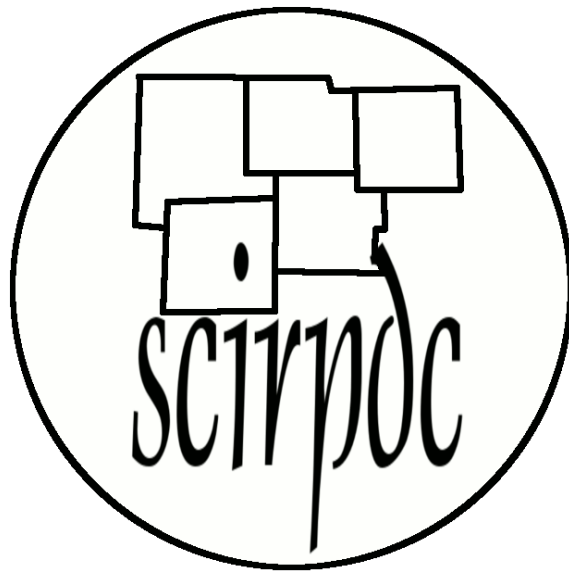




SECTION 504 SELF-EVALUATION

SCIRPDC SECTION 504 SELF-EVALUATION

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Background

Purpose of this Self-Evaluation:

This self-evaluation of the general programs, policies and procedures, recruitment and hiring practices, communication techniques and grievance procedures of the South Central Illinois Regional Planning and Development Commission, as they relate to the regional organization's interaction with persons with disabilities, is intended to provide further written evidence that the agency is, in fact, operating as an equal opportunity employer and provider. This document is to be considered an addendum to both the Commission's Personnel Policies and Affirmative Action Plan.

This self-assessment was conducted in October of 2024 by the Executive Director and highlights various policies, procedures and practices through which the personnel administration of the South Central Illinois Regional Planning and Development Commission (SCIRPDC) is accomplished, particularly as it relates to persons with disabilities. As with many other functions, the overall responsibility for personnel administration (including the fair and equitable treatment of persons with disabilities) rests with the agency's Executive Director. The Executive Director serves as the Commission's 504/ADA Compliance Coordinator but may delegate areas of such responsibility to appropriate permanent staff members or elect to seek the guidance of other public agencies to help maintain compliance with federal regulations, etc.

At review of the Commission's self-assessment is recommended to occur at least every three years (in combination with updates to the Personnel Policies and Affirmative Action Plan), and should be conducted by the Executive Director and then reviewed by the ten-member Personnel Policy Committee as appointed by the Board of Commissioners. Final approval of the agency's Personnel Policies, Affirmative Action Plan and the findings of this Section 504 Self-Assessment, and related policies, procedures and practices, rests solely with the full 31-member Board of Commissioners.

For the benefit of the reader, the document begins with an overview of the regulator mandates designed to prohibit discrimination for persons with disabilities as set forth in Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Architectural Barriers Act. These three pieces of federal legislation set the general framework and specific benchmarks for the Commission's compliance efforts as the recipient of both state and federal funding. The document concludes with an in-house self-evaluation of the agency's current policies, procedures and practices in interacting with persons with disabilities as both potential employees, members of the governing body or simply a local constituent desiring to avail themselves of the agency's planning, staff technical assistance, grant writing and management and/or business and community development loan programs.

Federal Regulatory Mandates

Section 504 of the Rehabilitation Act

The Rehabilitation Act of 1973 (PL 93-112, September 26, 1973) and its subsequent amendments are precursors to the more well-known Americans with Disabilities Act that was passed in 1990. Originally, Section 504 of the Rehabilitation Act was intended to eliminate discrimination against people with disabilities in programs or activities receiving federal funding, and it specifically contains the following mandate:

In 1978, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (PL 95-602, November 6, 1978) was passed, broadening the scope of Section 504 mandate to include the executive branch agencies of the federal government. As amended, Section 504 reads as follows:

No otherwise qualified handicapped individual in the United States, as defined in Section 7 (6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

As a result, each federal agency now has its own set of Section-504 regulations that apply to its own specific programs and activities. Agencies that provide federal financial assistance to local governments and non-profit organizations (such as SCIRPDC) also have Section-504 regulations covering entities that receive such funding.

Requirements common to Federal Agency Section-504 regulations include: (1) the provision of reasonable accommodation for employees with disabilities; (2) program accessibility; (3) effective communication with people who have hearing or vision disabilities; and (4) accessible new construction and alterations. Each federal agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits as well.

The Americans with Disabilities Act

The Americans with Disabilities Act (the ADA) prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA provisions, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA legislation as “a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment”. The ADA legislation does not attempt to specifically name all of the impairments that are covered.

