



Administrative Policy Manual

Policy No: A-5

Date: 12-1-10

Approved: Jan. Martinez

SUBJECT: AMERICANS WITH DISABILITY ACT & GRIEVANCE POLICY

PURPOSE: To outline a grievance procedure in accordance with the Americans with Disability Act (ADA) and to comply with 28 Code of Federal Regulations (CFR) Part 35.107.

GENERAL POLICY:

This policy provides a procedure to be followed to respond to individuals who believe that they have been subject to discrimination on the basis of disability.

PROVISIONS:

1. Definitions:

- a. Disability is a physical or mental impairment that substantially limits one or more of major life activities; a record of such an impairment; or being regarded as having such impairment (ADA, Section 12102).
- b. ADA is Americans with Disability Act of 1990.
- c. Risk Coordinator is the responsible employee with a working knowledge of the requirements of ADA and designated to coordinate the City's effort to comply with and carry out the City's ADA responsibilities. The Risk Coordinator maintains confidentiality with regard to complaints, consultations and mediations, unless disclosure is notwithstanding the requirements of litigation and court proceedings.

2. As soon as the individual believes he/she has been discriminated against due to his/her disability, he/she will file a discrimination complaint to the Risk Coordinator. The complaint will contain information about the alleged discrimination, such as the name, address and phone number of the complainant, and location, date and description of the problem.

3. The complaint will be submitted no later than fifteen (15) calendar days after the alleged violation to:

Risk Coordinator
City of Indio
100 Civic Center Mall
Indio, Ca 92201

4. Within ten (10) calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within ten (10) calendar days of the meeting, the Risk Coordinator or designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.
5. If the response by the Risk Coordinator or designee does not satisfactorily resolve the issue, the complainant may appeal the decision within ten (10) calendar days after the receipt of the response to the City Manager or designee.
6. Within ten (10) calendar days after of the appeal, the City Manager will meet with the complainant to discuss the complaint and possible resolutions. Within fourteen (14) calendar days after the meeting, the City Manager or designee will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
7. The time limits specified may be extended by mutual agreement of the complainant and the Risk Coordinator and/or City Manager.
8. Retaliation against an individual who files a complaint of discrimination or harassment, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited. Anyone who believes he/she has been retaliated against for filing a complaint of discrimination or harassment is encouraged to report the retaliatory actions to the City Manager or designee.