

## HORRY COUNTY AMERICANS WITH DISABILITIES POLICY

EFFECTIVE December 3, 2009

### I. PURPOSE

Titles I and II of the Americans with Disabilities Act (ADA) of 1990, requires Horry County to make its programs, services and jobs accessible to persons with disabilities. Horry County does not discriminate against qualified individuals with disabilities with regard to access to its programs, services or employment. The purpose of this Policy is to provide standard procedures for filing of Requests for Accommodation or Complaints for citizens, applicants and/or employees.

### II. GENERAL PROCEDURE

#### 1. CITIZENS

Any citizen of Horry County who believes that he/she requires an accommodation, or has been discriminated against based upon a **disability as described in the ADA** with regard to the provision of a program or service by Horry County, shall have the right to submit a Request for Accommodation or a Discrimination Complaint.

#### 2. EMPLOYEES/APPLICANTS

Any applicant or employee of Horry County who is **disabled as described in the ADA** may file a Request for Reasonable Accommodation in the event that he/she believes that such a request is necessary to perform the essential functions of his/her job. Any applicant or employee may file a Discrimination Complaint in the event that he/she has been discriminated against with respect to the hiring process, or with regard to the terms or conditions of employment.

All Complaints or Requests for Reasonable Accommodation shall be submitted to Human Resources, to the ADA Coordinator. The ADA Coordinator is the employee designated by the County Administrator with the responsibility of facilitating and coordinating all ADA issues, Complaints and Requests for Accommodation for Horry County.

### III. CITIZEN REQUESTS FOR ACCOMMODATION

#### 1. Informal Concern or Inquiry.

All informal citizen inquiries or concerns regarding accessibility to Horry County programs or services should be directed to the ADA Coordinator at the Human Resources Department at **843-915-5230**. A request or inquiry may also be submitted in writing to:

**ADA Coordinator  
Horry County Human Resources Department  
Box 997  
Conway, SC 29528**

In the event that a Department receives an informal inquiry or concern from a citizen, the Department shall forward the expressed concern or inquiry to the ADA Coordinator immediately.

The ADA Coordinator will work with any Departments involved or affected, and respond directly to the citizen to any inquiry or question received on an informal basis.

1. **Formal Requests for Accommodation.**

A.) **Filing.**

A citizen may file a Citizen Request for Accommodation in the event he/she perceives that an accommodation is necessary in order for the citizen to have the ability to utilize a program or service offered by the County. This form may be downloaded from the "Forms" section of the Human Resource website, which is located in the Horry County website, [horrycounty.org](http://horrycounty.org). All formal Requests will be directed to the ADA Coordinator via the Human Resources Department, submitted in writing to:

**ADA Coordinator  
Horry County Human Resources Department  
Box 997  
Conway, SC 29528**

B.) **Submission of Requests to ADA Coordinator by Departments.**

In the event that any Department should receive a formal Request for Accommodation by a citizen, the Department shall immediately forward such Request to the ADA Coordinator.

C.) **Investigation and Recommendation.**

Upon receipt of a Request for Accommodation, the ADA Coordinator will consult the Department involved and investigate and determine whether the requested accommodation is appropriate, feasible and/or reasonable. The ADA Coordinator will then make a recommendation, which will be countersigned by the Department Head of the affected Department. The

recommendation will then be forwarded to the Division Director and County Administrator for review and approval.

D.) Final Decision Process.

In the event that the Department Head does not agree with the recommendation of the ADA Coordinator, then the ADA Coordinator shall submit his/her recommendation to the Division Director for review. The Division Director may elect to approve the recommendation of the ADA Coordinator, or adopt an alternate recommendation. The Division Director will then forward the recommended action to the County Administrator for review and approval.

E.) Notification to Citizen.

After approval by the County Administrator, the Citizen will be notified in writing by the ADA Coordinator of the final determination with respect to the Request for Accommodation, including whether or not any accommodation will be undertaken, a description of any approved accommodation, and the estimated time frame for implementation.

F.) Appeal.

A citizen who is aggrieved by the determination of Horry County with regard to a Request for Accommodation may appeal the decision in writing to the County Administrator, within fourteen days of the mailing of the determination by Horry County. Individuals requiring assistance in the process of completing a written appeal may obtain assistance from Human Resources. The decision of the County Administrator with respect to the Appeal shall be final and binding.

IV. EMPLOYEE/APPLICANT REQUESTS FOR ACCOMMODATION

1). Requests for Reasonable Accommodation.