ADA Title I: Employment

Title I of ADA legislation requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a verbal or written job offer is made, and it requires that employers make reasonable accommodations to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue financial hardship.

ADA Title II: State and Local Government Activities

Title II of the ADA legislation covers all activities of state and local governments, regardless of the government entity's size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). While Title II of the ADA legislation does not contain a specific section dealing with non-profit public entities, such as SCIRPDC, our regional agency believes that the requirements spelled out for local governments are generally applicable to the regional commission as well, since the Commission is, in fact, an unofficial extension and outgrowth of such local governments within Clay, Effingham, Fayette, Jasper and Marion counties in South Central Illinois.

State and local governments (and therefore, the public non-profit agencies they create to serve their needs) are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. However, the ADA legislation does not require local governments and the non-profit organizations that serve their needs to take actions that would result in undue financial and administrative burdens. Local governments and public non-profit organizations are required, however, to make reasonable modifications to their policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

ADA Title III: Public Accommodations

Title III of the ADA legislation covers businesses and nonprofit service providers that are public accommodations, privately-operated entities offering certain types of courses and examinations, privately-operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. As an Illinois general non-profit corporation that provides certain professional planning, staff technical assistance, grant writing and management, and loan packing, processing, approval, closing and monitoring services, the South Central Illinois Regional Planning & Development Commission could be broadly construed to fall under the purview of this title of the ADA legislation.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove physical barriers which limit accessibility for persons with disabilities in public access areas of existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.

ADA Title IV: Telecommunications Relay Services

Title IV of the ADA legislation addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third-party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally-funded public service announcements.

Architectural Barriers Act

The Architectural Barriers Act (ABA) legislation requires buildings and facilities that are designed, constructed, or altered with federal funds, or leased by a federal agency, to comply with federal standards for physical accessibility. The ABA legislation's requirements are limited to "architectural standards" in new and altered buildings and in newly-leased facilities. They do not address the activities conducted or the public services delivered from such buildings and facilities.

The Commission owns its offices located at 120 South Delmar Avenue in Salem, Illinois. The office complex was formerly used as a commercial facility, and was purchased and renovated by the Commission in 1989 for use as the regional organization's base of operations within the five-county rural service jurisdiction. The real estate was purchased with a \$35,000 TIF loan from the City of Salem, Illinois, which served as equity, and a \$100,000 Community Facility Loan from the US Department of Agriculture (USDA). As a condition of the USDA loan closing, the Commission was expected to make alterations to the premises and commercial structure to ensure compliance with the ADA and ABA standards at that time (e.g., reserved handicapped parking, threshold modifications to entrance door and a physical expansion of the existing rest rooms to provide suitable stalls, handrails, toilets, lavatories and mirror height adjustments, etc.). As a result of such earlier structural modifications, the Commission's offices are considered generally to be ADA compliant.

Commission Self-Assessment

The following pages reflect the results of a self-assessment of the general programs, policies and procedures, recruitment and hiring practices, communication techniques and employee grievance procedures of the South Central Illinois Regional Planning and Development Commission as they relate to the regional organization's interaction with persons with disabilities. The self-assessment is intended to provide further written evidence that the agency is, in fact, operating as an "equal opportunity employer and provider".

The Commission's self-assessment is organized into five broad areas that include:

- programs, policies and procedures;
- recruitment and employment practices;
- effective communication techniques;
- notice of nondiscrimination; and
- grievance procedures.

Programs, Policies and Procedures

The Commission has a written policy statement contained in both its most current Personnel Policies and Affirmative Action Plan, which clearly signals its intent to operate as an equal opportunity employer and provider relative to its various functions as a five-county regional planning commission and its delivery of a variety of regional business development and community development loan programs. Specifically, the Commission documents note that SCIRPDC shall not, as a recipient of public funding, knowingly deny any employee, board member or constituent the benefits and assistance normally provided by the agency on the basis of race, color, national origin, sex, disability, age, religion, family status or genetic information. The Commission's 504/ADA Coordinator has ensured that the staff is fully aware of this agency position and conducts business accordingly. The Commission's letterhead and some brochures contain the above referenced Equal Employment Opportunity clause.

While the Commission does not routinely provide sensitivity training on 504/ADA issues, it has, on occasion, provided staff technical assistance to its member local governments in complying with such federal mandates and has performed ADA accessibility evaluations of publicly-owned facilities frequented by the general public.

