



City of North Myrtle Beach Section 504/ADA Policy/Plan

It is the policy of the City of North Myrtle Beach (“City”) to provide public services, programs and activities in a manner that does not discriminate on the basis of disability (see Attachment 1). Further, it is also the policy of the City to provide all employment-related services in a manner that does not discriminate on the basis of disability (see Attachment 2). The City has developed this document, including all attachments, to clearly demonstrate its commitment to nondiscrimination based on disability and to comply fully with the letter and spirit of the Americans with Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”).

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

This document and attachments are made public and will serve as the Self-Evaluation for the City as defined by Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, and meets disability nondiscrimination requirements for recipients of CDBG funds, including federal funds provided by other federal, state or local funding agencies. A copy of this Self-Evaluation will be available for viewing at 1018 2nd Ave. South, North Myrtle Beach, South Carolina 29582.

Definitions

Auxiliary Aids and Services: “Auxiliary aids and services” include:

- (1) qualified interpreters, note takers, aids, transportation services, written materials, assistive learning systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments, (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments, (3) acquisition or modification of equipment or devices, and (4) other similar services and actions.

Essential Functions: are job duties that are fundamental to the position, not marginal to the position. Duties are what must be accomplished, not how the duties are performed. These are the job duties which the individual cannot do the job without being able to perform them.

Qualified individual with a disability: is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provisions of auxiliary aids and services, meets the essential eligibility

requirements for the receipt of services or the participation in programs or activities provided by the City.

Reasonable Accommodation: Modifications to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the job's essential functions; or modifications that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment. Reasonable accommodation may include providing auxiliary aids, job restructuring or reassignment and permitting medical leave.

Reasonable Modification: Modifications or adjustments to a program, service or activity that will enable equal access, to the maximum extent possible, for qualified individuals with a disability.

Undue Hardship: A specific accommodation would require significant expense or difficulty. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the City.

General Policy Statements

- 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 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 City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other methods of making information and communications 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 of its 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 program, service, or activity of City, should contact the office of Verlinda Jones, 1018 2nd Ave. South, North Myrtle Beach, SC 29582, (843) 280-5575 as soon as possible but no later than 24 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 program, service, or activity of City is not accessible to persons with disabilities should be directed to Verlinda Jones, 1018 2nd Ave. South, North Myrtle Beach, SC 29582, (843) 280-5575.

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.

- City Programs, Services, and Activities: All existing programs, services, and activities, including qualifying factors, eligibility and admission requirements, or licensing standards; are currently or will immediately be made fully accessible to citizens, employees or otherwise patrons with disabilities and, therefore, individuals with disabilities are not negatively affected in the provision of programs, services or activities. Note: Where City buildings and facilities are not currently accessible and usable by individuals with disabilities, the services or programs provided at these buildings or facilities will be immediately made accessible upon request.

All qualified individuals with disabilities are provided an equal opportunity, as is provided to the population at large, to participate in and benefit from any aids, benefits, or services provided by the City. In addition, the City has used internal and external resources, including persons who have some form of disability, to review and make suggestions concerning the accessibility of City facilities, programs, services, and activities (see Attachment 3). The City will periodically conduct other such reviews to maintain compliance with applicable ADA and Section 504 requirements. The City avoids providing different or separate aids, benefits, or services to qualified individuals with disabilities, unless doing so has been proven necessary to help ensure benefits and services provided to individuals with disabilities are as effective as those provided to the population at large. The City also avoids assisting or contracting with any persons or entities that are known to discriminate, based on disability, by requiring all contracting entities whose activities pertain to City structures, to read and sign the attached the City 504/ADA Contractor Assurance of Compliance Form (see Attachment 4).

The City allows and encourages qualified disabled individuals to fully participate in all local, policy, planning, or advisory boards and councils.

Section 504/ADA Grievance Procedure

The City has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints regarding the requirements of the Americans with Disabilities Act.

Complaints should be addressed to: Verlinda Jones – 1018 2nd Ave. South – North Myrtle Beach, S.C. 29582. Ms. Jones has been designated to coordinate all Section 504 compliance efforts.

1. A complaint should be filed in writing, (alternative methods of communication such as, personal interview, tape recording, Braille, etc. are acceptable) contain the name and address of the person filing it, and describe the alleged violation.
2. A complaint should be filed within 30 days after the complainant becomes aware of the violation. (Processing of allegations of discrimination which occurred prior to adoption of this grievance procedure will be handled on a case-by case basis.)

3. An investigation, as appropriate shall follow a filing of a complaint. The investigation procedures will allow all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued and a copy (in the complainant's preferred format) forwarded to the complainant no later than 15 days after its filing.
5. The ADA Coordinator shall maintain files and records relating to the complaint filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration must be made within 15 days of receipt of the written determination of the investigation. The Request For reconsideration may be mailed or hand delivered to 1018 2nd Ave. South. The Request will be promptly reviewed and a final determination issued.
7. The right of a person to a prompt and equitable resolution of the complaint filed there under shall not be impaired by the person's pursuit of other remedies such as filing a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that City complies with Section 504 and its implementing regulations.

