



# City of Peru



# Transition Plan: Americans with Disabilities Act

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This document will provide a planning and implementation guide for City of Peru. It establishes the City's ongoing commitment to the development, maintenance, and inclusion of policies, programs, and facilities for all of its citizens.



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## Introduction

### **ADA Overview**

Enacted on July 26, 1990 and amended effective January 1, 2009, as written and implemented, The American with Disabilities Act (ADA) prohibits discrimination on the basis of a disability.

The ADA is divided into five sections covering the following topics:

- Title I: Employment
- Title II: State and Local Government
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Transportation and Miscellaneous Provisions

### **“Disability” Under the ADA**

The ADA only applies to persons who meet the definition of “disabled” under the Act. A person is considered disabled, and so protected under the ADA, if he or she either actually has, or is thought to have, a physical or mental impairment that substantially limits what the ADA calls a “major life activity.” Major life activities are the basic components of any person’s life-including walking, talking, seeing, and learning. If a person has an impairment that substantially limits his or her ability to perform one or more of these activities, that person is considered disabled under the ADA.

The ADA does not specifically name all of the impairments that are covered, but common examples of disabilities include confinement to a wheelchair, reliance on assistive devices such as canes and walkers, blindness, deafness, a learning disability, and certain kinds of mental illness.

### **ADA Title 1: Employment**

Title I of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant’s disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.



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## ADA Title II: State and Local Government Activities

Title II of the ADA covers all activities of state and local governments regardless of the government entity's size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, healthcare, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who would hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

## Transition Plan

The City of Peru is covered under the ADA, Title I Employment, and Title II, programs, services and activities. The ADA requires the City to make all its programs, services, and activities readily accessible to and useable by qualified persons with disabilities when the programs, services, and activities viewed in their entirety. The Transition Plan is the cornerstone 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 street and sidewalk modifications, programs, and facility modifications over the next several years. The ADA self-evaluation and Transition Plan is significant in that it establishes the city's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all of its citizens. The final product is a **working** document to be modified as standards change and when barriers are removed or alterations are made.

The Transition plan will be submitted to public hearing, and upon passage by the Peru City Council, will be a public document available on the City website, [www.cityofperu.org](http://www.cityofperu.org), and at City Hall. Any comments, additions, or suggestions about the plan may be directed to the ADA Coordinator.



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## II. Plan Development

To ensure accessibility for persons with disabilities in the community, the City of Peru has developed a Transition Plan, which should be considered good practice.

### **ADA Coordinator**

To ensure that the City of Peru complies with the requirements of the ADA, and to provide the City with essential and efficient means of communication with all individuals, the City has appointed Ashley Lowe as the ADA Coordinator.

The ADA Coordinator is responsible for coordinating the efforts of the City of Peru to comply with Title I and Title II of the Americans with Disabilities Act and investigating any complaints that the entity has violated Title I and Title II; adopting and distributing public notice about the relevant provisions of the ADA to all persons who may be interested in its programs, activities, and services; and developing and publishing grievance procedures to provide fair and prompt resolution of complaints under Title I and Title II of the ADA in the City of Peru.

These administrative requirements help ensure that the needs of people with disabilities are addressed in the programs, activities, and services operated by the City of Monticello.

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Peru, IN 46970  
765-472-2400  
alowe@cityofperu.org



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## **Grievance Procedure under The Americans with Disabilities Act**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. This procedure is to be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in provision of services, activities, programs, or benefits provided by the City of Peru.

### **Grievance Procedure**

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 City of Peru, Indiana. The City of Peru, Indiana'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:

Ashley Lowe  
ADA Coordinator  
City of Peru, Indiana  
35 South Broadway  
Peru, IN 46970  
765-472-2400  
alowe@cityofperu.org

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 City of Peru, Indiana and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactory resolve the issue, the complainant and/or his/her designee may appeal the decision



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within 15 calendar days after receipt of the response to the Mayor of the City of Peru, Indiana or his designee.

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



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## ADA Grievance Form

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

Complainant: \_\_\_\_\_

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

City, State, Zip Code: \_\_\_\_\_

Phone and email: \_\_\_\_\_

### **Alleged Violation**

Date (s): \_\_\_\_\_

Approximate Time of Occurrence: \_\_\_\_\_ AM/PM

**Detailed Description of Violation and City Department Involved (attach additional documentation if needed):**

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**Requested Action by City to Correct Violation:**

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**Has complaint been filed with State or Federal Agency:** \_\_\_\_ Yes \_\_\_\_ No

Name of Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

**If there are witnesses, please list names and addresses separately.**



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## **Self-Evaluation**

### **Traffic and Pedestrian Inventory**

The City of Peru has conducted an inventory of public right of way, including roadways, intersections, and sidewalks. This includes sidewalk curbs and ramps. This effort was done through the City of Peru Traffic department. This document is fluid and subject to constant updates. A copy can be requested through the ADA Coordinator.

### **Public Buildings and Facilities**

Provide onsite review and evaluation of buildings and site related elements, both interior and exterior to the building or facility. Internal elements include, but are not limited to, entry/exit doors, corridors, foyers or other open spaces, restrooms, drinking fountains, elevators, windows, obstructions, and floor area. External elements include, but are not limited to, sidewalks, curb ramps, parking spaces, loading zones, bus stops, change in level, detectable warnings, obstructions or obstacles, and accessible routes.

### **Programs and Services**

The City of Peru through its commitment to the Americans with Disabilities Act will closely monitor and utilize its best efforts to adapt programs and services to provide access to all participants.

### **Commitment**

The City of Peru is committed to making the community accessible to all its citizens, including those with disabilities. This will be accomplished through the following:

- New construction, reconstruction, roadwork construction or alterations, including state funded and City funded projects.
- The City will maintain and review its sidewalk repair program annually.
- The City currently budgets funding for sidewalk repair and replacement of old, outdated, and potentially hazardous sidewalks and sidewalk ramps.

### **Standards and Guidelines**

The City of Peru will apply the Indiana Department of Transportation design guidelines to applicable construction undertaken within the City Rights-of-Way. It will also utilize



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when possible under project development any subsequent standards established by the Indiana Department of Transportation (INDOT), and the United States Department of Justice including, but not exclusive to, PROWAC, The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-Of-Way.



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## III. Implementation

The City of Peru intends to implement this Transition Plan effective following approval at the next available City Council meeting.

The City also commits to actively revising and amending this document as new information is provided by the Indiana Department of Transportation, further, as a matter of policy, this document will be reviewed every five (5) years.