

## **RESOLUTION NO. 2007-26**

### **A RESOLUTION OF THE CITY OF POST FALLS, IDAHO, ADOPTING A GRIEVANCE PROCEDURE PURSUANT TO SECTION 504 OF THE REHABILITATION ACT AND THE AMERICANS WITH DISABILITIES ACT**

WHEREAS, as a recipient of Idaho Community Development Block Grant (ICDBG) funds, the City is required to adopt a Grievance Procedure in compliance with Section 504 of the Rehabilitation Act as amended and the Americans with Disabilities Act of 1990 (ADA).

NOW THEREFORE, it is resolved by the Mayor and City Council that the following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans with Disabilities Act of 1990 (ADA):

#### **GRIEVANCE PROCEDURE FOR CITY OF POST FALLS**

According to these laws the City of Post Falls certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by the City.

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem. The grievance should be in writing and should include the name, address and telephone number of the complainant. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals with disabilities. The complaint should be submitted by the complainant or his/her designee as soon as possible, but no later than 60 days after the alleged violation. Complaints must be signed and sent to: 504/ADA Coordinator, City of Post Falls, 408 Spokane Street, Post Falls, ID 83854.

Within 15 calendar days after receiving the complaint, 504/ADA Coordinator will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting, 504/ADA Coordinator will respond in writing. Where appropriate, the response shall be in a format accessible to the complainant (such as large print or audio tape). The response will explain the position of the City and offer options for resolving the complaint.

If the response by 504/ADA Coordinator does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision of the ADA Coordinator. Appeals must be made within 15 calendar days after receipt of the response. Appeals must be directed to the chief elected official or his or her designee.

Within 15 calendar days after receiving the appeal, the mayor or the mayor's designee will meet with the complainant to discuss the complaint and to discuss possible resolutions. Within 15

calendar days after the meeting, the mayor or the mayor's designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. The response shall be accompanied by a final resolution of the complaint. The 504/ADA Coordinator shall maintain the files and records of the City pertaining to the complaints filed for a period of three years after the grant is closed out.

#### Other Complaint Procedures.

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance:

- use the grievance procedure provided by the public entity
- file a complaint with any agency that provides funding to the public entity
- file with one of the eight federal agencies designated in the Title II regulations

Under Title II, filing a grievance with the public entity's ADA Coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. The following are four of the eight agencies where a Title II complaint can be filed:

Department of Justice (DOJ)  
Civil Rights Division  
Public Access Section  
P.O. Box 66738  
Washington, DC 20035-9998

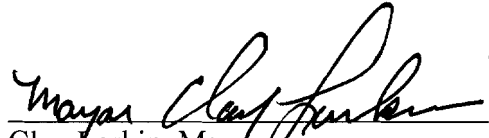
Department of Housing & Urban Development (HUD)  
Community Planning and Development  
451 7<sup>th</sup> Street  
Washington, DC 20410-4000

Architectural & Transportation Barriers Compliance Board (ATBCB)  
1331 F Street, N.W., Suite 1000  
Washington, DC 20004-1111


Equal Employment Opportunity Commission (EEOC)  
1801 L Street, N.W.  
Washington, DC 20507

Enacted by the City Council as a Resolution of the City of Post Falls on the 18 day of December 2007.

Approved by the Mayor on the 19 day of December 2007.

  
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Clay Larkin, Mayor

Attest:

  
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Christene Pappas, City Clerk



  
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504/ADA Coordinator