

Resolution No. 97.8

GRIEVANCE PROCEDURE FOR CITY OF REXBURG

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).

According to these laws the *City of Rexburg*, as a recipient of Idaho Community Development Block Grant (ICDBG) funds, 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 of Rexburg*.

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, 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:

Name/ Title of current ADA Coordinator Rose Bagley, City Clerk
Address 12 North Center, P.O. Box 280, Rexburg, Idaho 83440
Telephone Number 208-359-3020 ext. 326

Within 15 calendar days after receiving the complaint, the *ADA Coordinator for Rexburg* will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting, *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 of Rexburg* and offer options for resolving the complaint.

If the response by the *ADA Coordinator* does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision of the *ADA Coordinator for Rexburg*. 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 chief elected official or his or her designee will meet with the complainant to discuss the complaint and to discuss possible resolutions. Within 15 calendar days after the meeting, the chief elected official or his or her 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 of Rexburg* 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 a 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 and Urban Development (HUD)
Community Planning and Development
451 7th Street
Washington, DC 20410-4000

Architectural and Transportation Barriers Compliance Board (ATBCB)
1331 F Street NW Suite 1000
Washington, DC 20004-1111

Equal Employment Opportunity Commission (EEOC)
1801 L Street NW
Washington, DC 20507

ADA Hotline: 1-800-514-0301

Idaho Task Force on ADA: 208-344-5590

ADOPTED BY RESOLUTION OF THE CITY OF REXBURG

By: Nile L. Boyle Nile L. Boyle, Mayor By: Rose Lagley ADA Coordinator 9/3/97 Adoption Date