Services and Programs of the City of North Myrtle Beach

The City is a full service municipality, including City Attorney's Office, City Manager's Office (Administration), Planning and Building Department, Department of the Assistant City Manager, Parks and Recreation Department, Finance Department, Municipal Court, Public Safety Department (Police and Fire Rescue), Public Works Department, and the Public Utilities Department.

Policy & Administration includes City Council, City Attorney's Office, and City Administration, which includes the City Manager's Office and the City Clerk. City Council provides policy guidance in all activities of the City. The City Attorney provides legal counsel, and prosecutes cases in Municipal Court. City Administration is responsible for the overall administration of all City operations and assists City Council in its policy-making role.

Planning and Building Department includes the Planning Department, Zoning and the Building Department. The Planning Department formulates recommended goals, plans, policies and ordinances that provide orderly growth and development for North Myrtle Beach. The Building Department Services enforces city laws pertaining to zoning, signs, tree protection, lighting and glare, landscaping, weeds, and trash control, abandoned vehicles, plan review, construction inspections, trade permits, solicitation and overall development requirements.

Department of the Assistant City Manager includes the Human Resources Department which provides comprehensive human resources support services to the management and employees of the City as well as the office of the Assistant City Manager, Public Information Officer, the Grants and Special Projects Coordinator, Purchasing and Inventory Management, Facilities Maintenance and Fleet Management.

Parks and Recreation Department includes The Recreation Division that provides organized athletic events and clinics, music, visual arts, dancing and special events. The Parks Division that maintains grasses, trees, and shrubs, litter control services, and maintaining parks grounds and facilities.

Finance Department is responsible for the proper administration of the City's financial operations, accounting, and reporting functions, commercial licenses and fees, information services, and utility billing and collections.

Municipal Court is responsible for adjudicating criminal misdemeanor offenses involving city ordinances and state statutes.

Public Safety Department includes the Police Patrol, Narcotics/Vice enforcement, and Animal Control as well as Fire Rescue (Fire Protection Services, Emergency Medical Services, and Fire Prevention, Fire Training & Public Education activities).

Public Works includes Administration, Solid Waste Management, Street Maintenance, Traffic Engineering, and Storm Water Management.

Public Utilities includes Administration, Engineering, Water and Sewer.

Equal Opportunity Employment Practices

1. On-going employment practices review - On an on-going basis the City analyzes the following aspects of employment to make certain that no discrimination based on disability exists, including discrimination that occurs due to an inaccessible facility:

- a. Recruiting, advertising and processing applications for employment.
- b. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring.
- c. Rates of pay or any other form of compensation and changes in compensation.
- d. Job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists.
- e. Leaves of absence, sick leave or any other leave.
- f. Fringe benefits available by virtue of employment, regardless of whether they are administered by the recipient.
- g. Selection and financial support for training, including professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training.
- h. Employer-sponsored activities, including social and recreational programs.
- i. Any other term, condition or privilege of employment.

2. Public advertising of vacant positions and other job opportunities .

- a. All employment advertisements are based on existing job descriptions.
- b. All advertisements include the statement "an equal opportunity employer."
- c. The City's ADA Coordinator, to help ensure non-discrimination based on disability, reviews all advertisement statements regarding job opportunities.
- d. All job applications include the following statement

"Those applicants requiring reasonable accommodation to the application and/or interview process should notify a representative of the Human Resources Department or the City's ADA Coordinator."

- e. Job openings are advertised using various mediums including, but not limited to: newspapers, radio, and television, bulletin board postings at all designated City facilities, by word of mouth and listed at local disability-related organizations.

3. Processing and review of applications.

a. It is the City's practice to process and review all applications without regard to race, color, religion, national origin, citizenship, sex, sexual orientation, age, disability, veteran status or any other similarly protected status.

b. Selection criteria are designed to help ensure that individuals with disabilities are not screened out and based solely on the essential functions of the job.

4. Testing and minimum requirements as a condition of employment.

a. Applicants are made aware that reasonable accommodation is available where necessary during any pre-employment testing.

b. Tests are not provided in formats which require the use of an individual's impaired skill unless it is a job-related skill that the test is intended to measure.

c. Any test time limits are relaxed where necessary for applicants whose disability causes them to need more time to take a test, unless the test is specifically designed to test speed and is job related.

d. Medical tests will not be required unless a legitimate job offer has been provided to an individual applicant.

