CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

GRIEVANCE PROCEDURE UNDER THE
AMERICANS WITH DISABILITIES ACT

PURPOSE

The City of Paso Robles is committed to ensuring that people with disabilities are able to take part in, and benefit from, the whole range of public programs, services, and activities offered the City of Paso Robles. The City continues to modify its facilities, programs, policies, or practices, as necessary, to ensure such access is provided.

Title II of the Americans With Disabilities Act (ADA) requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints (28 CFR 35.107). In addition, the City has an obligation to investigate and resolve under California Government Code Section 4452. The following policy is intended to standardize the procedures for receiving and addressing complaints. The purpose of this ADA grievance procedure is to resolve as promptly as possible any problems, complaints, or conflicts related to the City's ADA compliance without the need for the complainant to resort to other remedies available under the law.

INFORMATION

1.) WHO MAY FILE A GRIEVANCE?

You or your authorized representative may file an ADA grievance if you believe that:

- The City is not in compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities, land, or rights-of-way or
- You or a specific class of individuals have been denied access to participate in City programs, services, or activities on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the basis of disability by The City of Paso Robles, or
- The City has otherwise violated the ADA.

2.) WHAT SHOULD THE GRIEVANCE INCLUDE?

You may file your grievance on the attached form. If you choose not to use the form, your grievance may be filed either in writing or verbally and must include the following information:

a. Your name, address and telephone number. If a representative is filing the grievance on your behalf, his or her name, address and telephone number must also be included.

b. A description of the offending behavior(s) or action(s) or violation(s).

c. The date(s), time(s) and location(s) of the incident(s).

d. If the incident(s) involved a City of Paso Robles employee(s), his or her name(s) should be included, if you know it.

e. The name(s) and contact information of witnesses, if any.

f. If your grievance is being filed on behalf of another person or a group of people, all of the complainants should be described or identified by name, if possible.

g. The remedy you desire.

h. Your signature or the signature of your authorized representative.

The City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint and investigation process, to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share information only on a need-to-know basis.

3.) WHERE SHOULD I SUBMIT MY GRIEVANCE?

You may file your grievance with the City's designated ADA coordinator. The ADA Coordinator's name, office address and telephone number is:

Brian Cowen, Chief Building Official
City of Paso Robles
1000 Spring Street, Paso Robles, CA 93446
Phone: 805-237-3850
Fax: 805-237-3904
Email: bcowen@prcity.com

You may mail your grievance, fax it, e-mail it, or deliver it in person.

4.) WHAT IF I NEED ASSISTANCE FILLING OUT MY GRIEVANCE?

ADA Grievances may be filed by mail, by phone, or by e-mail. Assistance is available from the ADA Coordinator. You should contact his/her office and request the type of assistance you need. The ADA Grievance Procedure and Grievance Form are available in alternative formats upon request from the ADA Coordinator. An alternate means of filing complaints, such as a personal interview or a tape recording of the complaint, will be made available for individuals with disabilities requiring an alternate means. Verbal grievances should be filed with the ADA Coordinator.

5.) WHAT HAPPENS AFTER I FILE MY GRIEVANCE?

After receiving your grievance, the Department Head, ADA Coordinator, or his/her designee, will investigate. The investigation may include, but may not be limited to, interviews with: (a) you; (b) the

person(s), if any, who allegedly discriminated against you; and (c) any other person the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence that is given to him/her.

After completing the investigation, the investigator will review the factual information gathered through the investigation to determine whether discrimination has occurred or the ADA has been otherwise violated. The investigator will consider all of the factual information, all the circumstances, and the context in which any alleged incident(s) occurred.

The investigator will then prepare a written report which will include: (1) the results of the investigation; (2) a determination as to whether discrimination occurred or access requirements have been violated; and (3) any appropriate remedy which the City will provide. A copy of the report will be sent to you, and a copy will be sent to both the Department Head and the ADA Coordinator. The ADA Coordinator will then issue a written response to the complaint.

6.) WHEN WILL I RECEIVE A RESPONSE?

Within 15 working days after receipt of the complaint, the ADA coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions.

Within 15 working days after the meeting, the ADA Coordinator will respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the City of Paso Robles and offer options for substantive resolution of the complaint.

Complaints involving City program accessibility in general and existing City facilities shall be investigated by the ADA Coordinator, or his/her designee.

Complaints involving new construction renovations to public structures will be directed to the Building Division of Public Works.

Complaints involving streets, road or sidewalks will be directed to the Public Works Department.

Absent extenuating circumstances, all grievances will be investigated, and a response issued, within 90 days of receipt of the grievance. If a delay is expected, the Department Head or ADA Coordinator will notify you in writing of the reasons(s) for the delay, and the date by which you will receive a response.

7.) SHOULD I BE CONCERNED THAT A CITY OFFICER OR EMPLOYEE MIGHT RETALIATE AGAINST ME IF I COMPLAIN?

The City will not retaliate against you for filing a grievance and will not knowingly permit retaliation by its officers or employees. The City will take reasonable steps to protect you from retaliation by others as a result of filing a grievance. Please let the ADA Coordinator know immediately if you feel you are being retaliated against for filing a grievance.

8.) RECORDS

Upon receipt, the complaint will be recorded in the Accessibility complaint Log, which will include the date received, contact information for the complainant, a brief description of the complaint, and a target date for resolution. Upon resolution, the outcome of each complaint shall also be recorded in the log. All complaints received by the ADA Coordinator and responses from the ADA Coordinator will be kept on file by the City for a period of 24 months.

9.) RESOLUTION

The resolution of any specific grievance will require consideration of varying circumstances, such as specific nature of the disability; the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the city. Accordingly, the resolution by the City of any one grievance does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

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ADA COMPLAINT GRIEVANCE FORM

Complainant:_____

Person Preparing Complaint (if different from Complainant):_____

Relationship to Complainant (if different from Complainant):_____

Street Address and Apt No.:_____

City:_____State:_____Zip:_____

Phone:_____ Email:_____

Please provide a complete description of your complaint or grievance:

_____

_____

_____

_____

_____

_____

_____

Please specify the location of your grievance (if applicable):

_____

_____

Please state what you think should be done to resolve the grievance:

_____

_____

_____

Please attach additional pages as needed.

Signature:_____ Date:_____

Please return to: City of Paso Robles ADA Coordinator
1000 Spring St, Paso Robles, CA 93446 Tel (805) 237-3850

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above.

Print Form | Clear Form