

GRIEVANCE PROCEDURES FOR ADA COMPLAINTS

The procedures established in this policy, set out a system for resolving complaints of disability discrimination in a prompt and fair manner. Anyone wishing to file a grievance complaint can obtain the grievance form from the Goshen Human Resource Manager at 574-534-8475 or through the City website at www.goshenindiana.org. Instead of submitting the grievance form, a written grievance may be submitted which includes the following:

- 1.) Name, address and phone number of the person filing the grievance.
- 2.) Name, address and phone number of the person alleging the ADA violation, if different than the person filing the grievance.
- 3.) Description of the alleged violation and the remedy sought.

The City of Goshen Human Resource Manager will acknowledge the receipt of the grievance within ten (10) working days.

The Human Resource Manager will forward the complaint to the City of Goshen's legal department which will conduct the investigation necessary to determine the validity of the alleged violation. The legal department may contact the grievant to discuss the matter as part of the investigation. The legal department will submit a written findings and a proposal resolution within forty five (45) calendar days of receiving the complaint from the Human Resource Manager. If a resolution of grievance is reached during this investigation, the resolution will be documented in the ADA Coordinator's file.

If the grievance is not satisfied with the legal department's determination, the grievant may request a hearing before the Goshen Board of Public Works and Safety. The hearing will be scheduled within thirty (30) days of the request unless the grievant and City agree on a different date. The grievance request for a hearing before the Board of Public Works and Safety must be requested within fifteen (15) days of receiving the legal department's written findings and proposal resolution. At the hearing the grievant may appear with or without legal counsel. The grievant will be given the opportunity to present evidence, and/or witnesses and will be given the opportunity to question any witnesses that the City presents at the Board of Public Works and Safety hearing.

At any time during the process, a grievant may file a complaint directly with the U.S. Department of Justice or other appropriate state or federal agency.

The resolution of any specific grievance will require consideration of the 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 undue hardship to City. Accordingly, the resolution of any grievance does not create a precedent for any future grievance.