5. Interviewing, including responding to requests for accommodation and use of nondiscriminatory questions.

a. During interviews, all applicants are made aware that reasonable accommodations are available.

b. All employees who provide interviews have been trained by the City's Human Resources Department to help ensure that disability-related questions are not asked during the interview process.

c. All individuals being interviewed are provided a written job description, which includes a listing of essential functions, and applicants are asked if they can perform the functions with or without reasonable accommodation.

d. Interviews for all job categories are held in a structurally accessible location to help ensure access to this process by an applicant with a disability.

6. Promotion/demotion, layoff/reinstatement, or transfer, including changes in compensation resulting from these actions - All policies and practices pertaining to current employees, including promotion/demotion, disciplinary actions, layoff/reinstatement, transfer, and/or changes in compensation are based solely on productivity and adherence to existing employee conduct and related

expectations. All supervisors have participated in employment training; where the employment provisions of the ADA are detailed to help ensure that supervisory decisions are not based on disability.

7. Job assignments/classifications and nondiscriminatory treatment by supervisory personnel - All employees, including supervisors, are made aware that the City does not tolerate discriminatory treatment of any employee on the basis of disability or other protected status. Supervisors are made aware of this City-wide policy during their training and/or via printed information.

8. Access to benefits, including policies pertaining to use of vacation and sick leave, unpaid leave of absence, and compensatory time. Also included are opportunities for training, attendance at conferences or other supported activities including recreational or social programs, health and insurance benefits, etc. - The City does not discriminate on the basis of disability or any other such protected status in the provision of any and all benefits of employment including, but not limited to vacation, sick leave, unpaid leave of absence, compensatory time, opportunities to training activities, attendance at conferences or any other activities including recreational or social programs which are benefits of employment. It is the City's policy to make no disability-related distinctions in the provision of health benefits to employees, other than generally applicable limitations or exclusions as defined by the Equal Employment Opportunity Commission (EEOC).

Internal and External Compliance Review

Community/External Input (ADA Advisory Committee)

The City will specifically target individuals and groups representing persons with disabilities for comment to ensure that the City is meeting the priorities of persons with disabilities. Input will be solicited and received from these individuals regarding adequate accessibility following a tour of city facilities.

Department/Internal Input (ADA Review Committee) The City will also involve representatives from various departments to assist with the self-evaluation by reviewing the programs and services offered in their particular departments for ADA compliance. Meetings will be held and information received from those listed below:

- Michael Baldesarre – Public Safety Department
- Joe Turner – Finance Department/Risk Management
- Matt Gibbons – Parks and Recreation
- Melinda Chappell – Aquatics and Fitness Center
- Travis Dupree - Public Works
- Steve Thomas – Human Resources
- Verlinda Jones – Human Resources/ADA Coordinator
- Delane Stevens – Planning and Building Department
- Kristine Stokes - Grants and Special Projects/Title VI Coordinator

504/ADA Assurance of Compliance Form

All individuals or organizations that contract with the City or otherwise those who are the recipients of funds for the purpose of constructing, altering, or adding to City buildings or facilities, must complete, sign and return this form with your contract. If you have questions regarding this form, or if you require this material in an alternate format, please contact:

Verlinda Jones, 504/ADA Coordinator, 1018 2nd Ave. South, North Myrtle Beach, SC 29582 (843) 280-5575 Email: vmjones@nmb.us

ADA/504 General Information - Federal and state laws prohibit discrimination based on disability. Section 504 of the Rehabilitation Act of 1973, as amended (504), and the Americans with Disabilities Act of 1990 (ADA) require that the City and all organizations or firms contracting with the City, except those providing tangible goods, comply with ADA/504 accessibility requirements.

Contractor Assurance of Compliance

As a contractor or funding recipient from the City, I understand that federal and state laws prohibit discrimination in public entities and employment based solely on disability. In addition, I recognize that Section 504 requires recipients of federal funds (either directly or through contracting with a local governmental entity receiving federal funds) to make their programs, services, and activities, when viewed in their entirety, accessible to qualified and/or eligible people with disabilities. I agree to comply with, and to require that all subcontractors comply with, ADA/504 requirements. I understand that reasonable accommodation is required in both program services and employment, except where to do so would cause an undue hardship or undue burden. I also agree that all new construction, alterations or additions to the City buildings or facilities, performed by my organization, or subcontractors, must comply with all City, state, and federal laws, including related building guidelines/codes, and specifically the Americans with Disabilities Accessibility Guidelines (ADAAG).

I agree that any violation of the specific provisions of the ADA or 504, which are applicable to my organization or work my organization is currently performing or has performed at The City buildings or facilities, shall be deemed a breach of the material provision of my Contract between the City and my organization. Such a breach shall be grounds for cancellation, termination, or suspension, in whole or in part, of my organization's Contract by the City.

I declare that (company name) _____ is in compliance with the applicable provisions of the ADA and 504 and declare that the foregoing information is true and correct.

Signature of authorized signatory _____

Type or print name of authorized signatory _____

Title _____

Date _____