

ADA GRIEVANCE PROCEDURE – TOWN OF PLAINFIELD

Purpose: The purpose of the ADA Grievance Procedure is to provide for the timely and fair resolution of grievances. For the purposes of this procedure, a grievance is defined as a complaint regarding access for the disabled or an alleged discrimination due to a disability.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA.

This Grievance Procedure is to be distributed to all Town Department Heads and it is to be posted in a conspicuous public location such as the Town's website.

Scope: 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, programs, or benefits by the Town of Plainfield. It shall be available to all individuals utilizing the services and facilities of the Town.

Complaint Timeliness: The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation.

Grievance Submittal: The complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.

A grievance may be filed in any format including by mail, email, phone, fax, or using the Town's Report of an Issue Form which is accessible on the Town's ADA Transition Plan website.

In order to help ensure adequate initial information is gathered, a printed ADA Grievance Form is available from the Town's ADA Coordinator or on-line. Its use is optional, but is intended for use by either the Complainant or Town staff to document the initial filing of a grievance.

Other alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

Complaints should be directed to:

Andrew Klinger, ADA Coordinator
206 W. Main Street
Plainfield, IN 46168

Phone: 317-839-2561, Ext 214
Fax: 317-837-2162
Email: aklinger@townofplainfield.com

In the event that the ADA Coordinator is not available, a complaint may be directed to Nate Thorne, the Assistant Town Manager (Phone 317-754-5366, Ext. 229). Or a complainant may ask the Town's receptionist to take the information and it shall be forwarded to the ADA Coordinator.

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Processing of a Grievance:

STEP 1, INITIAL PROCESSING

A Complainant should make reasonable effort to direct their complaint to a responsible Town representative, and preferably the ADA Coordinator. However, it is recognized complaints may sometimes be directed to an available Town employee in an unusual location such as on a job site, so this procedure does provide for complaints that are not submitted in a traditional written format.

- A) The complainant should provide as much information as possible about the nature of the complaint including at a minimum their name and contact information. Information about the nature and location of the complaint should also be noted. The online Report of an Issue Form is recommended to assist the Complainant but is not required.
- B) All grievances, regardless of the type of grievant (public, applicant or employee), and regardless of who receives/records the grievance, shall be forwarded to the respective Department Head of the Town employee who takes the grievance within two business days.
- C) All grievances shall then be forwarded to the ADA Coordinator within two business days of receipt by the Department Head.
- D) The ADA Coordinator will record receipt of the grievance and contact the grievant within five business days to clarify the nature and to obtain additional details about the grievance.

STEP 2, DETERMINATION

- E) Within 20 calendar days after receipt of the complaint, the ADA Coordinator or his designee will visit the site and/or meet with the complainant to discuss the complaint and the possible resolutions.

For complaints about an apparent defect in public infrastructure, the site visit is required but the meeting may not be necessary. The ADA Coordinator shall either schedule a meeting or inform the Complainant of their intent to visit the site, leaving the Complainant the option of requesting a meeting if they so desire.

- F) If the ADA Coordinator believes that the complaint is justified, that the remedy is the Town's responsibility and is within his/her authority to direct the remedy, especially for small infrastructure repairs, then the ADA Coordinator may make a determination on the spot on behalf of the Town as to the appropriate remedy.
- G) If the situation is of a more complex nature and the ADA Coordinator cannot make a determination on the proper resolution at the site visit/meeting, then the ADA Coordinator will determine which Department is appropriate to investigate and determine

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the appropriate course of action, for example: Public Works, Engineering, Utilities, Emergency Services or the Town's Attorney.

- H) The ADA Coordinator will, in writing, inform the Complainant of their decision, or that the complaint has been assigned to one of the Department Heads and shall identify that Department Head. This written response will be published within 10 business days of the site visit or meeting.

