

RESOLUTION # 45-2021
VILLAGE OF FALCONER
CONFIRMING THE AMERICANS WITH DISABILITIES COORDINATOR FOR THE
VILLAGE OF FALCONER; APPROVING THE NOTICE UNDER THE AMERICANS
WITH DISABILITIES ACT AND APPROVING THE GRIEVANCE PROCEDURE
UNDER THE AMERICANS WITH DISABILITIES ACT

Be it RESOLVED, that the Board of Trustees of the Village of Falconer confirms that **Anna Fales, Village Clerk** will act as the Americans with Disabilities Act Coordinator for the Village of Falconer; and be it

FURTHER RESOLVED, that this Board approves the following Notice under the Americans with Disabilities Act:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

Employment: The Village of Falconer 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: The Village of Falconer will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Village of Falconer 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.

Modifications to Policies and Procedures: The Village of Falconer 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. For example, individuals with service animals are welcomed in the Village of Falconer 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 the Village of Falconer, should contact the office of the ADA Coordinator, **Anna Fales, Village Clerk**, at 101 West Main Street, Falconer, NY 14733, at (716) 665-4400 or e-mail at **afales@villageoffalconer.com** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Village of Falconer 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 the Village of Falconer is not accessible to persons with disabilities should be directed to ADA Coordinator, **Anna Fales, Village Clerk**, at 101 West Main Street, Falconer, NY 14733, at (716) 665-4400 or e-mail at **afales@villageoffalconer.com**.

The Village of Falconer 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.

and be it

FURTHER RESOLVED, that this Board approves the following Grievance Procedure under the Americans with Disabilities Act:

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

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 Village of Falconer. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Village of Falconer.

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. No particular format of the complaint is required. 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 in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
101 West Main Street
Falconer, NY 14733

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 Village of Falconer and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee 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 agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

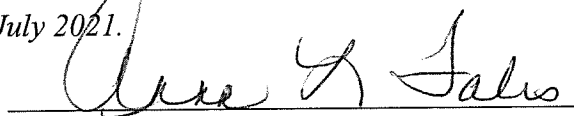
All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Village of Falconer for at least three (3) years.

Trustee Gustafson made a motion, seconded by Trustee Miller, resolving that the Village of Falconer shall confirm Anna Fales as Americans with Disabilities Act Coordinator for the Village of Falconer, at a salary of \$.01/year. It is further resolved that the Village shall approve the Notice under the Americans with Disabilities Act and approve the grievance procedure under the Americans with Disabilities Act, as written. Roll: Dunn: Aye, Gustafson: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: None. Carried.

CERTIFICATE

I, Anna L. Fales, Village Clerk of the Village of Falconer, in the County of Chautauqua, State of New York, HEREBY CERTIFY that the foregoing annexed motions from the minutes of a meeting of the Mayor and Board of Trustees of said Village duly called and held on June 14, 2021, has been compared by me with the original minutes as officially recorded in my office and is a true, complete and correct copy thereof and of the whole of said original motion so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village this 12th day of July 2021.



Anna L. Fales, Village Clerk