



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-12

For the meeting of: August 9, 2016

Date: July 21, 2016
To: Board of Supervisors
From: Amy Nilsen, County Administrative Officer *[Signature]*
Subject: Americans with Disabilities Act of 1990 Compliance and Supplemental Budget for Human Resources - Risk Management (4/5 vote required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the position classification of ADA Coordinator (class 0199, salary range 446).
2. Allocate a 1.0 full-time equivalent (FTE) ADA Coordinator (class 0199, salary range 446) in budget unit 3520 359, HR – Risk Management.
3. Approve the following supplemental budget in fund 3520, budget unit 359, HR-Risk Management (4/5 vote required).

Revenue:		
3520 359 710050	\$131,182	Fund Balance
3520 359 706051	\$150,000	Transfer from ADA Trust
Expense:		
3520 359 1100	\$58,051	Salaries and Benefits

Prepared by Karen Clower CAO Approval *Cheryl Dillingham*
 REVIEW: Auditor _____ County Counsel *[Signature]* Human Resources *[Signature]* Other Public Works *[Signature]*

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor Fennell Seconded by Supervisor Sundberg
 Ayes Sundberg, Fennell, Lovelace, Bohn, Bass
 Nays _____
 Abstain _____
 Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Aug. 9, 2016
 By: *[Signature]*
 Kathy Hayes, Clerk of the Board

3520 359 1400	\$50,000	Extra Help
3520 359 1450	\$175	Unemployment Insurance
3520 359 1470	\$8,944	Health Insurance
3520 359 1471	\$59	Life & Air Travel Insurance
3520 359 1472	\$735	Dental Insurance
3520 359 1500	\$12,777	Retirement
3520 359 1600	\$441	FICA
3520 359 2118	\$150,000	Professional Services

4. Direct the Auditor-Controller to establish an interest-bearing fund 4494 named ADA Noncompliance Compensation fund and transfer \$275,000 from ADA trust fund (4491) to the newly established fund.

SOURCE OF FUNDING:

IGS-County Insurance fund (3520) and ADA trust fund (4491)

DISCUSSION:

In July of 2008 the county entered into an agreement with the Department of Justice (DOJ) to make needed improvements to its facilities to be in compliance with the Americans with Disabilities Act of 1990 (ADA). The agreement signed in July of 2008 provided for the county to complete a list of improvements by July 23, 2011. While the county did complete some of the needed improvements many complicating factors prevented the county from completing all improvements. Complicating factors included the recession which began in 2007 and had a large impact on the county beginning in 2008 when the county was forced to make cutbacks in funding and reductions in staffing for county departments. In recent years, due to improved financial conditions, the county established an ADA fund and has allocated \$1.2 million to the fund in preparation of ADA improvement projects.

The county is working with the DOJ on a new agreement to make needed improvements to be compliant with ADA. Part of that agreement includes the creation of an ADA Coordinator position. The ADA Coordinator will coordinate the county's efforts to bring county facilities in compliance with ADA and address/investigate ADA complaints for the county. This position will be housed in budget unit 359 and will be supervised by the Human Resources Director.

Also, as part of this agreement the county will be issuing a request for proposal the professional services of an independent licensed architect who is trained and knowledgeable about accessibility requirements of ADA. The selected independent licensed architect will work the ADA Coordinator, Public Works staff, Human Resources and the County Administrative Office to create a study of ADA projects.

The DOJ agreement requires that the county to establish an interest-bearing fund for the purpose of compensating aggrieved persons who have been harmed by the county's inability to complete all ADA projects.

FINANCIAL IMPACT:

Sufficient fund balance exists in 3520, IGS-County Insurance to cover the cost of the ADA Coordinator and extra-help positions in fiscal year 2016-17. It is anticipated that ongoing costs will be charged out to departments in future fiscal years. Furthermore, the ADA Trust (4491) has adequate funds available to

cover costs of an independent licensed architect and establishment of the ADA Noncompliance Compensation fund. The ADA Trust (4491) has a current balance of approximately \$1,200,000. The cost of the independent licensed architect is undetermined at this time. Staff may need to return to your Board at a future date to request approval for an additional supplement budget.

