outlined in a handbook, Disability Guidelines and Etiquette Handbook, that will be given to all City staff when the policy has been implemented. This will also be addressed in a staff training session in April 2013.

(To be adopted by April 30, 2013)

**4. Auxiliary Aids and Services** - An assessment of any existing auxiliary aids and services will be conducted, (Winter 2013). A new Auxiliary Aids and Services Policy in conjunction with Effective Communication Policy has been developed for the City of Rensselaer. This policy needs be implemented and shared with all staff in each department. It should also include a list of aids currently available and a list of local resources. Additional important information regarding auxiliary aids and services is outlined in a handbook, Disability Guidelines and Etiquette Handbook, that will be given to all City Staff when the policy has been implemented. This will also be addressed in a staff training session in April 2013.

(To be adopted by April 30, 2013)

**5. Emergency Preparedness** - One of the most important roles of local government is to protect their citizens from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of the City of Rensselaer's responsibility. An assessment will be made regarding the current plans and ADA Consultants will provide training regarding this issue.

(To be completed by May 31, 2013)

**6. Language Sensitivity** - The USDOJ suggests an examination of the manner in which persons with disabilities are portrayed in City publications. Information concerning "person first language" and a list of terms that may be offensive to some persons with disabilities such as "mental retardation", "victim of", "wheelchair bound", or "handicapped". An assessment of current literature produced by the City will be conducted regarding Language Sensitivity. Additional important information regarding Language Sensitivity is outlined in a handbook, Disability Guidelines and Etiquette Handbook, that will be given to all City Staff



when the Effective Communication & Auxiliary Aids and Services Policy has been implemented. This will also be addressed in a staff training session in April 2013.  
(To be completed by April 30, 2013)

**7. Historic preservation** – When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied. The City of Rensselaer does not operate any programs or activities out of any historical sites governed by an active board.

**8. Procedure for determining fundamental alterations** - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the ADAAG's requirements of alterations to primary functions area/path of travel requirements. Final determination can only be made by the ADA Coordinator and must be accompanied by a written statement of reason for reaching that conclusion.

(As the ADA Implementation Committee works to prioritize and time line out remediations to known infractions, this process will be ongoing until compliance is complete.)

**9. Access to public meetings**- Significant guidance does not exist to assist the City staff in providing accessible meetings. ADA Consultants of Indiana, LLC has provided an internal guidance document/checklist to support staff in this area. The checklist will be used before each public meeting to ensure maximum accessibility. Access to public meetings will also be addressed at the April 2013 training session.

(This will be an ongoing requirement)

**10. Employment Practices** - The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. Any existing personnel policy will be evaluated regarding the ADA and employment factors. If the current policy needs revision; changes, additions and or alterations will be applied and will then be implemented. Training for Human Relations and Management staff regarding Title I of the ADA may be recommended.

(To be completed by April 2013)

**11. Construction and Renovation Project** - Construction and renovation after January 26, 1992, is to be compliant with Federal Access requirements. Plan reviews of new construction projects should be conducted to identify compliance issues before any construction begins. Please refer to the **City Code Requirements and Engineering Plan review procedures** section of this document regarding this requirement.

(This will be an ongoing requirement.)

**12. ADA Training for Staff** - Staff having contact with the public have a need for a wide range of disability information in order to appropriately address the Disability Civil Rights issues that may come before them as they conduct business. ADA Consultants has created training modules regarding these issues that will be used. Training modules may include handbooks, handouts, PowerPoint presentations, group discussions, hands on training and individualized training. Other staff training should include:

- New Staff
- Supervisors/Managers
- Emergency Responders
- Police Officers
- Meeting Organizers

(Effective Communication and Auxiliary Aids and Service Training to be completed by April 30, 2013)

(Emergency Management and Police training to be completed by June 30, 2013)

(New Staff and Management/Supervisor training should be ongoing)

**13. Employee Policies regarding former alcohol and drug users** - A policy needs to be developed and implemented to ensure that discrimination does not occur against individuals who are no longer engaged in the use of illegal drugs. This can be implemented into current or new policies regarding employment practices. This point will be reviewed at the same time as the employment practices. A section will be added to the current or revised policy.

(To be completed by April 30, 2013)

# **City Code Requirements and Engineering Plan Review**

## **Procedures:**

An ordinance stating the following needs to be adopted:

Facilities that are constructed or altered by, on behalf of, or for the use of the City of Rensselaer shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities, in accordance with the Americans with Disabilities Act, the United States Department of Justice ADA Accessibility Guidelines (ADAAG) and the United States Department of Transportation Public Rights-of-Way Accessibility Guidelines (PROWAG) as they apply to the City.

Also any future construction will require outside contractors to sign the New Project Agreement saying that their project complies with ADAAG, PROWAG, and the ADA.

(This will be an ongoing requirement)

## **Website:**

The Americans with Disabilities Act (ADA) and, if the government entities receive Federal funding, the Rehabilitation Act of 1973, generally require that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. One way to help meet these requirements is to ensure that government websites have accessible features for people with disabilities. The ADA mandate for "full and equal enjoyment" requires nondiscrimination by a place of public accommodation in the offering of all its goods and services, including those offered via websites.

The City of Rensselaer's website needs reviewed for content, ADA compliance, and accessibility. (To be completed by June 30, 2013)

## **Public Involvement:**

- Advocacy Groups-The City needs to locate local groups and or individuals with disabilities to solicit participation and comments regarding the Transition Plan.
- Public Meetings – The City needs to schedule the first public meeting.
- After meetings are held, the City needs to publish and document (minutes of public meetings) name, organization, comments/questions/concerns and include them in the Transition Plan.

## **Self-Evaluation:**

The Self Evaluation Requirements of Access to Programs, Services and Activities is divided into Architectural Barrier Removal (physical) and Program Access (programs & services / policies & procedures).

### **Architectural Barrier Removal**

- Compliance Assessments of each City owned, operated and or leased facility will be conducted and a report will be generated. Plan reviews of new construction projects will be conducted to identify compliance issues
- These reports will be added as Appendixes as each one is completed. The reports will be available online and in print in the ADA Coordinator's office. They will be available to the public for three years.
- After each facility report is generated, the City will prioritize and time-line out remediations to known infractions.

The following Appendixes are available on the City of Rensselaer's website under the ADA tab or available upon request in alternative formats:

### **Program Access**

- Compliance Assessments of each City department's programs, services, activities, policies and procedures will be conducted and a report will be generated.
- These reports will be added as Appendixes as each one is completed. The reports will be available online and in print in the ADA Coordinator's office. They will be available to the public for three years.
- After each department report is generated, the City will prioritize and time-line out remediations to known infractions.

The following Appendixes are available on the City of Rensselaer's website under the ADA tab or available upon request in alternative formats: