



# *Doña Ana County*

*"Character Counts"*

845 N. Motel Blvd. Las Cruces, New Mexico 88007 (575) 647-7210

## Doña Ana County

### *Americans with Disabilities Act*

### *Transition Plan 2015*

August 14, 2015



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## **Doña Ana County Board of County Commissioners**

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## **I. Introduction**

### **A. Americans with Disabilities Act Overview**

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against individuals with disabilities. The legislation was enacted in response to congressional findings that discrimination persists in critical areas of society such as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services. (42 U.S.C. Section 12101 (a) (3).) The ADA was intended as a comprehensive national mandate to eliminate discrimination against individuals with disabilities. (42 U.S.C. Section 12101 (b) (1).) The goals of the ADA "are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency" for individuals with disabilities. (42 U.S.C. Section 12101 (a) (7).)

The ADA was amended by President George W. Bush in September 2008, (hereinafter referred to as the ADA or the Act) with a statutory effective date of January 1, 2009. The effect of the amendment was to broaden the scope of protections afforded individuals with disabilities. The spirit of the law is one of inclusion. To that end, public entities, such as Doña Ana County, are obligated to ensure accessibility and usability of their services, programs, and activities so that individuals with disabilities have the opportunity to enjoy, participate in, or benefit from a public entity's services, programs, and activities in the most integrated setting possible.

The Act is comprised of five (5) separate titles as follows:

- Title I - Employment
- Title II - Public Services
- Title III - Public Accommodations and Services Operated by Private Entities
- Title IV - Telecommunications (Now codified at 47 U.S.C. Section 225.)
- Title V - Miscellaneous Provisions

Title I protects individuals with disabilities from employment discrimination in regard to pre-employment processes and procedures; hiring, promotion, or discharge; compensation; training; and other terms, conditions, or privileges of employment. (42 U.S.C. Section 12112 (a).) It is an employer's duty to make every effort to provide an effective accommodation for an applicant during the pre-employment process or for a current employee during the employment relationship. An individual with a disability must be given the same consideration for employment as individuals without disabilities. As long as an individual is qualified for an employment opportunity, the individual cannot be denied the opportunity simply because of a disability.

Title II prohibits a public entity from excluding an individual with a disability from benefiting from or participating in a public entity's services, programs, or activities or being subjected to discrimination. (42 U.S.C. Section 12132.) The duty to provide an effective accommodation is extended to a public entity's affiliate agencies or agencies that provide services on behalf of the public entity. Examples of public services covered by the ADA include:

- public transportation
- government facilities
- public schools and universities
- recreation and state parks

Title III ensures that an individual with a disability will be provided full and equal enjoyment of a public accommodation's goods, services, facilities, privileges, advantages, or accommodations. (42 U.S.C. 12182 (a).) Examples of public accommodations include:

- Public gathering places (restaurants, bars, movie theaters, etc.)
- Places of lodging (hotels, motels, inns)
- Retail stores
- Social service centers

Title IV, the Telecommunications Act of 1934, requires that telephone providers, manufacturers, and carriers must ensure that telecommunication services, equipment, and functions are accessible to and useable by individuals with disabilities.

Title V of the ADA contains supplemental regulations that are not explicitly covered in other parts of the ADA. These topics include (but are not limited to):

- **Other Federal & State Laws:** The ADA does not invalidate or limit other federal or state laws addressing the civil rights of individuals with disabilities. In fact, the ADA permits federal agencies and states to provide greater protection for individuals with disabilities than what the ADA provides.
- **State Immunity:** States are prohibited from asserting immunity against a violation of the requirements of the ADA, thus, ensuring that individuals with disabilities have legal recourse in either state or federal court.
- **Retaliation:** This provision protects individuals who engage in a protected activity related to the ADA. Protected activities include opposing an act or practice made unlawful by the ADA, filing a charge of discrimination under the ADA, or aiding in a proceeding related to the ADA. The section also prohibits threatening, intimidating, coercing, or harassing any individual who has made or been granted an accommodation request pursuant to or sought the protection of the ADA.
- **Attorney's Fees:** At the discretion of a judge, the prevailing party to a lawsuit is entitled to reasonable attorney's fees, litigation expenses, and costs.
- **Technical Assistance:** Federal agencies delegated enforcement authority are also delegated the responsibility to provide technical assistance to entities covered under the ADA.

The federal government takes a central role in enforcing the standards set forth in the ADA on behalf of individuals with disabilities. (42 U.S.C. Section 12101 (b) (3).) Title I enforcement powers have been delegated to the Equal Employment Opportunity Commission. Title II, Part A, enforcement powers have been delegated to the Department of Justice.

## **B. Program Accessibility Requirements**

A public entity violates the ADA when an individual with a disability is excluded from participating in or denied the benefit of any of its services, programs, or activities or is subjected to discrimination because the public entity's facilities are inaccessible or unusable. (28 C.F.R. Section 35.149.) The services,

programs, or activities include those provided by or made available by a public entity. (28 C.F.R. 35.102.) Public entities are mandated to operate **each** service, program, or activity so that it is readily accessible and usable by individuals with disabilities. (28 C.F.R. Section 35.150.) The accessibility and usability standard by which to measure a public entity's services, programs, and activities is referred to as program accessibility.

There are five (5) broadly-defined barriers to accessibility. They are:

- **Attitudinal.** Attitudinal barriers are based on assumptions, stereotypes, ignorance, or fear.
- **Physical.** Architectural barriers include physical building structures and outdoor spaces.
- **Technological.** Technological barriers occur when a technological design or software or hardware makes using the technology difficult for an individual with a disability.
- **Communications.** Informational barriers prevent people from communicating with each other.
- **Organizational.** Organizational barriers occur when an organization's policies or operational practices discriminate against individuals with disabilities.

A public entity, as an employer and an organization operating public services, has an opportunity to dispel attitudinal barriers. Through supervisory and employee training and granting citizens' accommodation requests, a public entity can provide education on its obligations under the law and information concerning reasonable accommodations.

The Department of Justice adopted physical structure accessibility design standards, **2010 ADA Standards for Accessible Design (2010 Standards)**. The **2010 Standards** set minimum scoping and technical requirements for newly designed and constructed or altered state and local government facilities after March 15, 2012. The 2010 Standards is comprised of the Title II regulations for new construction and alterations, 28 C.F.R. Section 35.151, and the **2004 ADA Accessibility Guidelines (ADAAG) codified at** 36 C.F.R. Part 1191. The scoping and technical requirements address accessibility to sites, facilities, buildings, and interior elements.

Public entities are integrating the use of technology both as a means of communicating information and as a way to provide services, programs, and activities. During the development and implementation of any technology, public entities must be mindful of the end user. Care must be taken to ensure that technology does not frustrate an individual's access to a public entity's services, programs, or activities.

Communication, whether presented aurally or visually, must be available in alternative formats that permit the effective exchange of information for individuals with disabilities. Methods of effective communication may require providing any number of auxiliary aids or services and may include modification of equipment or devices. (28 C.F.R. Section 35.104.)

A public entity has a duty to make reasonable modifications to its policies, practices, and procedures to ensure access to its services, programs, and activities unless the modification would fundamentally alter the nature of the service, program, or activity. (28 C.F.R. Section 35.130.)

Program accessibility may be achieved by either structural or non-structural methods. Structural methods include altering existing facilities or acquiring or constructing new facilities. A public entity may prefer to choose non-structural methods to achieve program accessibility. Non-structural methods include but are not limited to acquiring or redesigning equipment, using assistive aids, or providing services in an alternative format. (Technical Assistance Manual II-5.2000.) When determining and selecting a method of providing program access, the County will give priority to the method that will

result in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

### **C. Requirements of a Transition Plan**

The federal regulation implementing the ADA in state and local government services sets forth specific requirements for an acceptable transition plan. The elements of the plan should include:

- The name of the individual responsible for the plan's implementation;
- A list of the physical barriers preventing or limiting accessibility to the public entity's facilities;
- A detailed description of the methods to be used to make the facilities accessible;
- A schedule for taking the steps necessary to achieve program accessibility compliance;
- A schedule for providing curb ramps, if applicable; and
- Opportunity for interested parties to participate in the development of the plan.

## **II. Doña Ana County's Transition Plan**

Doña Ana County, as a public entity and employer, is obligated to observe all requirements of Title I of the ADA in its employment practices; Title II in its policies, programs, and services; and any parts of Titles IV and V that apply to the County, its programs, services, or facilities.

The federal regulations implementing Title II of the ADA relating to state and local governments requires that public entities evaluate their services, policies, and practices and the effects thereof. (28 C.F.R. Section 35.105.) The purpose of the review is to ensure continued accessibility and usability of the public entity's services, programs, and activities by individuals with disabilities. The evaluation culminates in a transition plan explaining how and when barriers to accessibility will be removed.

This report and certain documents incorporated by reference comprise the ADA Transition Plan for Doña Ana County. This report will assist Doña Ana County, its Board of County Commissioners, department heads, program directors, and employees in identifying structural and non-structural barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity for access by all individuals.

Doña Ana County is committed to ensuring program accessibility in all its programs, services, and activities. An ADA Advisory Committee was formed by the Doña Ana County Board of County Commissioners, in part, to assist the County in its self-evaluation efforts and preparation of a transition plan. The County is committed to developing an identified needs list, keeping the identified needs list updated, and implementing a process by which to track corrective action taken and update the outstanding priority list of needed improvements or corrections. The Doña Ana County Transition Plan is a living document. Public comment concerning Doña Ana County's transition plan may be directed to the ADA Coordinator or may be presented to the ADA Advisory Committee during public input.

The Doña Ana County transition plan will be available for inspection on the Doña Ana County website.

### **A. ADA Coordinator**

As a public entity with more than 50 employees, Doña Ana County is required to designate at least one responsible employee to coordinate ADA compliance. (28 C.F.R. 35.107.) The ADA Coordinator is responsible for coordinating the efforts of the County to comply with Titles I and II and investigating any

allegations that the County has violated Title II. The ADA Coordinator position is a function of the Human Resources Department. The Doña Ana County ADA Coordinator is:

**Meg Haines, EEO Specialist/ADA Coordinator**  
**845 N. Motel Blvd**  
**Las Cruces, NM 88007**  
**Voice (575) 647-7210**  
**Fax (575) 525-5888**  
**TTD (575) 525-5951**

## **B. Notice to the Public**

A public entity has a responsibility to notify interested individuals (applicants, employees, and participants/beneficiaries/general public) of Title II's applicability to its services, programs, and activities and prohibition against discrimination. (28 C.F.R. Section 35.106.) Doña Ana County has published a notice under The Americans with Disabilities Act that Doña Ana County will not discriminate against qualified individuals with disabilities on the basis of disability in its programs, services, activities, and employment (Attachment 1) that meet the obligations set forth in the federal code. To assist applicants in requesting reasonable accommodations during the pre-employment process, Doña Ana County offers an accommodation request form (Attachment 2) on its website. Doña Ana County provides this information on an ongoing basis through a variety of methods including but not limited to the County website, job postings, and the County's application for employment. In order to ensure the accessibility of this information, it is available in a variety of formats.

## **C. ADA Policies and Procedures**

Doña Ana County Board of County Commissioners adopted a human resources policy ordinance that mandates fair treatment and equal employment opportunity and prohibits discrimination or harassment.<sup>1</sup> Under the ordinance, the Board vests the authority to administer a human resources system in the Human Resources Director under the supervision of the County Manager and with the consent of the Board.<sup>2</sup>

The Human Resources Policies and Procedures express and define the County's commitment to equal employment opportunities; a workplace free of discrimination; and an environment free of retaliation.<sup>3</sup>

### ***Section 2-1. Equal Employment opportunity*** states:

"The County shall provide equal employment opportunities to all individuals and shall not discriminate against any individual on the basis of protected class as defined by Federal and State law including: race, color, age, religion, sex, sexual orientation, gender identity, national origin, ancestry, physical or mental disability or medical condition, or any other legally protected status. This anti-discrimination policy applies to all phases of the employment process and includes a prohibition of retaliation against anyone who has asserted his/her rights under this policy.

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<sup>1</sup> Doña Ana County, N.M., Code of Doña Ana County (The Code of Doña Ana County), Human Resources, Ch. 45, Sections 45-2. B. and 45-5 (2011) at <http://www.ecode360.com/DO2860>.

<sup>2</sup> Doña Ana County, N.M., Code of Doña Ana County (The Code of Doña Ana County), Human Resources, Ch. 45, Sections 45-6 (2011) at <http://www.ecode360.com/DO2860>.

<sup>3</sup> Doña Ana County Human Resources Policies and Procedures Adopted May 28, 2008, Amended December 9, 2014, Sections 2-1, 2-2, 2-3.

- A. All people with disabilities shall be free from unlawful discrimination and provided equal opportunity in accordance with the Americans with Disabilities Act (ADA). The County does not discriminate on the basis of disability in employment or in the admission and access to its services, programs or activities. This policy applies equally to employees of the County and members of the general public who access public services through County departments and related agencies.”

**Section 2-2. Discrimination** describes the County’s commitment to maintaining an environment which is free from all forms of unlawful discrimination. The policy describes the prohibition against unlawful discrimination based on “race, color, religion, gender identity, sexual orientation, sex, national origin, age, disability, and political affiliation.”

**Section 2-3. Discrimination and Harassment Procedures** describes the process by which an individual may file a complaint of discrimination or harassment with the County, the Equal Employment Opportunity Commission, and/or the New Mexico Human Rights Division.

#### **D. Grievance Procedures**

In addition to the policies and procedures referenced above, Doña Ana County has adopted and published specific procedures for resolving grievances arising under Title II of the ADA as required. (28 C.F.R. Section 35.107 (b).) The County's grievance procedures describe and define the system for resolving complaints of disability discrimination in a prompt and fair manner.

The grievance procedure includes:

- A description of how and where a complaint under Title II may be filed with the County;
- A statement notifying potential complainants how to file a written grievance;
- An offer to provide the notice in an alternative format;
- An explanation of the processing deadlines for the complainant and the County; and
- Information on how to appeal an adverse decision.

Doña Ana County has posted the grievance procedure in public spaces of its facilities and its website. The website also contains a grievance form that requests specific information to assist in the investigative process (Attachments 3 and 4 – Doña Ana County Grievance Procedure Under The Americans with Disabilities Act and Doña Ana County ADA Public Grievance Form, respectively). The grievance procedure is available in alternative formats.

#### **E. Construction Design Standards**

All building construction undertaken by Doña Ana County is inspected and approved for occupancy by the Construction Industries Division (CID) of the state of New Mexico. New Mexico’s CID has adopted the International Building Code (IBC) standards. The IBC standards are in agreement with the ADA physical structure accessibility requirements. Therefore, all new construction or existing physical structure alterations made by Doña Ana County to its buildings comport with the ADA.

Doña Ana County employs a construction project coordinator and a facilities and parks manager who oversee all new construction or physical structure alterations. The individuals holding these positions are well-versed in structural requirements of the ADA.

Pursuant to the state of New Mexico’s grant of authority, Doña Ana County has enacted a Design and Construction Standards ordinance for all development within the unincorporated areas of the County

and portions of the extraterritorial zone.<sup>4</sup> The purpose of the design standards is to establish conditions favorable to the health, safety, convenience, and general welfare of the residents of the County.<sup>5</sup> The County ordinance incorporates the ADA design requirements. The standards are amended as necessary to reflect minimum design standards and include ADA compliance standards.

#### **F. Streets, Roads, and Walkways**

Doña Ana County has general control and management of all roads, highway, bridges, and streets within the unincorporated areas of the County except those declared to be managed by the state according to the State Highway Commission.<sup>6</sup> All roads and walkways must meet Doña Ana County's Design and Construction Standards.<sup>7</sup> These standards incorporate applicable state and federal requirements including the ADA. Most roads and walkways have been installed as part of the subdivision process, and private home building projects are held to the same County Design and Construction Standards. At this time, Doña Ana County has no project plans to install curbs and sidewalks. Any future projects will follow the County's Design and Construction Standards.

#### **G. ADA Advisory Committee**

Doña Ana County's Board of County Commissioners established an ADA Advisory Committee by resolution on November 8, 2011. The committee is comprised of citizen volunteers who have a personal or professional interest in accessibility issues. The committee holds regular meetings that are open to the public. Each meeting is duly publicized pursuant to the Open Meetings Act. Each public service announcement informs the public of the committee's business, including its current work on the County-wide self evaluation, and encourages public participation and comment.