In the event that an applicant or employee of Horry County wishes to request that an accommodation be extended to him/her with respect to the performance of the essential functions of his/her job, or in regard to the employment application process, this request shall be submitted in writing. The employee or applicant shall submit an Employment Request for Accommodation. This form may be downloaded from the "Forms" section of the Human Resource website, which is located in the Horry County website, [horrycounty.org](http://horrycounty.org). All Employment Requests for Accommodation shall be directed to the ADA Coordinator via the Human Resources Department, submitted in writing to:

**ADA Coordinator**  
**Horry County Human Resources Department**  
**Box 997**  
**Conway, SC 29528**

A.) Submission of Requests for Accommodation to ADA Coordinator.

In the event that any Department should receive a formal or informal request by an employee or applicant requesting an accommodation pursuant to the ADA, the Department shall immediately notify the ADA Coordinator.

B.) Investigation and Recommendations.

Upon receipt of an Employment Request for Accommodation, the ADA Coordinator will consult the Department involved, and the applicant or employee, to investigate and determine whether an accommodation is appropriate, feasible and/or reasonable. The ADA Coordinator will then make a recommendation, which will be countersigned if agreed to by the Department Head. The recommendation will then be forwarded to the Division Director and County Administrator for review and approval.

C.) Final Decision.

In the event that the Department Head does not agree with the recommendation of the ADA Coordinator, then the ADA Coordinator shall submit his/her recommendation to the Division Director for review. The Division Director may elect to approve the recommendation of the ADA Coordinator, or adopt an alternate recommendation. The Division Director will then forward the recommended action to the County Administrator for review and approval.

D.) Notification to Applicant or Employee.

The applicant or employee will be notified in writing by the ADA Coordinator of the final determination with respect to the Request for Accommodation after approval by the County Administrator.

E.) Appeal.

In the event that the applicant or employee is aggrieved by the final determination of the County with respect to the Request for Accommodation, the applicant or employee may appeal in writing to the County Administrator, within fourteen days from the mailing of the written notice of the final determination. The applicant or employee shall set forth the reasons for the Appeal, and may suggest an alternative proposed accommodation from the accommodation originally requested. The

decision of the County Administrator with respect to the appeal shall be final and binding.

## V. DISABILITY DISCRIMINATION COMPLAINTS

### 1.) Employee, Applicant or Citizen Complaint of Disability Discrimination.

An employee, applicant or citizen alleging that he/she has been discriminated against on the basis of his/her status as a **qualified disabled person pursuant to the ADA** may file a Complaint. The Complaint shall be filed in writing with the Human Resources Department, by submission of a Discrimination or Harassment Complaint form. This form may be downloaded from the "Forms" section of the Human Resource website, which is located in the Horry County website, [horrycounty.org](http://horrycounty.org). All formal Complaints will be directed to the ADA Coordinator via the Human Resources Department, submitted in writing to:

**ADA Coordinator  
Horry County Human Resources Department  
Box 997  
Conway, SC 29528**

#### A.) Submission of Complaints by Departments to ADA Coordinator.

In the event that any Department should receive a formal or informal Complaint by an employee or applicant alleging discrimination based upon the ADA, the Department shall immediately notify the ADA Coordinator in the Human Resources Department.

#### B.) Investigation.

Upon receipt of a Complaint alleging Disability Discrimination, the Human Resources Department will immediately conduct a full and fair investigation. Every effort will be made to ensure that the investigation is confidential, to the extent possible. At the conclusion of the investigation, the Human Resources Department will issue a Report. In the event that the Report substantiates the allegations, appropriate corrective action will be recommended. The Complainant will be informed as to the result of the investigation. The contents of the Investigation Report will remain a confidential document that will only be divulged to the involved Department Head, Division Director and the County Administrator.

#### C.) Final Decision.

In the event that the Department does not implement the recommendations set forth in the Investigation Report, then the Department shall submit his/her recommendations to the Division Director for review. The Division Director shall make a determination as to the course of action to be implemented. The Division Director will then forward the recommended action to the County Administrator for review and approval.

D.) Retaliation.

Employees, applicants, citizens and those participating in interviews during the course of any investigation are protected from retaliation. Any individual who believes he/she has been the victim of retaliation should notify Human Resources immediately.

APPROVED BY:

  
CHRIS ELDRIDGE

DATE: (EFFECTIVE RETROACTIVELY  
AS OF December 3, 2009)

08/30/16