In addition, the Commission staff has also assisted several member local governments in accessing CDBG grant funds to help finance modifications to such public facilities and help bring them into full ADA compliance. Finally, the Commission's Community Development Initiative (or CDI) direct loan program has the flexibility to make fixed-rate regional loans to a member local government, special taxing district or sister non-profit agency to help finance mandated structure improvements to public buildings or the removal of architectural barriers which prohibit access to persons with disabilities.

A general description of the planning, staff technical assistance, grant writing and management services and regional-level business development and community development direct loan programs administered by SCIRPDC is contained on the agency web site at www.scirpdc.com. Additional information regarding the full range of staff services and commission programs can be obtained by contacting the Commission offices at 120 South Delmar Avenue, Suite A, Salem, Illinois 62881-2000, by calling the staff at (618) 548-4234 or by e-mailing the appropriate staff member. In some instances, general information regarding specific Commission program policies and procedures is contained in printed agency brochures as well.

The Commission does not have any special programs or services specifically targeting persons with disabilities and, as a result, does not presently market its services and programs to the general public (including persons with disabilities), but would be happy to respond to any questions or requests from interested disabled individuals or groups.

It is the Commission's written policy that the selection of the most qualified candidate to fill any new staff position or vacancy shall be based solely upon the Executive Director's evaluation of the candidate's

qualifications and ability to fulfill the specific job-related duties and responsibilities associated without regard to the applicant's race, color, national origin, sex, disability, age, religion, family status or genetic information. The same policy also applies to the appointment of individuals to the Commission's 31-member Board of Commissioners and standing or ad-hoc advisory committees. Furthermore, the Commission's provision of professional planning services, staff technical assistance, grant writing and management assistance and the delivery of regionally-administered lower-interest, fixed-rate business and community development loan programs will also be provided without regard to the constituent's race, color, national origin, sex, disability, age, religion, family status, or genetic information. The Commission would refuse to provide assistance to or contract with a person or organization that knowingly discriminates on the basis of race, color, national origin, sex, disability, age, religion, family status or genetic information.

Accordingly, there is no reason to believe that an otherwise qualified individual with a disability will be denied an opportunity to enjoy, participate in or benefit from the regionally-administered staff services or programs of SCIRPDC. To the extent possible, the range of staff services and programs offered to persons with disabilities is identical to those offered to non-disabled constituents, unless offering a different or separate level of service would better serve the disabled person without creating a financial hardship on the Commission.

Recruitment & Employment Practices

As required by both the Commission's Personnel Policies and Affirmative Action Plan, all employee recruitment advertisements (both electronic and hard copy) contain a statement that the regional organization is an Equal Opportunity Employer and Provider. When requested, the Commission is prepared to make employee recruitment materials available in Braille and/or in an audio format for consideration by sight or hearing-impaired persons.

When applications for employment are solicited by the Commission to fill a staff vacancy or new staff position, candidates are instructed to complete and submit the standard SCIRPDC Application for Employment. This application has been carefully scrutinized to ensure that it does not preclude or discourage submission of the application based upon the candidate's race, color, national origin, sex, disability, age, religion, family status or genetic information. Similarly, while all candidates for Commission employment are subjected to a personal background check and substance abuse screening, no other vocation or aptitude testing is conducted that would conceivably discriminate against otherwise-qualified candidates.

Applications for Commission employment are processed by the Executive Director with the assistance of other administrative staff. During the process of screening applications for employment to select the top candidates for a personal interview, care is taken to consider only the candidate's ability to efficiently perform essential job-related duties and responsibilities without regard to race, color, national origin, sex, disability, age, religion, family status or genetic information. The Commission has proven its willingness to make reasonable accommodations for both the interviewing and subsequent hiring of otherwise well qualified candidates with disabilities that do not create a financial hardship for the Commission. Anything that involves a financial expenditure in excess of 15% of the employee's first year's salary could be considered a financial hardship on the regional organization. As necessary, job interviews can be scheduled

at a time and location within the five-county region which accommodate the limitations of persons with disabilities.

Similarly, job assignments, promotions, demotions, lay-offs, reinstatements and annual adjustments to employee salaries and fringe benefits will be considered by the Executive Director and the Operations & Budget Committee membership based primarily upon the candidate's ability to efficiently perform actual job-related duties and responsibilities. As outlined in the Commission's Personnel Policies, all permanent, full-time salaried and hourly employees will earn and accumulate personal days, vacation days, sick days and paid holiday leave, along with other granted fringe benefits, without regard to race, color, national origin, sex, disability, age, religion, family status or genetic information.