The committee has carefully considered and approved a comprehensive facility inspection checklist to be used for all building inspections. The committee has determined that building plans and pictures of the buildings would be helpful to the project.

As the building inspections are conducted, the committee will begin to formulate a department-by-department review of the County's services, programs, and activities. The self evaluation will be guided by the five barriers to accessibility (attitudinal, physical, technological, communications, organizational). The committee expects to meet with department directors or their designee and staff to become better informed about the County's services, programs, and activities. Employee and public input will play an important role in conducting a thorough self evaluation.

Upon completing the self evaluation, the committee will review its findings and hopes to collaborate with each department to update priorities in this transition plan to achieve program accessibility throughout Doña Ana County's services, programs, and activities.

#### **H. Program Accessibility Guidelines, Standards, and Resources**

The ADA program accessibility requirements are included in the Code of Federal Regulations, Title 28, Part 35, and Subpart D. Doña Ana County is committed to a thorough review of its programs, services, and activities to ensure program accessibility either through structural or non-structural means. In

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<sup>4</sup> The Code of Doña Ana County, Design and Construction Standards, Ch. 157 (2011) at <http://www.ecode360.com/DO2860>.

<sup>5</sup> *Ibid.*

<sup>6</sup> The Code of Doña Ana County, Ch. 279, Section 279-105 (2011).

<sup>7</sup> The Code of Doña Ana County, Ch. 157 (2011).

addition to correcting identified barriers, Doña Ana County expects to institute guidelines and standards for future programs, services, and activities based on the findings presented after the self evaluation. Program accessibility, like the transition plan, is an ongoing effort.

## **I. General Policies and Practices**

Practices which have already been established include the following:

### **1. Communications and Outreach - Publications**

The County will make programming information more widely available to all County residents by:

- Notifying the public that alternative formats are available upon request;
- Providing program information in the requested alternative format if possible, or offering an alternative, effective means of communication;
- Providing program information via telephone and text telephone (TTY);
- Ensuring that no surcharge is imposed for publications provided in alternative formats.

The County will ensure that all announcements and applications include the following information:

- The notice of non-discrimination;
- Information regarding site accessibility;
- The County's text telephone (TTY) number;
- A notice that program information is available in alternative formats upon request;
- The name and phone number of the ADA Coordinator.

### **2. In-Person Contact/Counter Services**

- Counter services will be handled on an individual basis upon request.
- The individual and the department will determine an effective accommodation.

### **3. Signs**

- Design standards guide the production of the signs.

### **4. Public Forums**

- Agendas will be made available in alternative formats upon request.
- Communication aids will be made available upon request.
- Public meetings will be scheduled in accessible locations. An accessible location includes, but is not limited to, the following: mobility aid access, accessible parking, temperature control, and the ability to provide access to fresh air for people with chemical sensitivities.
- When a fully accessible site is not available, the County will first look for an alternative meeting location. If changing the location would result in a fundamental alteration, then a reasonable accommodation will be made so that an individual with a disability can participate.

- Individuals with communication impairments will be given additional time to convey their message in the public forum setting.

Meeting attendees requiring reasonable accommodations should make their request a minimum of two business days before the meeting. Doña Ana County's public meeting notice includes instructions for making a reasonable accommodation request as follows:

**“NOTE:** Doña Ana County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford those individuals equal opportunity for participation in Doña Ana County sponsored meetings, events, or activities. Any request should be made to the ADA Coordinator, in writing, or by phone, at least two business days prior to the event where that accommodation is needed. If you have any questions regarding examples of reasonable accommodations, please contact the ADA Coordinator, at (575) 525-5884 (voice) or (575) 525-2951 (TTY), 845 N. Motel Blvd. Las Cruces, NM 88007.

## **5. Training**

The County's intranet (El Sol) should be used as a resource for employees. Items to be posted include the County's anti-discrimination and reasonable accommodation policies, the name and contact information for the ADA Coordinator, guidelines for assisting individuals with disabilities, reasonable accommodation resources including but not limited to types of auxiliary aids, guidelines and instructions for securing the services of a sign language interpreter, direct link to the Job Accommodation Network, etc. A copy of this Transition Plan will also be posted on the intranet.

