

ADA Grievance Procedure

CITY OF ATASCADERO, CA AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE FOR CITY SERVICES, PROGRAMS, OR FACILITIES

The City of Atascadero has adopted the following internal grievance procedure related to City Services, Programs, or Facilities. The purpose of this procedure is to ensure the responsive and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) Legislation as more fully defined in United States Public Law 101-336.

Complaints related to City Services, Programs, or Facilities should be addressed to the following appointed officer of the City of Atascadero, who has been designated Americans with Disabilities Act (ADA) Coordinator for the City:

Nick DeBar
Public Works Director
6500 Palma Ave
Atascadero, CA 93422

Voice: 805 470 3188
TDD:

Email: ndebar@atascadero.org
Office Hours: 8:00 a.m. to 5:00 p.m.
Monday through Friday

Grievance Procedure

1. Any and all grievances and/or complaints shall be submitted in writing to the office of the ADA Coordinator. The written documentation shall include:
 - A. The name, address, and telephone number of the complainant;
 - B. The names, addresses, and telephone numbers of associated witnesses;
 - C. A narrative and/or statement, in sufficient written detail including date and time of the incident to fully define and explain the alleged violation of the ADA regulations;

D. A narrative and/or statement, in sufficient written detail, identifying proposed recommendations, from the complainant's viewpoint, to adequately resolve the alleged violation; and

E. Any other written information or documentation to more fully explain or identify the alleged violation.

2. Any and all grievances and/or complaints shall be filed no later than thirty (30) days after the complainant becomes aware of an alleged violation.
3. An investigation, as may be appropriate, shall be initiated following the filing of a grievance and/or complaint. The investigation shall be under the administrative direction of the ADA Coordinator and involve appropriate City staff members as deemed necessary. This procedure contemplates informal but thorough investigations, affording the complainant, City staff and all other interested parties and their representatives, if required, an opportunity to further explain or provide additional evidence beyond that submitted or known when the complaint was filed.
4. The ADA Coordinator, at his or her discretion, may meet in person with the complainant, City staff members, or other interested parties or representatives to discuss the alleged violation, the resultant investigation and any pertinent aspects of the complaint situation.
5. A written determination as to the validity of the written grievance and/or complaint filed along with the a description of resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant via Certified Mail or Personal Service Delivery no later than thirty (30) days after the initial grievance or complaint filing. This thirty (30) day period may be extended upon the approval of the complainant and the ADA Coordinator in instances where investigation or research requires additional time for proper grievance or complaint consideration.
6. The ADA Coordinator shall maintain the files and records of any and all ADA grievances and/or complaints filed.
7. A complainant may request a reconsideration of a written grievance and/or complaint filed in instances where he or she is dissatisfied with the resolution decision made by the ADA Coordinator. A request for reconsideration shall be made in writing to the City Manager. This written request must be received by the Office of the City Manager within ten (10) days after receipt of the ADA Coordinator's determination in which the complainant is aggrieved, including the complainant's rebuttal to these conflict areas. The City Manager, at his or her discretion, may meet in person with the complainant, ADA Coordinator, City staff members or other interested parties or representatives to discuss the reconsideration issue. A written determination as to the validity of the written reconsideration request along with a description of resolution, if any, shall be issued by the City Manager and a copy forwarded to the complainant via Certified Mail or Personal Service Delivery no later than fifteen (15) days after filing of the written reconsideration request. This fifteen (15) day period may be extended upon the approval of the complainant and the City Manager in instances where

investigative or research needs require additional time for proper reconsideration review. The decision of the City Manager shall be final.

8. The right of a person to the prompt and equitable resolution of a written complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an Americans with Disabilities Act (ADA) complaint with the responsible federal Department or Agency. The utilization of the City of Atascadero's Grievance Procedure is not a prerequisite to the pursuit of other remedies.
9. This Grievance Procedure related to City Services, Programs or Facilities shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City of Atascadero meets the spirit and guidelines of the Americans with Disabilities Act (ADA).