

RESOLUTION 92.4

IDAHO DEPARTMENT OF COMMERCE SECTION 504 GRIEVANCE PROCEDURE

Enacted in 1973 and amended in 1978 and 1986, the Rehabilitation Act provides that no otherwise qualified individual with handicaps in the United States shall, solely on the basis of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. In accordance with this Act, the City of Rexburg, as a recipient of Idaho Community Development Block Grant (ICDBG) funds, certifies all citizens shall have the right to submit his or her grievance(s) and receive a response in a timely, equitable and responsible manner.

Responsible Employee

A responsible employee of the ICDBG recipient has been designated to assist citizens with the grievance procedures described here. This individual shall assist anyone wishing to file a complaint on the basis of disability when filed through the local jurisdiction, the Idaho Human Rights Commission, or directly to the U.S. Department of Housing and Urban Development (HUD). The designated employee is Rose Bagley and can be contacted at telephone: 359-3026 and address: City Clerk, Rexburg City Hall, 12 N. Center St. (P O Box 280), Rexburg, ID 83440.

What is a Grievance?

A written grievance or complaint is formal notification of a concern, allegation, or protest to the proper authority which indicates the belief that the individual or individuals have been denied opportunities, or treated differently from the general population on the basis of his or her disability. The laws apply to those programs, activities, and facilities provided for and accessible to all citizens in the community. When filing a grievance, citizens must provide enough information to permit an investigation. The complaint should be clear and concise and include: 1) Identification of the problem, which includes a description of the set of circumstances leading to the grievance, and 2) Appropriate and sufficient documentation to substantiate any claim or charges. Citizens will be encouraged to propose a resolution to the problem as identified. A formal complaint will be considered filed at the time it is delivered to the appropriate authority's office, or if mailed, on the date it is postmarked. (as verified by a U.S. Post Office certificate of mailing). Special accommodations will be made, upon request and whenever possible, for persons with writing disabilities or language barriers.

Confidentiality

Confidentiality is available to all citizens. Pursuant to 24 CFR 8.56(c)(2), the responsible civil rights employee shall hold in confidence the identity of any person submitting a complaint, unless the person submits written authorization waiving confidentiality and when it is found to be in the best interests of all parties in reaching a satisfactory resolution.

Where to File

Citizens shall be notified they have the option of filing complaints, either through the City of Rexburg, the Idaho Human Rights Commission (if the complaint is related to employment discrimination), or directly to HUD.

Local Procedure

Written grievances may first be filed with the appropriate elected official and the designated employee when the grievance is related to the local grantee's programs, activities, or facilities. When a complaint is filed, the grantee shall notify the Idaho Department of Commerce (IDC). The grievance has been filed by submitting a copy of the complaint to the Department. City Council members or Boards of Commissioners shall also be notified of the grievance within ten business days from the date of filing. The grantee shall respond within thirty (30) days where practicable. A copy of the response must also be submitted to the Department. Every effort shall be made by the City of Rexburg to compromise and negotiate a satisfactory resolution with the grievant. If the grievant is unsatisfied with the response from the local jurisdiction, the individual(s) may appeal to IDC to review the complaint. Additional information may be requested at that time. Every effort will be made by the Department to provide a response within thirty (30) days. If valid and sufficient data has been provided to substantiate the original complaint, an investigation will be conducted. The extent of an investigation shall depend on the scope and depth of the issues involved. If the grievant determines the response from the Department is not satisfactory, he or she may appeal to HUD's Office of Fair Housing and Equal Opportunity in Seattle. All complaints must be filed to HUD within 180 days of the date of the alleged occurrence unless the responsible HUD Compliance Officer waives this timelimit for good cause. These grievance procedures are not established with respect to complaints for housing assistance. Information concerning complaint procedures can be provided by contacting IDC or the HUD Regional Office of Fair Housing and Equal Opportunity, Compliance Division, in Seattle.

Idaho Human Rights Commission

The federal Rehabilitation Act includes employers who have at least \$2,500 in federal contracts. As of July 1, 1991, the number of private employers who have at least 5 employees are covered by Idaho law. The law also covers all governmental entities and state contractors regardless of the number of employees they have. Employees or applicants for employment who believe they have been subjected to discrimination should contact the Idaho Human Rights Commission at the address or telephone number shown below. Collect calls may be made to the Commission, and the grievant need not give his or her name in order to receive information about their situation and anti-discrimination laws. If it appears the individual is a victim of illegal discrimination, a formal written complaint may be filed. These are also the locations to which the Rehabilitation Act appeals identified above may be submitted:

Idaho Department of Commerce
Idaho Human Rights Commission
700 West State Street, 2nd Floor
450 West State Street, 1st Floor
Boise, ID 83720
Boise, ID 83720
(208)334 2470
(208)334 2873, collect calls accepted

U.S. Dept . of Housing & Urban Development: or

U.S. Dept . of Housing & Urban Development
Office of Fair Housing & Equal Opportunity
Office of HUD Program Compliance Compliance Division Room 5230
1321 Second Avenue, Mail Stop 10
451 7th Street S.W. Seattle, WA 98101
Washington, DC 20410
Call collect: (206) 553 0226
(202) 7082904
(202) 7080015, for hearing impaired

By:

Mayor Nile Boyle, Chief Elected Official
Adoption Date

By:

Rose Bagley, Section 504 Designated Employee