

RESOLUTION NO. 2012- 05

A RESOLUTION ADOPTING POLICIES AND PROCEDURES
UNDER THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Americans with Disabilities Act has been enacted to assure those Americans with disabilities equal employment opportunities and prohibit discrimination on the basis of disability by public entities; and,

WHEREAS, the Town of Porter, by its Town Council wishes to formally adopt and implement the following policies and procedures for the benefit of all citizens of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Porter Town Council as follows:

Designation of ADA Coordinator

The Town's Director of Development/Building Commissioner, is designated as the Town's ADA Coordinator. The ADA Coordinator may be contacted at 303 Franklin Street, Porter, Indiana 46304, (219) 395-9921.

Notice Under the Americans with Disabilities Act (ADA)

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

Employment: The Town of Porter, Indiana, 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.

Effective Communication: The Town of Porter 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 Town's 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.

Modifications to Policies and Procedures: The Town of Porter 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 Town of Porter 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 the Town should contact the ADA Coordinator, at (219) 395-9921, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Porter 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 program, service, or activity of the Town of Porter is not accessible to persons with disabilities should be directed to ADA Coordinator, at 303 Franklin Street, Porter, Indiana 46304.

The Town of Porter 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.

**Grievance Procedure Under
the Americans with Disabilities Act**

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 Town of Porter. The Town'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 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.

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:

Town of Porter
ADA Coordinator
303 Franklin Street
Porter, Indiana 46304
Telephone: (219) 395-9921

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her 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 his/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 Town of Porter and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision with 15 calendar days after receipt of the response to the Town Council or its designee.

Within 15 calendar days after receipt of the appeal, the Town Council or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council or its 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 the ADA Coordinator or his/her designee, appeals to the Town Council or its designee, and responses from these two offices will be retained by the Town of Porter for at least three years.

PASSED AND ADOPTED this 27th day of NOVEMBER, 2012.

PORTER TOWN COUNCIL

By: 

President

ATTEST:



Clerk-Treasurer

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