

ORDINANCE 031610ADA

AN ORDINANCE CREATING THE OFFICES OF THE HANOVER TOWNSHIP AMERICANS WITH DISABILITIES ACT COORDINATOR AND COMPLAINT MANAGER AND ADOPTING THE HANOVER TOWNSHIP GREIVANCE PROCEDURE

WHEREAS, the Township Code was recently amended by Public Act 96-0650 to require the Township to designate an Americans with Disabilities Act Coordinator and to adopt grievance procedures to resolve complaints alleging violations of Title II of the Americans with Disabilities Act (“ADA”) on or before March 31, 2010 (60 ILCS 1/85-60); and

WHEREAS, a Township Complaint Manager is required to attempt to resolve complaints and/or investigate and prepare written reports relative to alleged violations of Title II of ADA and/or other alleged violations of rights guaranteed by the State of Illinois (the “State”) or federal constitution, state or federal statute, regulation or law, and/or Hanover Township policy; and

NOW, THEREFORE, BE IT ORDAINED by the Hanover Township Board of Trustees, Cook County Illinois (the “Board”) as follows:

SECTION ONE: Pursuant to Section 85-60 of the Township Code there is hereby created the office of Hanover Township Americans with Disabilities Act Coordinator (the “ADA Coordinator”) (60 ILCS 1/85-60).

SECTION TWO: There is hereby created the office of Hanover Township Complaint Manager (the “Complaint Manager”), who for purposes of Section 85-60 of the Township Code and other applicable law shall also serve as the ADA Coordinator.

SECTION THREE: The Township Board hereby adopts the Hanover Township Uniform Grievance Procedure, a copy of which is attached hereto as Exhibit A and is expressly incorporated herein (the "Grievance Procedure").

SECTION FOUR: The Complaint Manager/ADA Coordinator and Township Administrator are hereby authorized to perform such acts as are necessary to comply with the Grievance Procedure.

SECTION FIVE: The Hanover Township Human Resources and Administration Manager shall serve as the Township Complaint Manager and ADA Coordinator.

SECTION SIX: The Township Administrator, or his designee, is directed to post the name, office address and telephone number of the ADA Coordinator/Complaint Manager and Township Grievance Procedure and the Hanover Township Notice Under The Americans with Disabilities Act, a copy of which is attached hereto as Exhibit B, and is expressly incorporated herein (the "ADA Notice"), on the Township's website on or before March 31, 2010. The ADA Notice shall also be posted at conspicuous places within Township facilities and in alternative formats so that the ADA Notice will be accessible to persons with disabilities as determined by the Township Administrator, or his designee.

SECTION SEVEN: Nothing herein shall be construed as altering the "at will" status of any Township employee and/or otherwise creating an employment contract.

SECTION EIGHT: SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason,

the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION NINE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION TEN: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE:

AYES: *Supervisor McGuire, Trustees Benoit, Burke, Krick*
and Westlund-Deenihan

NAYS: *0*

ABSENT: *0*

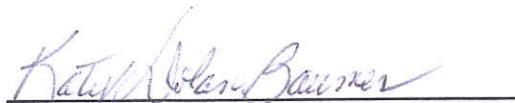
PASSED: March 16, 2010

APPROVED: March 16, 2010



Brian P. McGuire, Township Supervisor

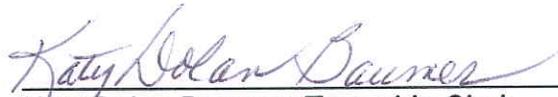
ATTEST:



Katy Dolan Baumer, Township Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Clerk of Hanover Township, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 031610 ADA, enacted on March 16, 2010, and approved on March 16, 2010, as the same appears from the official records of Hanover Township.



Katy Dolan Baumer, Township Clerk

EXHIBIT A

Hanover Township

1. Uniform Grievance Procedure

A participant, client, invitee, parent/guardian, employee, community member, and/or any other person should notify the Township Complaint Manager (the "Complaint Manager") if he or she believes that the Township, its officials, officers, employees, volunteers and/or agents have violated his or her rights guaranteed by the State of Illinois (the "State") or federal Constitution, State or federal statute, regulation or law, Township policy, and/or has a complaint regarding a violation of any such rights by the Township, its officials, officers, employees, volunteers and/or agents, including, but not limited to any violation of any of the following:

1. Title II of the Americans with Disabilities Act (ADA);
2. Section 504 of the Rehabilitation Act of 1973;
3. Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq.;
4. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. § 2000e et seq.;
5. Sexual or other harassment (Illinois Human Rights Act), 775 ILCS 5/1-101 et seq., and/or Title VII of the Civil Rights Act of 1964;
6. Age Discrimination in Employment Act, 29 U.S.C. 621;
7. The Illinois Religious Freedom Restoration Act, 775 ILCS 35/1 et seq.;
8. Victims' Economic Security and Safety Act, 820 ILCS 180/1 et seq.;
9. Illinois Equal Pay Act of 2003, 820 ILCS 112/1 et seq.;
10. Illinois Whistleblower Act, 740 ILCS 174/1 et seq.;

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate.

