

APPENDIX A

RESOLUTION NO. 8434-94

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION

ADOPTING AN AMERICANS WITH DISABILITIES ACT

GRIEVANCE PROCEDURE

The City Council of the City of Union City finds as follows:

WHEREAS, the Americans with Disabilities Act is important legislation for the residents of the City of Union City; and

WHEREAS, Title II of the Americans with Disabilities Act provides, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity; and

WHEREAS, the City Council desires to adopt an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Union City that there is hereby adopted a grievance procedure implementing the Americans with Disabilities Act which reads as follow:

GRIEVANCE PROCEDURES

1. All complaints shall be addressed or made to the ADA Compliance Officer, who has been designated by the City Manager to coordinate ADA compliance efforts.
 - a. A complaint may be made verbally. If a verbal complaint is made, the Compliance Officer shall accurately record the date of the complaint; the name, address and telephone number

of the complainant; and the nature and contents of the complaint. If the complaint is made verbally, the Compliance Officer shall transmit a copy of the complaint to the complainant.

2. All complaints shall be filed or made within 15 working days from the date complainant becomes aware of the alleged violation. The Compliance Officer will evaluate cases which arose prior to the adoption of this grievance procedure on a case by case basis.
3. An investigation shall be made by the Compliance Officer or his or her designated representative. ADA investigator shall be appropriately trained in ADA law, procedures and general investigative techniques. All interested persons, or their representatives, shall be provided a full and fair opportunity to offer statements and documents relevant to the issues under investigation.
4. The Compliance Officer shall complete all investigations within 30 days after a complaint is made. At the conclusion of the investigation, the Compliance Officer shall complete a written report of findings, conclusions and a written recommendation for action. A copy of the report shall be provided to the complainant no later than 15 days following completion by the Compliance Officer.
5. The Compliance Officer's report shall be forwarded to the City Manager and the affected department head within 5 days after completion of the investigation. The City Manager is authorized to adopt and implement remedial action as recommended by the Compliance Officer or otherwise in the City Manager's discretion. The decision of the City Manager shall be completed and implemented within 10 days after transmittal of the Compliance Officer's report.
6. The complainant can request a reconsideration of the case where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within 7 working days to the City Manager.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Union City complies with the ADA and implementing regulations.