Typical Decisions may include:

- Minor project/repair to be completed by Public Works
- Project to be entered into prioritization for future work by Town Engineer
- Project to be completed as part of other scheduled work
- Complaint is to be assigned to a Department Head for further analysis
- Complaint is not the Town's responsibility (state reason, e.g. not in Town's Right of Way, not an intended Public Use)
- Complaint requires consideration of Town Attorney or to be submitted to Council

Determinations will be presented in writing, and, if appropriate, also in a format accessible to the complainant. The determination will state the position of the Town, offer potential options for the resolution of the complaint, and also inform the complainant of their rights to appeal the determination.

- I) Issues assigned to a Department Head shall generally be reviewed and a recommendation returned to the ADA Coordinator, if practicable, within 20 calendar days of assignment.

The ADA Coordinator will consider the information from the respective Department(s), make a determination, and inform the Complainant of the determination within 10 days of the Department's recommendations. Determinations shall otherwise be handled as noted above.

STEP 3, APPEAL (IF NEEDED)

- J) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision to the Plainfield Town Council within 15 calendar days after receipt of the response. Such appeal should be addressed to the attention of the current President of the Town Council.
- K) Within 15 calendar days after receipt of the appeal, a representative of the Town Council or the Town Attorney, on the Council's behalf, will contact the complainant to discuss the complaint and possible resolutions.
- L) The Town Council will enter an ADA Grievance Appeal as new business and will discuss it at the next available Council Meeting for which the agenda has not already been set, but no later than the second Council Meeting after the appeal is received by the Council President. The Council, in order to provide itself time to perform its own investigations, may defer the issue to a later Council Meeting, but no issue shall be left without preliminary action for more than 30 calendar days, and Council shall hold a vote within

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90 calendar days of the items first appearance on the Council Agenda. In the event of an issue that cannot reasonably be addressed within 90 days, the Council will inform the Complainant in writing that the issue is still under consideration and will provide a date when the Council will render a decision.

- M) Appeals shall be voted on by the Town Council at an open public meeting. The Town Council will provide a written decision to the Complainant within 15 calendar days of the Council Meeting at which the decision was made. The determination made by the Town Council shall be considered final.

STEP 4, DECISION, FINAL RECORD

All written complaints received by the ADA Coordinator, appeals to the Town Council, and responses from these two offices will be retained by the Town for at least three years from date of Determination. The ADA Coordinator shall be responsible for maintaining this file.

Applicability:

The Town is required to adopt and publish procedures for resolving grievances that arise under Title II of the ADA. The procedures are intended to set out a system for resolving complaints of disability discrimination in a prompt and fair manner. It is generally thought that filing a complaint with the Town is an appropriate first step to resolving a local issue at a local level. However, adherence to or exhaustion of the Grievance Procedure is not a prerequisite to filing a complaint with a federal agency or court.

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GRIEVANCE FORM

| COMPLAINANT INFORMATION: | |
|---|--|
| Name: | |
| Address: | |
| Daytime Phone: | |
| Email: | |
| LOCATION INFORMATION | |
| Address (If Known): | |
| Location Description: | |
| NATURE OF GRIEVANCE | |
| Sidewalk, Ramp | |
| Crosswalk, Pedestrian Signal | |
| Building Access: | |
| Programming: | |
| Other: | |
| Describe the Grievance/Complaint/Problem: | |
| Date of Incident, If Applicable | |
| FOR LOCAL / ADA COORDINATORS USE ONLY | |
| Town Representative Preparing the Form if not by Complainant and Date Complaint Received: | |
| Date Received by Department Head, If Appl.: | |
| Date Received by ADA Coordinator: | |
| Date of Initial Contact: | |
| Date of Meeting or Site Visit: | |
| Date Assigned to Department Head/Who: | |
| Date Returned from Department: | |
| Date ADA Coordinator's Decision Mailed: | |
| Date Appeal Received by Council: | |
| Date First on Town Council Agenda: | |
| Date Town Council Decision: | |
| Date Council Decision Mailed: | |