In-house training includes the following:

- Relevant law and County policies for supervisors, employees, and volunteers;
- Disability etiquette and reasonable accommodations;
- Customer service skill training, focusing on communicating and accommodating individuals with disabilities.

All newly hired employees and volunteers attend a “New-Employee Orientation” which includes training on customer service skills and accommodating individuals with disabilities. The training also includes preventing discrimination and unlawful harassment in the workplace.

## **6. Emergency Services**

- Emergency procedures must include evacuation procedures for individuals with disabilities.
- Each department should create department specific guidelines to supplement the County's emergency procedures.

## **7. Facilities and Programs**

- The County will maintain, in working order, equipment and features of facilities that are required to provide ready access for individuals with disabilities.
- The County will ensure that individuals with disabilities are not excluded from regular programs or required to accept special services or benefits. Individuals with disabilities will

be integrated into regular programs to the maximum extent possible. The County will provide separate programs where necessary to ensure equal opportunity.

- The County will ensure that where specific requirements are necessary for the safe operation of programs, those requirements are based on real risks – not on speculation, stereotypes, or generalizations about individuals with disabilities.
- The County will reasonably modify policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program or create a hazardous situation.
- The County will continue to evaluate each request for accommodation on an individual basis, and, where possible, the individual and the department will determine an effective accommodation.

## **8. Funding**

- ADA compliance will become one of the evaluation criteria used in allocating money for the Capital Improvement Projects.
- The needs identified through the self evaluation and prioritized in the transition plan will be used during the budgeting process.
- No individual requesting a reasonable accommodation pursuant to the ADA will be assessed a surcharge for any effective accommodation provided by the County.

## **9. Tours of County Facilities**

- County-provided transportation to a tour site will be accessible.
- The tour route within the facility must be physically accessible. If the route or portions of the route are not accessible, the tour must be rerouted or the department providing the tour must determine an alternate accommodation (i.e., photographs, videos, etc.).
- The department leading the tour will coordinate reasonable accommodation requests.

## **10. Purchasing**

- The County will evaluate furniture and building materials for compatibility with a wide range of disabilities and sensitivities.
- When purchasing items such as furniture and office systems, the County will select items that are flexible in order to accommodate a variety of physical and ergonomic needs. Accessibility will be included in the criteria for selecting items.

## **11. Contracts**

- If the County provides any of its services, programs, or activities through a contractor, the ADA requires that the contractor acknowledge that they have the same responsibility to make the services, programs, or activities accessible to individuals with disabilities. The County should review and modify the contracts which need ADA requirement provisions.
- All contracts should include a clause requiring vendors to ensure program accessibility.

## **J. Department Specific Issues**

The following departments reside in the Doña Ana County Government Center:

- *Assessor's Office*

- ***Board of County Commissioners*** (offices and chambers)
- ***Community Development***
- ***County Clerk's Office***
- ***County Manager's Office***
- ***Engineering***
- ***Facilities and Parks***
- ***Finance***
- ***Health and Human Services***
- ***Human Resources***
- ***Information Technology***
- ***Legal Department***
- ***Probate Judge***
- ***Public Information Office***
- ***Risk Management***
- ***Sheriff's Department***
- ***Treasurer's Office***
- ***Utilities Department***

The Government Center also houses the Third Judicial District Attorney's Office and the Doña Ana County Flood Commission.

Other County Departments include:

- ***Animal Control Office***
- ***Detention Center***
- ***Fire Marshal***
- ***Office of Emergency Management***
- ***Roads Department***
- ***Santa Teresa Airport***

Doña Ana County has inspected the approved county polling sites known as voting convenience centers (VCCs). The VCCs include county and non-county facilities. All polling places have been inspected pursuant to state and federal voting requirements. Temporary modifications have been made to several sites to assure program accessibility. All election specialists have been trained on the ADA requirements and accommodations available to any member of the voting public upon request. Inspections and employee training will continue as necessary as future elections are announced.

