

**New Bern Parks and Recreation**

**ADA TRANSITION PLAN**



**NEW BERN**

**PARKS & RECREATION**

*Family, fitness and fun come together here.*

Approved – November 12, 2019

A handwritten signature in blue ink that reads 'Foster Hughes'.

Foster Hughes, CPRE  
Director of Parks and Recreation

## 7.2.1 – ADA Transition Plan

### INTRODUCTION

The Americans with Disability Act (ADA) was enacted as federal law on July 26, 1990. In 1991 the following regulations were issued: Title I – Employment, Title II – State & Local Government, Title III – Public Accommodations, and Title IV – Telecommunications.

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. This title gives direction to the administrative processes to be followed by State and Local Governments. Such processes are requirements for self-evaluation and planning, requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities.

As such, Title II of the ADA requires all public entities to make their programs, services and activities accessible to individuals with disabilities. City of New Bern activities, parks, programs, services, and special events will continually be assessed, and the ADA Transition Plan revised to ensure accessibility.

### PURPOSE

The ADA requires public entities with more than 50 employees to meet the following requirements:

- Designate at least one employee responsible for ADA coordination.
- Create a plan for handling complaints.
- Develop a transition plan if structural changes are required for program accessibility.
- Retain a self-evaluation for three years.

The purpose of this plan is to ensure visitors and citizens of New Bern are provided full access to all activities, parks, programs, services, and special events offered by the Parks and Recreation Department. Parks and Recreation staff believe accessibility is essential for persons with disabilities to reach an optimal leisure lifestyle and quality of life.

### ADA GRIEVANCE POLICY AND PROCEDURES

1. In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (“ADA”), New Bern Parks and Recreation will not discriminate against qualified individuals with disabilities based on disability in its activities, parks, programs, services, or special events.
2. Effective Communication: Upon request, or as needed, the department shall provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate in programs offered.

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3. **Modifications to Policies and Procedures:** The department shall make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all activities, parks, programs, services, or special events offered. The ADA does not require the department to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. Participants shall incur no additional charges 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.
4. **Complaints** regarding access to any activities, parks, programs, services, or special events not accessible to those with disabilities should be directed to the Director of Parks and Recreation.
5. **Grievance Procedure.** The following Grievance Procedure has been 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 based on disability in the provision of activities, parks, programs, services, or special events by New Bern Parks and Recreation.
  - a. Any ADA-related complaint must be submitted in writing to the Special Events and Programs Coordinator. The complaint should include information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
  - b. Alternative means of filing complaints - such as personal interviews or a recording of the complaint - will be made available for persons with disabilities upon request.
  - c. The complaint must be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the Special Events and Program Coordinator.

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- d. Within 15 calendar days after receipt of the complaint, Special Events and Program Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Special Events and Program Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the department and offer options for substantive resolution of the complaint.
- e. If the response by the Special Events and Program Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Director of Parks and Recreation. Within 15 calendar days after receipt of the appeal, the Director of Parks and Recreation will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Director of Parks and Recreation will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- f. All written complaints received by the department, including correspondence will be retained for at least three years.

### **ACTION PLAN**

The Action Plan for ADA compliance includes New Bern Parks and Recreation's activities, parks, programs, services, and special events self-evaluation. Information is obtained through field inspections using ADA Guideline Checklist Priority 1 – Approach and Entrance, Priority 2 – Access to Goods & Services, Priority 3 – Toilet Rooms, and Priority 4 – Additional Access. Barrier removal will be identified along with associated cost and a schedule for replacement. Activities, parks, programs, services, and special events will continue to be assessed until plans for all activities, parks, programs, services or special events are deemed accessible.