



**CITY OF CLOVERDALE, CALIFORNIA
COUNCIL POLICY**

SUBJECT	RESOLUTION NUMBER	EFFECTIVE DATE	PAGES	
ADA - Title II Disabled Access to City Services and Programs; Americans with Disabilities Act (ADA) and Section 504 Rehabilitation Act Informal Grievance Procedure; and Designation of City Coordinators for Implementation of Americans with Disabilities Act Efforts	052-2017	08-22-2017	4	

BACKGROUND

The issue of accessibility, both architecturally and programmatically by people with disabilities to public and private entities has been addressed by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. This broad reaching legislation addresses the right of people with disabilities to obtain equal access to services, programs, buildings, facilities, and employment.

PURPOSE

- A) It is the intent of the City Council that the City of Cloverdale take a proactive leadership role in addressing ways of making Cloverdale an "Accessible City," and to address the requirements of the Americans with Disabilities Act by calling on all businesses and industries to work together toward this goal. In addition, it is the intent of the Council to ensure that the City of Cloverdale provides equal employment opportunities to persons with disabilities.
- B) To ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 and 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 Cloverdale, solely by reason of his or her disability.
- C) To designate the coordinators of the City's efforts to comply with and carry out the requirements of the Americans with Disabilities Act of 1990 (ADA).

POLICY

It shall be the policy of the City Council to ensure that the City of Cloverdale provides accessible City services, programs, and buildings, and to maintain compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

The City of Cloverdale endorses the goals of the ADA of ensuring equal participation of individuals with disabilities in the "mainstream" of American society. The major principles of mainstreaming which the City of Cloverdale endorses are:

- 1) Individuals with disabilities shall be integrated to the maximum extent appropriate.
- 2) Separate programs shall be permitted where necessary to ensure equal opportunity.

- 3) Individuals with disabilities shall not be excluded from the regular programs of the City, or required to accept special services or benefits.
- 4) The City will not impose eligibility criteria for participation in its programs, services, or activities that either screen out or tend to screen out persons with disabilities, unless it can show that such requirements are necessary for the provision of the service, program, or activity.

POLICY IMPLEMENTATION AND ADA COORDINATOR DESIGNATIONS

Section 504 and the ADA require public entities to designate at least one employee to coordinate the investigation of grievances from persons with disabilities.

- 1) **Employees and Volunteers.** Each Department Director is responsible for ensuring that there is no discrimination against individuals based on disability by: 1) ensuring that all employees AND volunteers under their direction are informed of this City policy; and 2) ensuring that any instances or allegations of discrimination are immediately reported to the Human Resources Department. The Human Resources Department will ensure that each employee and volunteer receives a copy of this policy.

The Human Resources Department will ensure that all grievances are investigated and will attempt resolution of grievances filed in the Human Resources Department. Individuals are encouraged to immediately report any act of disability discrimination to their supervisor, department director, or the Human Resources Department. Staff receiving grievances should fully inform the individual of their rights, take appropriate and timely steps to investigate, and, when merited, take prompt and effective remedial action.

The ADA Coordinator for employment and hiring is as follows:

ADA Coordinator
Deputy City Clerk/HR Technician (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1712

- 2) **Public Services.** The ADA Coordinator for the public services provisions of the ADA (Title II), covering program accessibility, communications, architectural barriers, and transportation issues is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

- 3) **Housing.** The ADA Coordinator for Housing is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

- 4) **Public Grievance Procedure.** The ADA Coordinator shall be responsible for investigating any grievance or communication to the City alleging non-compliance with the ADA. The ADA Coordinator for the general public is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

PROCEDURE

- 1) **Who May File a Grievance?** Any 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.
- 2) **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.
- 3) **Grievance.** Persons having a grievance are encouraged to first contact, by telephone or in person, the appropriate ADA Coordinator to attempt to informally resolve the grievance. If this does not yield a satisfactory resolution, a grievance form may be filed.
- 4) **Filing.** The grievance shall be filed with the appropriate ADA Coordinator. The grievance should be filed in writing using the ADA Grievance Form; however, it may be filed orally.
- 5) The grievance shall contain the following:
 - 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, place, photographs, etc...) as possible, including witness names and contact information.
 - c) A recommended remedy or relief being requested to resolve the complaint.
- 6) The grievance should be filed within 60 calendar days after the person becomes aware of the alleged discriminatory action.
- 7) The ADA Coordinator shall investigate the validity of the complaint and shall, within 30 calendar days of 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. The 30-day period for making a determination regarding the grievance may be extended for an additional 30-day time period with written notice to the person filing the grievance or his or her designated representative.

- 8) 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 15 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 within 30-days of receipt of the request for reconsideration.

GRIEVANCE FORM

A grievance form can be obtained from the ADA Coordinator, the Human Resources Department or obtained from the City of Cloverdale website.