### **III. Attachments**

- 1 Doña Ana County Notice Under The Americans With Disabilities Act
- 2 Doña Ana County Testing/Interview Accommodation Request Form
- 3 Doña Ana County Grievance Procedure Under The Americans with Disabilities Act
- 4 Doña Ana County Americans with Disabilities Act Public Grievance Form



## DOÑA ANA COUNTY NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

**Employment:** Doña Ana County 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:** Doña Ana County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Doña Ana County's programs, services, or 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:** Doña Ana County will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, or activities. For example, individuals with service animals are welcomed in Doña Ana County 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 Doña Ana County, should contact the Doña Ana County ADA Coordinator, 845 N. Motel Blvd., Suite 2-190, Las Cruces, NM 88007, 575-647-7210 (voice), 575-525-5951 (TDD/TTY) as soon as possible but no later than two business days prior to the scheduled event.

The ADA does not require Doña Ana County to take any action that would fundamentally alter the nature of its programs, services, or activities or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Doña Ana County is not accessible to persons with disabilities should be directed to the Doña Ana County ADA Coordinator, 845 N. Motel Blvd., Suite 2-190, Las Cruces, NM 88007, 575-647-7210 (voice), 575-525-5951 (TDD/TTY).

Doña Ana County 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.



**Doña Ana County  
Testing/Interview Accommodation Request Form**

The information requested below and any documentation regarding your disability and your need for an accommodation in testing/interviewing will be considered strictly confidential.

Please Print

Applicant Name:	Date of Request:
Address:	Telephone #:
Position Applied For:	
Accommodation(s) requested for the _____ examination/interview.  Check all that apply: <input type="checkbox"/> Accessible testing/interview site <input type="checkbox"/> Braille <input type="checkbox"/> Large Print <input type="checkbox"/> Audio Tape <input type="checkbox"/> Reader <input type="checkbox"/> Scribe <input type="checkbox"/> ASL Sign Language Interpreter <input type="checkbox"/> Extended Time <input type="checkbox"/> Time-and-a-half <input type="checkbox"/> Double time <input type="checkbox"/> More than double time (Specify): _____ <input type="checkbox"/> Separate testing area <input type="checkbox"/> Use of a computer or other adaptive equipment (Specify): _____ _____ _____	
Signature of Applicant	Date
Signature of Human Resources Staff	Date
Additional Comments:	

**Some accommodation requests will require documentation of disability. See the next page of this form.**

Information on this form shall be confidential with exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. P.L. 101-336, Sec 102 C.





## Doña Ana County 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 a disability in the provision of services, activities, programs, or benefits by Doña Ana County. The County's Human Resources Policies and Procedures govern employment-related complaints of disability discrimination.

A grievance form is available, upon request. **Failure to use this form in no way compromises the grievance procedure.** 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 tape recording 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:

***HR Department, ADA Coordinator, 845 N. Motel Blvd., Suite 2-190, Las Cruces, NM 88007***

The County will acknowledge, in writing, receipt of the written grievance and notify the Doña Ana County Manager of said grievance. 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 Doña Ana County 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 within 15 calendar days after receipt of the response to the County Manager or his/her designee.

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

All written complaints received by the ADA Coordinator or his/her designee, appeals to the County Manager or his/her designee, and responses from these two offices will be retained by Doña Ana County for at least three years.

### **Alternative Grievance Procedures:**

Nothing in this procedure prevents any individual(s) who believes they have a grievance under Title II of the ADA from taking other legal action to seek resolution.

Employees of Doña Ana County may also use the Grievance procedure established by the Human Resources Department for any ADA issues related to their specific employment.

### **Waivers:**

Any time lines established in this procedure may be waived by written mutual consent.



DOÑA ANA COUNTY  
AMERICANS WITH DISABILITIES ACT  
PUBLIC GRIEVANCE FORM

Please complete this form as completely as possible. If you need help filling out this form, we would be happy to help you.

**Signed complaints should be sent to:**

Human Resources  
Doña Ana County  
845 N. Motel Boulevard  
Las Cruces, NM 88007

Phone: 575-647-7210 (voice)  
575-647-7285 (TTY)

E-mail: EEO@donaanacounty.org

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

If completing on behalf of someone:

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Describe in as much detail as possible what happened? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When did it happen? \_\_\_\_\_

Where did it happen? \_\_\_\_\_

Can you name anyone involved? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How would you like this resolved? What relief do you seek? \_\_\_\_\_

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_