The items before you today support your Boards' strategic framework of fostering transparent, accessible, welcoming and user friendly services.

OTHER AGENCY INVOLVEMENT:

Department of Justice

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not approve these recommendations that would leave us in non-compliance with ADA and the county could be subject to penalties for non-compliance.

ATTACHMENTS:

ADA Coordinator Job Description

ADA COORDINATOR

DEFINITION

Under general direction, plans, organizes, directs, and monitors the County's American with Disabilities Act (ADA) Compliance Programs; administers and coordinates activities to ensure compliance with state and federal ADA laws; develops and establishes guidelines, rules and policies designed to eliminate discriminatory practices and to ensure access to programs and services for persons with disabilities; provides departmental support and coordination for ADA issues; personally performs complex and sensitive assignments; and performs related duties as required.

DISTINGUISHING CHARACTERISTICS

This single class position is responsible for matters regarding the civil rights of, and programs and services for individuals with disabilities. The incumbent participates in the formulation, implementation and evaluation of policy and procedures to assure compliance with the Americans with Disabilities Act, including accommodation and physical access.

EXAMPLES OF DUTIES (Illustrative Only)

- Monitors County facilities and programs to ensure public accessibility and compliance to ADA, Title I and II requirements; works with appropriate departments and staff in assuring that County facilities and real property development meet applicable standards for disability access.
- Supervises and participates in investigations of public and employee complaints relating to access to County programs and services; determines if charges are substantiated and works with complainant and departmental manager toward alleviation of problem or prevention of future problems.
- Oversees the ADA interactive process to ensure accommodation requests are in compliance with ADA laws and regulations; ensures that accommodation requests are coordinated with worker's compensation claims, Family Medical Leave Act, ADA, California Family Rights Act, or other leaves of absence.
- Advises County departments on ADA plans, accommodation of disabilities, the interactive process, and career restructuring; promotes support of ADA program by all department heads, managers, and supervisors.
- Ensures that County department's practices are in compliance with

all applicable ADA codes, laws, rules, regulations, standards, policies, and procedures; initiates any actions necessary to correct deviations or violations.

- Reviews and/or provides responses to complaints from state/federal ADA officials.
- Ensures the preparation and completion of required state/federal ADA reports, various forms, correspondence, ADA Program documentation, case files, and investigative reports/recommendations.
- Trains or supervises training of county personnel in ADA guidelines, laws, programs, and issues; develops and presents public and in-house information programs to promote an understanding of ADA issues.
- Analyzes data and identifies trends; summarizes data and prepares reports; conducts research and maintains current knowledge of applicable laws and regulations as well as maintains an awareness of new trends and advances in the profession.
- Supervises, directs, and evaluates assigned staff; organizes, prioritizes, and assigns work.
- Provides technical expertise to management and staff.

QUALIFICATIONS

Knowledge of:

Laws, regulations, principles, practices, procedures, etc. pertaining to accommodation and program and service accessibility.

Elements of business necessity and bona-fide occupational qualifications.

Current trends in the field of ADA issues and compliance.

Methods of compiling and presenting data.

Methods and techniques of investigation including interviewing techniques.

Supervisory principals and practices.

Skill in:

Interpreting, explaining, and applying related laws, regulations, policies, and procedures.

Facilitating the interactive process, determining whether an accommodation can be made, and reporting findings to appropriate parties.

Serving as an internal consultant regarding ADA issues.

Analyzing technical and/or complex ADA problems and reaching sound, independent conclusions.

Planning, assigning, supervising, reviewing and evaluating the

work of staff.
Training others in work procedures.
Maintaining accurate records and files.
Preparing clear, accurate and concise reports,
correspondence, and other written materials.
Establishing and maintaining effective working
relationships with those contacted in the course of the work.

Other Requirements:

Must possess a valid California driver's license.

Desirable Education and Experience:

A typical way to obtain the knowledge and skills outlined above is:

Equivalent to graduation from a four year college or university with major coursework in business or public administration or a closely related field and three years of experience in administering, coordinating, and/or managing ADA programs and issues in a public agency Human Resources environment.