2. Filing a Complaint

A person (hereinafter Complainant) who wishes to avail himself or herself of this grievance procedure may do so by filing a complaint with the Complaint Manager, or his designee. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the

complaint and require a meeting with the Complainant. The Complaint Manager shall assist the Complainant as needed.

In the event the complaint involves an allegation of a violation of a right and/or other wrong doing by the Complaint Manager, then the Complainant shall file his or her complaint with the Township Administrator who shall investigate the matter. If the complaint involves an allegation of a violation of a right and/or other wrong doing by the Township Administrator, then the Complainant shall file his or her complaint with the Township Clerk who shall promptly notify the Township Board of Trustees (the "Township Board"). Within 15 days following the Clerk's receipt of said notice, the Township Board shall appoint an independent qualified person who does not report to and is not supervised or otherwise accountable to the Township Administrator to investigate the complaint ("Independent Investigator") (in cases involving a complaint regarding the Township Administrator).

3. Investigation

The Complaint Manager (or Independent Investigator as the case may be) will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant is a minor, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved.

Within 30 days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Township Administrator. The Complaint Manager may request an extension of time. The Township Administrator will keep the Board informed of all complaints.

Notwithstanding the forgoing, in the event that the complaint involves an allegation against the Complaint Manager and/or Township Administrator, then the complaint shall be investigated and a written report prepared in accordance with the applicable provisions of Section 2 above.

4. Decision and Appeal

Within 15 days after receiving the Complaint Manager's report, the Township Administrator shall mail his or her written decision to the Complainant by certified mail, return receipt requested, as well as to the Complaint Manager. In the event an Independent Investigator performs an investigation hereunder, he/she shall mail his/her written decision to the Complainant within 30 days of receipt of said complaint by certified mail, return receipt requested, as well as to the Township Clerk.

Within 15 days after receiving the Township Administrator's decision (or that of the Independent Investigator as the case may be), the Complainant may appeal the decision to the Township Board by making a written request to the Township Clerk. The Township Clerk shall promptly forward all materials relative to the complaint and appeal to the Township Board. Within 30 days of the filing of the appeal by the Complainant with the Township Clerk, the Township Board shall affirm, reverse, or amend the Township Administrator's decision (or that of the Independent Investigator as the case may be) or direct the Township Administrator (or Independent Investigator as the case may be) to gather additional information. Within 5 days of the Township Board's decision, the Township Clerk shall inform the Complainant of the Board's action.

This grievance procedure shall not be construed to create an independent right to a Township Board hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

5. Appointing Nondiscrimination Coordinator and Complaint Managers

The Township Administrator shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment opportunities and prohibit the harassment of employees and others.

Pursuant to Ordinance No. _____, the Township Board has appointed the Township Human Resources and Administration Manager as the Complaint Manager who also acts as the ADA Coordinator. As noted above, alleged violations of Title II of the ADA are handled in accordance with this Grievance Procedure.

The Township Administrator shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Manager.

Nondiscrimination Coordinator:

Name

Address

Telephone No.

Complaint Manager:

Mr. John Acardo

250 S. Route 59, Bartlett, Illinois, 60103

(630) 837-0301

6. Township Personnel Policy

In the event of any employee grievance that can be addressed under the Hanover Township Personnel Policy dated June 10, 2008, as amended from time to time, said employee shall submit such grievance pursuant to said Personal Policy.

EXHIBIT B

HANOVER TOWNSHIP

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

Employment: Hanover Township 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: Hanover Township will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Hanover Township's programs, services, and 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 to the extent necessary to comply with Title II of ADA and/or applicable law.

Modifications to Policies and Procedures: Hanover Township 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 to the extent required under Title II of the ADA and/or other applicable law. For example, individuals with service animals are welcome in Hanover Township 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 Hanover Township, should contact the office of the Hanover Township Complaint Manager/ADA Coordinator as soon as possible but no later than two (2) business days before the scheduled event.

The ADA does not require Hanover Township 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 Hanover Township is not accessible to persons with disabilities should be directed to Mr. John Acardo, Hanover Township Complaint Manager/ADA Coordinator at (630) 837-0301 (phone); (630) 837-9064 (fax); 250 S. Route 59, Bartlett Illinois, 60103.

Hanover Township 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, to the extent required under Title II of ADA and/or other applicable.