

COUNTY OF ONEIDA

ADA/SECTION 504 GRIEVANCE PROCEDURE



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PURPOSE

The County of Oneida 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 by the County. The County 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) and HUD's regulations under Section 504 of the Rehabilitation Act of 1974 require that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints. The purpose of this grievance procedure is to promptly and equitably resolve any problems, complaints, or conflicts related to the County's ADA and Section 504 compliance.

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1. WHO MAY FILE A GRIEVANCE?

You or your authorized representative may file an ADA or Section 504 grievance if you believe that:

- The County is not in compliance with the physical access requirements of the Americans with Disabilities Act or Section 504 related to its public facilities, housing, land or rights of way, or
- You or a specific class of individuals have been denied access to participate in County programs, services or activities on the basis of disability, or
- The County has otherwise violated the ADA or Section 504.

2. WHEN SHOULD A GRIEVANCE BE FILED?

You are encouraged to file your grievance within 30 days of the date you become aware of any alleged violation. If reasonable circumstances prevent you from filing your grievance within that time period, the County may accept your grievance later than 30 days after the alleged incident(s). Failure to report an alleged violation within 180 days may impact your ability to redress your grievance through this process.

3. WHAT SHOULD THE GRIEVANCE INCLUDE?

Your grievance may be filed either in writing or verbally and must include the following information:

- 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.
- A description of the alleged access violation or other alleged violation of the ADA or Section 504.
- The date(s), time(s) and location(s) of the incident(s).
- If the incident(s) involved a County of Oneida employee(s), his or her name(s) should be included, if you know it.
- The name(s) and contact information of witnesses, if any.
- If your grievance is being filed on behalf of another person or a group of people, all of the grievants should be described or identified by name, if possible.
- The remedy you desire.
- Your signature or the signature of your authorized representative.

The County 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 County will share information only on a need-to-know basis.

4. WHERE SHOULD I SUBMIT MY GRIEVANCE?

You may file your grievance with one of the County's designated ADA or Section 504 Coordinators. The Coordinators' titles, office addresses and telephone numbers are:

Commissioner of Public Works
6000 Airport Road
Oriskany, New York 13424
315-739-6213

Commissioner of Personnel
800 Park Avenue
Utica, New York 13501
315-798-5726

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

5. WHAT IF I NEED ASSISTANCE FILLING OUT MY GRIEVANCE?

Grievances may be filed by mail, by phone or by delivery in person. Assistance is available from the Coordinators. You should contact the office of the appropriate Coordinator and request the type of assistance you need.

6. WHAT HAPPENS AFTER I FILE MY GRIEVANCE?

After receiving your grievance, the 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 was allegedly involved with the alleged violation; 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 a thorough investigation, the investigator will review the factual information gathered through the investigation to determine whether the ADA or Section 504 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 access requirements have been violated, or whether there have been other violations of the ADA or Section 504; and (3) any appropriate remedy which the County will provide. A copy of the report will be sent to you, and a copy will be sent to the appropriate Coordinator. The Coordinator will then issue a written response to the complaint.

7. WHEN WILL I RECEIVE A RESPONSE?

Within 15 days of the County's receipt of the grievance, you will receive a confirmation that it has been received and is being investigated. If you do not receive a confirmation within 15 days, please contact the appropriate Coordinator. 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 Coordinator will notify you in writing of the reason(s) for the delay, and the date by which you will receive a response.

8. WHAT CAN I DO IF I AM NOT SATISFIED WITH THE COORDINATOR'S RESPONSE?

If you are not satisfied with the Coordinator's response, you may submit a verbal or written appeal within 20 days of your receipt of the response. Your appeal should detail the reasons you believe the findings to be in error. You may file your appeal with the County's designated ADA or Section 504 Appeals Officer. You will receive a written response within 30 days of the day you submit your appeal. The title, office address and telephone number of the County's designated ADA or Section 504 Appeals Officer is as follows:

Commissioner of Planning
321 Main Street
Utica, New York 13501
315-798-5710

9. SHOULD I BE CONCERNED THAT A COUNTY OFFICER OR EMPLOYEE MIGHT RETALIATE AGAINST ME IF I COMPLAIN?

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

10. WHAT CAN I DO IF I AM NOT SATISFIED WITH THE RESULTS OF THE COUNTY INVESTIGATION?

At any time during the investigation or process, you have the right to lodge a further complaint with the appropriate agency or department of the State or Federal government.

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of alleged violations, the County encourages you to use this procedure in addition to any other available remedies you may choose.