

**AMERICANS WITH DISABILITIES ACT (ADA)**  
**GRIEVANCES**

**POLICY STATEMENT**

A member of the public who believes that he or she (individually or on behalf of a specific class of individuals) has been subjected to unlawful discrimination on the basis of disability by a City of Palo Alto policy, service or program may file a complaint by himself, herself or by an authorized representative. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies. Grievances by City employees, relating to matters within the scope of the Merit System Rules and Regulations or employee bargaining agreements, are excluded from this grievance procedure and should follow the applicable procedures set forth in the Merit System Rules and Regulations or appropriate Memorandum of Agreement.

Definition. A grievance is an expression of dissatisfaction with a City of Palo Alto policy, service or program regarding access or the opportunity to participate in such programs on the basis of disability as defined in the Americans with Disabilities Act of 1990.

Objectives. The objectives of this policy are:

- to comply with the Americans with Disabilities Act of 1990;
- to assure that grievances are promptly acknowledged and resolved;
- to establish uniform standards and procedure for handling grievances throughout the entire City organization;
- to provide citizens with an accessible, convenient, efficient system for bringing complaints to the City's attention;
- to demonstrate that the City is responsive to the concerns of its citizens;
- to reduce or prevent the occurrence of circumstances that lead to justifiable citizen complaints.

**PROCEDURE**

**A. To File a Complaint**

1. Any individual who believes he or she has been discriminated against on the basis of disability may make a written complaint. In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incident(s). In all cases, complaints must be received in writing and include the location and date the alleged incident occurred within 180 days of the alleged incident. All complaints should be sent to the City of Palo Alto Disabilities Act Director, Inspection Services Division, 250 Hamilton Avenue, Palo Alto CA 94301 for resolution. A written record of the complaint and the action taken will be maintained in the City's Inspection Services Division for three years. A decision by the Disabilities Act Director will be rendered in writing within 15 working days from the date the complaint is received. ADA Grievance Procedure forms, a sample of which is attached, are available from any City department or from the Disabilities Act Director.
2. The complaint shall include:
  - a description of the alleged discriminating activity, policy, program or service;
  - date(s), time(s) and location(s) of incident(s);
  - name(s) of alleged offender(s), if any;
  - name(s) of witnesses, if any; and
  - remedy desired.
3. Upon receipt of a complaint, the Disabilities Act Director (Director) shall investigate all charges. The investigation shall include, but not be limited to, interviews with: (a) the complainant; (b) the person(s) responsible for the activity, policy, program or service engaged in the alleged incident; and any other person the Director believes to have relevant knowledge concerning the complaint.
4. Upon completion of the investigation, the Director shall determine whether or not the alleged complaint should be sustained, giving consideration to all factual information gathered through the investigation, all of the circumstances, including the nature of the activity, program or service and the context in which the alleged discrimination occurred.
5. The Director shall then prepare a written report stating the results of the investigation and the determination as to the action(s) to be taken, if any. The

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results of the investigation and determination with appropriate recommendation(s) shall be conveyed to the complainant, the head of the City department which is the subject of the complaint, and any other person(s) deemed relevant by the Director.

### **B. Appeal Process**

1. If the complaint is not resolved to the complainant's satisfaction by the Disabilities Act Director, the complainant can request the Director to forward the complaint to the Accessibility Standards Advisory Board (Accessibility Board) for a public hearing.
2. The Accessibility Board will consider complaints on appeal that are not resolved by the Director to the satisfaction of the complainant. The Accessibility Board will hold a noticed public hearing. Notice shall be given by publication once in a newspaper of general circulation in the City at least 10 days prior to the hearing. At the close of the hearing, the Accessibility Board shall make a recommendation on the complaint and forward the recommendation to the City Manager, the Director and the complainant.
3. The City Manager, or his/her designee, will consider the complaint and the record from the Accessibility Board and shall make a decision on the complaint within 30 days after receipt on the recommendation from the Accessibility Board. The decision of the City Manager, or his/her designee, shall be final.

C. A written record of the action taken on each request or complaint shall be maintained as a part of the records at each level of the grievance process for three years.

D. The complainant's right to a prompt and equitable resolution of the complaint will not be affected by the complainant's pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in state or federal court.

*NOTE: Questions and/or clarification of this policy should be directed to the Department of Planning and Community Environment.*

Attachment: City of Palo Alto ADA Grievance Procedure Form

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<b>CITY OF PALO ALTO ADA GRIEVANCE PROCEDURE FORM</b>	
<b>DATE</b>	
<b>COMPLAINANT NAME</b>	
<b>ADDRESS</b>	
<b>TELEPHONE</b>	
<b>NATURE OF COMPLAINT</b>	
<b>DATE/TIME</b>	
<b>LOCATION</b>	
<b>NAME(S) OF PERSONS INVOLVED</b>	
<b>REMEDY REQUESTED</b>	
<b>Please forward all grievances to:</b>	George Hoyt, Chief Building Official/ADA Coordinator 285 Hamilton Avenue Palo Alto, CA 94301 (650)329-2368