

SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA)
GRIEVANCE PROCEDURE

NO.: 9-1

PURPOSE:

The purpose of this Administrative Instruction is to:

1. Assure that grievances are promptly acknowledged and resolved.
2. Establish uniform standards and procedures for handling grievances throughout the City organization.
3. Provide for an accessible, convenient and efficient method for bringing complaints to the City's attention.
4. Demonstrate that the City is responsive to the needs and concerns of the disabled.

POLICY:

The City of Mountain View is committed to providing quality services and facilities and equal employment opportunity to all individuals regardless of race, color, religion, national origin, sex, age or disability.

PROCEDURE:

Any individual who believes that he/she (individually or on behalf of a specific class of individuals) has been subjected to unlawful discrimination on the basis of disability by a City of Mountain View employee, service, program or in an initial application for employment may file a complaint by himself/herself or by an authorized representative.

1. Any individual who believes he/she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident. In order to facilitate the investigation, the complainant is encouraged to submit the complaint within thirty (30) days of the alleged incident(s). In all cases, written complaints must be received within one hundred eighty (180) days of the alleged incident. All complaints should be sent to the City's ADA Coordinator in the City Manager's Office for resolution. A written record of the complaint and action taken will be maintained in the City Manager's Office. A decision by the City's ADA Coordinator will be rendered in writing within fifteen (15) working days of

receipt of the complaint unless the ADA Coordinator gives the complainant written notice of the need for additional time to respond to the complaint. The time for the ADA Coordinator's response may then be extended for an additional reasonable period of time to ensure sufficient time for the ADA Coordinator to thoroughly investigate the complaint and provide a response.

Complaints must include the following information:

- a. A description of the alleged discriminating activity, policy, program or service.
 - b. Date(s), time(s) and location(s) of incident(s).
 - c. Name(s) of alleged offender(s), if any.
 - d. Name(s), address(es) and telephone number(s) of witness(es), if any.
 - e. Remedy desired.
2. Upon receipt of a complaint, the ADA Coordinator shall investigate all charges. The investigation shall include interviews with the following persons:
- a. The complainant.
 - b. The person(s) responsible for the activity, policy, program or service engaged in the alleged incident(s).
 - c. Any other person the ADA Coordinator believes to have relevant knowledge concerning the complaint.
3. Upon completion of the investigation, the ADA Coordinator shall review the factual information gathered during the investigation to determine whether the complaint constitutes discrimination, giving consideration to all factual information; the totality of the circumstances, including the nature of the activity, policy, program or service; and the context in which the alleged incident(s) occurred.

4. The ADA Coordinator shall then prepare a written report stating the results of the investigation and the determination as to the action(s) to be taken, if any. The results of the investigation and recommendation(s) shall be conveyed to the appropriate persons, including the complainant and the person(s) responsible for the alleged activity, policy, program or service engaged in the incident(s).
5. If the complaint cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, it will be forwarded to an ad hoc interdepartmental task force convened by the ADA Coordinator. The ad hoc task force shall be composed of members of City staff who have background or expertise in the type of issue raised in the complaint.
6. The task force shall issue a written decision to the complainant with a copy provided to the ADA Coordinator within thirty (30) days of receiving a complaint. All proceedings of the task force shall be recorded, transcribed and maintained as a record of the task force hearing.
7. If a complaint cannot be resolved to the complainant's satisfaction by the task force, the complaint will be heard by the City Manager or his/her designee. A determination by the City Manager shall be made within thirty (30) days, and the decision of the City Manager shall be final.
8. A record of action taken on each request or complaint shall be maintained as part of the records at each level of the grievance procedure.
9. The complainant's right to prompt and equitable resolution of the complaint shall not be impaired by his/her pursuit of other remedies. Furthermore, this grievance procedure does not preclude, nor must it precede, the filing of a complaint with the appropriate Federal or State agency; however, such complaint must be filed within the period specified by law.
10. This policy shall apply to initial applications for City employment by members of the public but shall not apply to charges of discrimination in employment in violation of Title 1 of the ADA brought by persons who are already City employees regarding the employment practices of the City. City employees may pursue such charges through the reporting procedure as outlined in the City's

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harassment policy and complaint procedure, the grievance procedure set forth in the applicable Memorandum of Understanding and/or employees may pursue any other remedy available under the law.

Signed

Kevin C. Duggan, City Manager

Effective Date: September 1, 1995

Revision Date:

LF/ADM

9-01ADM-601^

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CATEGORY: General

DOCUMENT TYPE: Administrative Instruction

DATE: 09/01/95

DEPARTMENT: City Manager

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