

## **ADA Grievance Procedures**

### **Introduction**

The ADA states that a public entity is required to apprise the public of the protections against discrimination afforded to them by Title II of the ADA, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. § 35.106]. A public entity also is required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of policies and procedures that affect the implementation of an ADA transition plan by submitting comments and making specific recommendations.

A public entity that employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints or grievances alleging any action that would be prohibited by Title II of the ADA. The County grievance procedure is described below. Any person with a disability or any parent or guardian who represents a minor person with a disability, who believes that they have been the subject of disability-related discrimination on the basis of the denial of access to facilities, programs or services, may file a grievance or complaint.

### **Grievance Procedures and Instructions**

#### *Step 1: File a Grievance Form*

The complainant should fill out the ADA Complaint / Grievance Form shown below, giving all of the information requested. The ADA Complaint / Grievance Form should be filed in writing with the ADA Program Access Coordinator within 60 days of the alleged disability-related discrimination. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. The ADA Complaint / Grievance Procedure and Form may be obtained from and sent to the Roosevelt County, ADA Coordinator, 109 W 1<sup>st</sup> St., Portales, NM 88130, Telephone: (575) 359-2869, E-mail: [jmontiel@rooseveltcounty.com](mailto:jmontiel@rooseveltcounty.com)

#### *Step 2: An Investigation is conducted*

A notice of receipt shall be mailed to the complainant by registered mail within five days of the receipt of the complaint or grievance, and the ADA Coordinator or another authorized representative shall begin an investigation into the merits of the complaint within 60 days. If necessary, the ADA Program or another authorized representative may contact the complainant directly to obtain additional facts or documentation relevant to the grievance. If the complainant alleges misconduct on the part of the ADA Coordinator, another authorized representative may be appointed by the County Manager to undertake the investigation if the allegations can be substantiated. If the complainant does not wish to be contacted personally, he/she should indicate it on the ADA Complaint / Grievance Form.

#### *Step 3: A Written Decision is Prepared and Forwarded to the Complainant*

The Human Resources Director and ADA Program Coordinator shall prepare a written decision, after full consideration of the grievance merits, no later than 60 days following the receipt of the grievance. If the complaint alleges

Misconduct on the part of the ADA Coordinator, another authorized representative may be appointed by the County Manager to prepare the written decision if the allegations can be substantiated. A copy of the written decision shall be mailed to the complainant by registered mail no later than five days after preparation of the written decision.

*Step 4: A Complainant May Appeal the Decision*

If the complainant is dissatisfied with the written decision, the complainant may file a written appeal with the County Manager no later than 30 days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the complainant is dissatisfied with the written decision, and must be signed by the complainant, or by someone authorized to sign on the complainant's behalf. A notice of receipt shall be mailed to the complainant by registered mail within five days of the receipt of the appeal. The appeal reviewers, consisting of the ADA Coordinator, Facility Director shall act upon the appeal no later than 60 days after receipt, and a copy of the appeal reviewers' written decision shall be mailed to the complainant by registered mail no later than five days after preparation of the decision. The decision of the appeal reviewer shall be final.

The ADA Coordinator, Facility Director shall maintain the confidentiality of all files and records relating to grievances filed, unless disclosure is authorized or required by law. Any retaliation, coercion, intimidation, threat, interference or harassment for the filing of a grievance, or used to restrain a complainant from filing, is prohibited and should be reported immediately to the ADA Coordinator, Facility Director depending on the case.