



City of Medford
Administrative Regulation

Regulation No.: 93-3-R1
Page: 1 of 3
Subject Area: ADA
Effective Date: February 24, 2016
Supersedes: 93-3

Title: Complaint/Grievance Procedure under the Americans with Disabilities Act

Purpose:

The City of Medford does not discriminate against qualified individuals on the basis of disability in the City's services, programs, activities, or employment practices, in accordance with the Americans with Disabilities Act of 1990 (ADA).

Objective:

This Complaint/Grievance Procedure is established to meet the requirements of the ADA [28 CFR Part 35.107(b)] to provide prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II of the ADA which requires non-discrimination on the basis of disability in state and local government services. This procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, or programs of the City of Medford. This procedure does not apply to complaints of employment-related disability discrimination, which are subject to the City's personnel policies.

Definitions:

For the purpose of this procedure and the ADA compliance work of the City in general, the following definitions apply to provide clarification of the most effective means of communicating a matter of ADA concern related to serving people with disabilities through services, activities, and programs of the City of Medford.

A **"request"** is the mechanism for a person with a disability to report a need related to their disability in receiving services, activities, or programs of the City of Medford, and to request a specific program modification to meet that need related to that person receiving services or participating in the activities or programs of the City of Medford. Requests may be made through various Request Forms located on the ADA page of the City's website. An alternative means of making a request or receiving its response may be requested by contacting the ADA Coordinator's office. See contact information below or on the City's website ADA webpages <http://www.ci.medford.or.us/Page.asp?NavID=3596>.

A **"complaint"** or **"grievance"** is the report of an alleged discriminatory action that is perceived while a person with a disability was trying to receive services or participate in the activities or programs of the City of Medford. A complaint shall be handled in accordance with the grievance procedure outlined in this administrative regulation.

Procedure to Report a Complaint/Grievance:

1. The complaint should be in writing (electronically or hard copy). A complaint form is located on the ADA page on the City's website <http://www.ci.medford.or.us/FormPage.asp?FormID=108>. An alternative means of filing a complaint or receiving the response may be requested by contacting the ADA Coordinator.

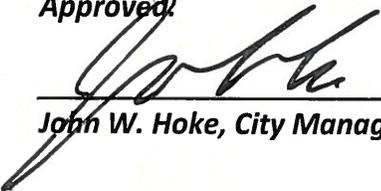
2. The complaint should include the following information:
 - A. Name, address, phone number, and email address of the complainant, that is, the person who experienced the alleged discriminatory action on the basis of disability;
 - B. Date of the alleged act of discrimination or the date when the complainant became aware of the alleged discrimination;
 - C. Location at which the discriminatory action occurred;
 - D. Brief but specific description of the discriminatory practice or action and any relevant facts; and
 - E. Remedy or resolution desired.
3. The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged discrimination or knowledge of the alleged discrimination to:

ADA Coordinator
City of Medford
411 W. 8th Street
Medford, OR 97501
ada@cityofmedford.org
Phone: 541-774-2074
Fax: 541-618-1703

4. Upon receipt of the complaint, the ADA Coordinator will determine if the complaint information is complete; if additional information is needed; if the City has jurisdiction; and if the complaint is timely.
5. The ADA Coordinator's office will notify the complainant in writing within 10 business days to acknowledge receipt of the complaint. If the complaint information is incomplete, the complainant will be notified requesting the additional information needed.
6. The ADA Coordinator will work with the involved City department and the complainant to attempt to resolve the complaint. The option of informal meetings may be used at any stage. If the parties are unable to resolve the complaint, the ADA Coordinator will investigate the complaint. This procedure contemplates informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
7. The ADA Coordinator or designee will provide a response in writing, or in an alternative format if requested, to the complainant within 30 business days after the complaint is received.
8. In instances where the complainant is dissatisfied with the resolution, he/she may request a reconsideration of the case. The request for reconsideration should be made in writing, or in an alternative format upon request, to the City Manager within 30 business days of receiving the ADA Coordinator's decision.

9. The City Manager or designee will review the complaint, conduct an additional investigation if appropriate, and respond to the complainant in writing, or in an alternative format upon request, within 30 business days after receipt of the request for reconsideration, which shall be the final decision of the City. A copy of the City Manager's response will be forwarded to the ADA Coordinator.
10. The ADA Coordinator will maintain copies of all written ADA complaints, appeals to the City Manager, and responses from these two offices for at least 3 years.
11. Questions about this policy or its application may be directed to the City's ADA Coordinator office, at ada@cityofmedford.org or 541-774-2074.

Approved:



John W. Hoke, City Manager Pro Tem



Date