

Board of County Commissioners

Leon County, Florida

Policy No. 18-1

Title: Nondiscrimination Policy

Date Adopted: September 4, 2018

Effective Date: September 4, 2018

Reference: Section 504 of the Rehabilitation Act of 1973 (504), Americans with Disabilities Act of 1990 (ADA), as amended, Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Florida Civil Rights Act of 1992, the Fair Housing Act, and the Genetic Information Nondiscrimination Act of 2008 (GINA)

Policy Superseded: Policy No. 03-04, Americans with Disabilities Act Accessibility Policy/Section 504, adopted January 27, 2015

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a Policy 03-04, “Americans with Disabilities Act Accessibility Policy / Section 504” revised January 27, 2015 is hereby repealed and superseded, and a new policy is hereby adopted, to wit:

I. Purpose.

The purpose of the Leon County ADA/504 and Title VI/Nondiscrimination Policy is to establish and implement procedures that comply with Section 504 of the Rehabilitation Act of 1973 (504), Americans with Disabilities Act of 1990 (ADA), as amended, Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Florida Civil Rights Act of 1992, the Fair Housing Act, and the Genetic Information Nondiscrimination Act of 2008 (GINA) and other related federal, state and local nondiscrimination authorities. These procedures have been adopted to conform to Federal Highway Administration (FHWA) regulations, Florida Department of Transportation (FDOT) and Florida Department of Economic Opportunity (DEO) guidelines.

II. Policy Statement.

Leon County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best public policy and governmental services result from careful consideration of the needs of all its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, pursuant to Section 504 of the Rehabilitation Act of 1973 (504), Americans with Disabilities Act of 1990 (ADA), as amended, Title VI of the Civil Rights Act of 1964, the Civil Rights

Restoration Act of 1987, Florida Civil Rights Act of 1992, the Fair Housing Act, and the Genetic Information Nondiscrimination Act of 2008 (GINA) and related federal, state and local nondiscrimination authorities, the County does not tolerate discrimination in any of its programs, services or activities. The County will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, religion, sex, sexual orientation, national origin, age, disability, ancestry, marital status, pregnancy, familial status, income status, gender, gender identity or expression, or genetic information.

In addition, the County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The County encourages the public to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the County will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities (Appendix A). Revisions to appendices do not require Board approval so long as such changes are consistent with the Policy.

III. Definitions.

- A. *Accessibility.* As it pertains to County facilities, programs, and services, the ability to gain physical access to County buildings, sidewalks, parking, public telephones, parks, and other various programs and services.
- B. *Accessibility Process.* An organized procedural system that is documented, maintained, and in place to answer public questions and address complaints pertaining to the accessibility of County facilities, programs, and services.
- C. *Discrimination.* Refers to the intentional or unintentional and unlawful, unfair, or unequal treatment of an individual or group based on certain characteristics including race, color, religion, sex, sexual orientation, national origin, age, disability, ancestry, marital status, pregnancy, familial status, gender, gender identity or expression, or genetic information.
- D. *Individuals with disabilities.* Individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning.

For purposes of *employment*, qualified individuals with disabilities are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform.

- E. *Title VI/Nondiscrimination Coordinator.* Employee designated by the County

Administrator with the responsibility for initiating, monitoring, and ensuring the County's compliance with Title VI requirements.

- F. *Section 504 / ADA Designated Coordinator.* Employee designated by the County Administrator with the responsibility of facilitating and coordinating all ADA issues, including but not limited to access to Leon County facilities, programs, services or activities, requests for reasonable accommodation, charge receipt and investigation of complaints or concerns for Leon County.
- G. *Reasonable Accommodation.* Means an employer is required to take reasonable steps to accommodate qualified individuals with disabilities to perform essential job functions unless it would cause the employer undue hardship.

IV. Applicable Laws.

- A. *Americans with Disabilities Act of 1990 (ADA).* This law makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business. Title II of the ADA requires government entities to ensure accessibility to its facilities, programs, services and activities.
- B. *Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).* This law prohibits employment discrimination based on genetic information about an applicant, employee, or former employee.
- C. *Section 504 of the Rehabilitation Act of 1973 (504).* Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities. It provides that no qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- D. *Title VI of the Civil Rights Act of 1964 (Title VI).* This law states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Subsequent legislation clarified the protections under Title VI to prohibit discrimination based on gender, disability and age.
- E. *The Civil Rights Restoration Act of 1987.* Established that Title VI applies to all programs and activities of federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not.

V. Limited English Proficiency (LEP) Guidance

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from federal agencies require federal-aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. The County has established an LEP plan (Appendix B).

VI. Public Involvement

In order to plan for efficient, effective, safe, equitable and reliable government services, the County must have the input of its public. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community.

Any person may attend any County Commission meeting and speak during the Hearing of the Public portion of the agenda concerning a matter of County business of concern to the person. County Commission meetings are generally held the second and fourth Tuesdays of each month at 3:00 p.m., with Public Hearings beginning at 6:00 p.m. The location is the Leon County Courthouse, 301 S. Monroe Street. Persons should check the County's website, www.LeonCountyFL.gov for any changes to meeting dates, times and location. Meeting locations are accessible to those with disabilities.

VII. Data Collection

Federal regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by government programs, services and activities. The County accomplishes this through the use of census data and American Community Survey reports and other methods. From time to time, the County may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the County with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the County will always be voluntary and anonymous. Moreover, the County will not release or otherwise use this data in any manner inconsistent with the federal regulations.

VIII. Complaint Procedures.

A. *Non-County Employees.* The County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. The formal written complaint procedure and form is discussed at length in Appendix C. Any person who believes that he or she has been subjected to discrimination based upon race, color, religion, sex, sexual orientation, national origin, age, disability, ancestry, marital status, pregnancy, familial status, gender, gender identity or expression, or genetic information, in

any of the County's programs, services or activities may file a complaint with the Designated ADA or Title VI/Nondiscrimination Coordinator.

- B. *County Employees.* The County has established procedures for employees and/or applicants for employment to request reasonable accommodations and file complaints of discrimination. The request for accommodation shall be in writing using the County' Employee Accommodation Request Form (Appendix D). Requests should be submitted in accordance with the Leon County Equal Employment Opportunity policy.

Any employee and/or applicant for employment with the County may file a complaint of discrimination/harassment with the County. Complaints shall be filed with the Employee Relations Manager in the Human Resources Division. Any complaints alleging a violation of nondiscrimination authorities should be reported immediately. The formal written complaint procedure is discussed at length in the Leon County Equal Employment Opportunity policy (Appendix E).

- C. *Retaliation.* The County respects the right of the public, County employees and applicants for employment to exercise their rights under nondiscrimination authorities. The County will not retaliate against anyone for filing a complaint of discrimination or for participating in a complaint investigation.