The personnel file for each employee is confidentially maintained by the Commission's Office Manager/Bookkeeper at the offices of the regional organization in Salem, Illinois. Only the Executive Director, Office Manager/Bookkeeper, the employee and the Commission's CPA firm would normally have access to such otherwise confidential medical information, self-identification of a disability, request for accommodation or disciplinary information.

Effective Communication Techniques

The Commission strives to ensure that the level of written and verbal communications with any disabled candidate for employment, sight or hearing-impaired employee, board or committee members and the general public at large is as effective and useful as its communications with others. Since the agency has never had a sight- or hearing-impaired candidate or employee, it is not currently well equipped to deal with such challenges, but is prepared to work with other organizations that are when necessary. The Commission's offices in Salem, Illinois are not equipped with a TTY for persons with a hearing or speech impairments, but Internet e-mail and relay services could be used when needed. The Commission does not have an (800) toll-free telephone number.

In addition, while none of the Commission's key employee and client recruitment and employment documents (such as the agency's Application for Employment and Personnel Policies) are available in Braille for sight-impaired persons, the Commission could cooperate other existing agencies to help prepare such alternative reasonable accommodations when required. Similarly, audio tapes of selected key documents could be prepared if required by the Commission staff or others, or the services of a qualified interpreter could be secured on a short-term basis. The auxiliary aids or special services that the Commission might be willing to provide to individuals with disabilities will be determined on a case-by-case basis, depending upon the specific circumstances. Requests for such auxiliary aids or special services should be shared with the Commission's 504/ADA Coordinator.

The Commission strives to ensure that its meetings, public hearings, regional workshops and briefings, etc. will be both equally accessible and beneficial for persons with communication disabilities. A copy of the Commission's Regular Meeting Schedule for each future calendar year is available without charge upon request in early December of each calendar year. Requests for such auxiliary aids or special services by persons with disabilities should be shared at least three days in advance of the meeting or hearing date with the Commission's 504/ADA Coordinator.

The Commission suggests that any disabled person with a communications disability may want to dial 711 on their telephone to access the relay service program in order to communicate with the Commission staff.

The Office Manager/Bookkeeper normally answer the agency's telephone and therefore will be the front line for the possible receipt of such calls.

Notice of Nondiscrimination

A notice of the Commission's commitment to avoid discrimination in the selection of its employees and governing body members and the delivery of staff assistance and regional programs without regard to race, color, national origin, sex, disability, age, religion, family status or genetic information is contained in both the Commission's most current Personnel Policies and Affirmative Action Plan. Collectively, the aforementioned two Commission documents along with this Section 504 Self-Evaluation clearly indicate:

- the agency's commitment to nondiscrimination;
- identification of the Commission's 504 /ADA Coordinator;
- the street address, city, state and zip code for the Commission's offices;
- the Commission's telephone and fax numbers and our web site URL;
- procedures for requesting auxiliary aids or services for a meeting or event;
- our willingness to make reasonable accommodations, including alternate meeting locations and formats for persons with disabilities; and
- information on our grievance procedures.

The Commission's letterhead and certain information brochures contain an indication that the Commission is an equal opportunity employer and provider. However, all written Commission materials do not contain a specific statement noting that the agency complies with Section 504/ADA requirements and will offer reasonable accommodations when appropriate for persons with disabilities. The Commission has not historically published its non-discrimination intentions in a local newspaper of general circulation each year.

Grievance Procedures

For over 50 years, the member local governments, local development organizations, financial institutions and general public has availed themselves of the professional planning, staff technical assistance, grant writing and management services, and regionally administered business and community development loan programs offered by SCIRPDC. Since the Commission's conception in 1972, there have been virtually no difficulties encountered by, nor any formal complaints filed against, the Commission for the lack of service to persons with disabilities.

If such difficulties arise in the future, it is the Commission's policy to immediately deal with the problem at the lowest possible level (i.e., by notifying the Commission's 504/ADA Coordinator) for satisfactory resolution. If the problem cannot be resolved via such action and a formal complaint is issued by a person with disabilities, the issue will be brought to the attention of the Commission Chairman as well, for further consideration and resolution. If the Chairman's intervention still does not solve the problem, five members from the ten-member Personnel Policies Committee will arbitrate the matter with their decision being the agency's final word on the matter. In the interim period, advice from the Commission's legal counsel, as well as from outside agencies, may be sought.

Self-Assement Conclusion

In summary, ample evidence exists to document the fact that SCIRPDC has, in fact, adopted and continues to utilize and implement policies, procedures and practices designed to ensure that the regional organization's interaction with persons with disabilities is undertaken in an impartial and equitable fashion without regard to race, color, national origin, sex, disability, age, religion, family status or genetic information.

**SCIRPDC
2025**