

Grievance Procedure

Americans with Disabilities Act

PURPOSE

The City of Brookings is committed to ensuring that people with disabilities are able to take part in, and benefit from, the entire range of public programs, services and activities offered by the City. The City continues to modify its facilities, programs, policies, or practices, as necessary to ensure such access is provided.

Title II of the Americans with Disabilities Act (ADA) requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints. The purpose of the ADA grievance procedure is to resolve as promptly as possible any problems, complaints, or conflicts related to the city's ADA compliance without the need for the complainant to resort to other remedies available under the law.

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Please note: This procedure applies only to the property, programs and services of the City of Brookings. For information or assistance with regard to private property, please contact the City Building Official, LauraLee Gray at (541)469-1131.

1. WHO MAY FILE A GRIEVANCE?

You or your authorized representative may file an ADA grievance if you believe that:

- The City is not in compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities or
- You or a specific class of individuals have been denied access to participate in a City program, service or activity on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the basis of disability by the City of Brookings, or
- The City has otherwise violated the ADA.

2. WHEN SHOULD A GRIEVANCE BE FILED?

Before filing a grievance, you may seek informal resolution by contacting the Department Head of the affected department. The City encourages, but does not require, an attempt to resolve concerns informally prior to filing a formal grievance. If your informal concern is not resolved in a timely manner, you have the right to file a formal grievance under this procedure.

3. WHAT SHOULD THE GRIEVANCE INCLUDE?

You may file your grievance on the attached form (Attachment 1). If you choose not to use the form, your grievance may be filed either in writing or verbally and must include the following information:

- a.** Your name, address and telephone number. If a representative is filing the grievance on your behalf, his or her name, address and telephone number must also be included.
- b.** A description of the offending behavior or action or violation.
- c.** The date, time and location of the incident.
- d.** If the incident involved a City of Brookings employee, his or her name should be included, if you know it.
- e.** The name and contact information of witnesses, if any.
- f.** If your grievance is being filed on behalf of another person or a group of people, all of the grievants should be described or identified by name, if possible.
- g.** The remedy you desire.
- h.** Your signature or the signature of your authorized representative.

The City will make every effort to ensure that confidentiality is maintained throughout the complaint and investigation process, to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share information only on a need to know basis.

4. WHERE SHOULD I SUBMIT MY GRIEVANCE?

You may file your grievance with the City's designated ADA Compliance Officer. The ADA Compliance Officer's name, address and telephone number are:

LauraLee Snook, ADA Compliance Officer
898 Elk Drive
Brookings Or 97415
(541)469-1131 phone (541)469-3650 Fax
TTY (800)735-1232
lsnook@brookings.or.us

If you believe the ADA Compliance Officer is involved in alleged discrimination, you may submit your grievance to the City Manager.

5. WHAT IF I NEED ASSISTANCE FILLING OUT MY GRIEVANCE?

ADA grievances may be filed by mail, by phone, verbally or by e-mail. Assistance is available from the ADA Compliance Officer. You should contact her office and request the type of assistance you need. The ADA grievance procedure and complaint form are available in alternative formats upon request from the ADA Compliance Officer.

6. WHAT HAPPENS AFTER I FILE MY GRIEVANCE?

After receiving your grievance, the Department Head or the ADA Compliance Officer will investigate. The investigation may include, but may not be limited to interviews with: (a) you; (b) the person, if any, who allegedly discriminated against you; and (c) any other person the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence that is given to him/her.

After completing the investigation, the investigator will review the factual information gathered through the investigation to determine whether discrimination has occurred or the ADA has been otherwise violated. The investigator will consider all of the factual information, all the circumstances, and the context in which any alleged incidents occurred.

The investigator will then prepare a written report which will include: (1) the results of the investigation; (2) a determination as to whether discrimination occurred or access requirements have been violated; and (3) any appropriate remedy which the City will provide. A copy of the report will be sent to you, and a copy will be sent to both the Department Head and the ADA Compliance Officer. The ADA Compliance Officer will then issue a written response to the complaint.

7. WHEN WILL I RECEIVE A RESPONSE?

Within 15 days of the City's receipt of the grievance, you will receive a confirmation that it has been received and is being investigated. If you do not receive a confirmation within 15 days, please contact the ADA Compliance Officer. Absent extenuating circumstances, all grievances will be investigated, and a response issued within 90 days of receipt of the grievance. If a delay is expected, the Department Head or ADA Compliance Officer will notify you in writing of the reason for the delay, and the date by which you will receive a response.

8. SHOULD I BE CONCERNED THAT A CITY EMPLOYEE MIGHT RETALIATE AGAINST ME IF I COMPLAIN?

The City will not retaliate against you for filing a grievance and will not knowingly permit retaliation by its employees. The City will take reasonable steps to protect you from retaliation by others as a result of filing a grievance. Please let the ADA Compliance Officer know immediately if you feel you are being retaliated against for filing a grievance.

9. WHAT CAN I DO IF I AM NOT SATISFIED WITH THE RESULTS OF THE CITY'S INVESTIGATION?

If you are not satisfied with the results of the investigation, you may submit a verbal or written appeal within 20 days of your receipt of the findings. Your appeal should detail the reasons you believe the findings to be in error. You will receive a response within 20 days of the day you submit your appeal.

Your appeal should be directed to the City Manager, City of Brookings, 898 Elk Drive, Brookings, OR 97415 or by calling 541-469-1101. A written response to the appeal will be issued within 20 days.

If you are not satisfied with the results of the appeal, you may file a complaint with the U.S. Department of Justice on line at www.ada.gov/ or call (800)514-0301 (phone) or (800)514-0308 (TTY).

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of alleged discrimination, the City encourages you to use this procedure in addition to any other available remedies you may choose.

**CITY OF BROOKINGS GRIEVANCE FORM
COMPLAINT OF ACCESS VIOLATION OR DISCRIMINATION
ON THE BASIS OF DISABILITY**

Complainant Name: _____

Address: _____

Telephone: _____

Alleged Violation: _____

Date and time of violation: _____

Name of person who caused violation: _____

Address where violation occurred: _____

Witness to violation and contact information: _____

If complaint is filed on behalf of a second person or group of people, please provide the name and address of each grievant, if possible:

What action do you want taken to correct the alleged violation?

Is there any other information you want the City to know concerning your grievance?

Signature: _____

Date: _____