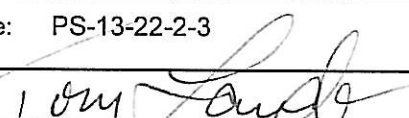


CITY OF CHICO
Administrative Procedure and Policy Manual

Subject: AMERICANS WITH DISABILITIES ACT (ADA) AND SECTION 504 REHABILITATION ACT INFORMAL GRIEVANCE PROCEDURE		Number: 14-4
Department(s) Affected: City Manager; Personnel; Public Works		Effective Date: December 1, 1999
Authority: Section 2.12.010 Chico Municipal Code		Supersedes: 90-8 dated 4-1-92
		File Reference: PS-13-22-2-3
		Approved: 

I. PURPOSE

- A. To establish an informal grievance procedure for the resolution of complaints from disabled persons who believe that they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination under any program or activity of the City of Chico, solely by reason of his or her disability.
- B. To ensure compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990, and to provide disabled persons with a prompt and equitable internal grievance procedure for the resolution of complaints.

II. POLICY

- A. It is the policy of the City of Chico that all City services and programs, including grants and contracts administered by the City, are available to disabled persons in the same manner as accorded to persons without disabilities, and that complaints from disabled persons alleging discrimination with respect to access to such City services and programs are processed quickly and fairly.
- B. Pursuant to Federal law, the use of an internal grievance procedure is not required before the filing of an administrative complaint with appropriate Federal agencies, or the filing of judicial remedies. The right of a person to a prompt and equitable resolution of a complaint under this grievance procedure shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with responsible Federal departments or agencies.

III. PROCEDURE

- A. Designation of Responsible Employees. Section 504 and the ADA require that public entities designate at least one employee to coordinate the investigation of complaints from persons with disabilities. The City's designees are the ADA Coordinators for employment, public services and transportation, as set forth in Administrative Procedure and Policy No. 14-3.
- B. Who May File a Grievance. A person who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may, on his/her own behalf or by an authorized representative, file a grievance under this procedure.
- C. Non-Retaliation. No person who files a grievance, nor any person who cooperates in the investigation of a grievance, shall be subjected to retaliation, and the City shall take reasonable steps to protect such persons from retaliatory actions.
- D. Grievance Procedure.
 - 1. Persons having a complaint are encouraged to first contact, by telephone or in person, the appropriate ADA Coordinator to attempt to informally resolve the complaint. If this does not yield a satisfactory resolution of the complaint, a grievance may be filed.

2. The grievance shall be filed with the appropriate ADA Coordinator. The grievance should be filed in writing, however, it may be filed orally.
3. The grievance shall contain:
 - a. The name, address and telephone number of the person filing the grievance, and the name, address and telephone number of the person affected by the alleged discrimination (if different).
 - b. A statement of the problem or action alleged to be discriminatory, as much background information (time and place, etc.) as possible, including witness names and addresses.
 - c. The remedy or relief being requested to resolve the complaint.
4. The grievance should be filed within 30 calendar days after the person becomes aware of the alleged discriminatory action.
5. The ADA Coordinator shall investigate the validity of the complaint and shall, within 30 calendar days after receipt of the grievance, issue to the person filing the grievance, or his or her designated representative, a written determination as to its validity, and a description of the resolution of the complaint, if any. With the written consent of the person filing the grievance, or his or her designated representative, the 30-day time period for making a determination regarding the grievance may be extended for an additional 30-day time period.
6. Reconsideration of the determination of the ADA Coordinator may be made in instances where the person is dissatisfied with the resolution of the complaint, or if a written determination has not been issued within the initial or extended 30-day time period. The request for reconsideration must be made within 14 calendar days of the issuance of the written determination or the expiration of the initial or extended 30-day time period. The request shall be made in writing to the City Manager, who shall issue a final, written determination with 30 days of receipt of the request for reconsideration.