CITY OF ALAMEDA

ADA / SECTION 504 GRIEVANCE PROCEDURE

PURPOSE

The City of Alameda is committed to ensuring that people with disabilities are able to take part in, and benefit from the whole range of public programs, services, and activities offered by the City. The City continues to modify its facilities, programs, policies, or practices, as necessary, to ensure such access is provided.

Title II of the Americans with Disabilities Act (ADA) and HUD's regulations under Section 504 of the Rehabilitation Act of 1974 require that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints. Section 504 of the Rehabilitation Act of 1973 further prohibits disability discrimination in programs receiving Department of Housing and Urban Development (HUD) funds or financial assistance. The purpose of this grievance procedure is to resolve as promptly as possible any problems, complaints, or conflicts related to the City's ADA and Section 504 compliance and provide prompt and equitable resolution of complaints alleging any action prohibited by law.

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Please note: This procedure applies only to the property, programs, and services of the government of the City of Alameda. For information or assistance with regard to private property, please contact the City's Building Official at (510) 747-6820 or HUD Fair Housing and Equal Opportunity Office at 800-347-3739.

CITY OF ALAMEDA ADMINISTRATIVE

ADA / SECTION 504 GRIEVANCE PROCEDURE

1. WHO MAY FILE A GRIEVANCE?

You or your authorized representative may file an ADA or Section 504 grievance if you believe that:

- The City is not in compliance with the physical access requirements of the Americans with Disabilities Act or Section 504 related to its public facilities, housing, land, or rights-of-way, or
- You or a specific class of individuals have been denied access to participate in a City programs, services, or activities on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the basis of disability by the City of Alameda, or
- The City has otherwise violated the ADA or Section 504.

2. WHEN SHOULD A GRIEVANCE BE FILED?

Before filing a grievance, you may seek informal resolution by contacting the Department Head of the affected department (See list in Attachment 1). The City encourages, but does not require, an attempt to resolve concerns informally prior to filing a formal grievance. If your informal concern is not resolved in a timely fashion, you have the right to file a formal grievance under this procedure.

You are encouraged to file your grievance within 30 days of the date you become aware of any alleged discrimination or access violation. If reasonable circumstances prevent you from filing your grievance within that time period, the City may accept your grievance later than 30 days after the alleged incident(s). Failure to report an alleged violation within 180 days may impact your ability to redress your grievance through this process.

3. WHAT SHOULD THE GRIEVANCE INCLUDE?

You may file your grievance on the attached form (Attachment 2). If you choose not to use the form, your grievance may be filed either in writing or verbally and must include the following information:

a. Your name, address and telephone number. If a representative is filing the grievance on your behalf, his or her name, address and telephone number must also be included.

b. A description of the offending behavior(s) or action(s) or violation(s).

c. The date(s), time(s) and location(s) of the incident(s).

d. If the incident(s) involved a City of Alameda employee(s), his or her name(s) should be included, if you know it.

e. The name(s) and contact information of witnesses, if any.

f. If your grievance is being filed on behalf of another person or a group of people, all of the grievants should be described or identified by name, if possible.

g. The remedy you desire.

h. Your signature or the signature of your authorized representative.

The City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint and investigation process, to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share information only on a need-to-know basis.

4. WHERE SHOULD I SUBMIT MY GRIEVANCE?

You may file your grievance with the City's designated ADA or Section 504 Coordinators. The Coordinators' names, office addresses and telephone numbers are:

Lucretia Akil, Asst. Risk Manager/ADA Coordinator
City of Alameda, City Attorney's Office
2263 Santa Clara Avenue, Rm. 280
Alameda, CA 94501
(510) 747-4762 phone
(510) 747-4768 fax
lakil@ci.alameda.ca.us email

Michael T. Pucci, Executive Director / Section 504 Coordinator
Housing Authority of the City of Alameda
701 Atlantic Avenue
Alameda, CA 94501
(510) 747-4320 phone
(510) 522-7848 fax
mpucci@alamedahsg.org email

You may mail, fax, email, or deliver your grievance in person.

If you believe the Coordinator is involved in alleged discrimination, you should submit your grievance to the City Attorney (See Attachment 1).

5. WHAT IF I NEED ASSISTANCE FILLING OUT MY GRIEVANCE?

Grievances may be filed by mail, by phone, or by e-mail. Assistance is available from the Coordinators. You should contact the office of the appropriate Coordinator and request the type of assistance you need. The ADA / Section 504 Grievance Procedure and Complaint Form are available in alternative formats upon request from a Coordinator. Verbal grievances should be filed with a Coordinator.

6. WHAT HAPPENS AFTER I FILE MY GRIEVANCE?

After receiving your grievance, the Department Head, Coordinator, or his/her designee, will investigate. The investigation may include, but may not be limited to, *interviews* with: *(a) you;* (b) *the person(s), if any, who* allegedly discriminated against *you;* and (c) any other person the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence that is given to him/her.

After completing a thorough investigation, the investigator will review the factual information gathered through the investigation to determine whether discrimination has occurred or the ADA or Section 504 has been otherwise violated. The investigator will consider all of the factual information, all the circumstances, and the context in which any alleged incident(s) occurred.

The investigator will then prepare a written report which will include: (1) the results of the investigation; (2) a determination as to whether discrimination occurred or access requirements have been violated; and (3) any appropriate remedy which the City will provide. A copy of the report will be sent to you, and a copy will be sent to both the Department Head and the appropriate Coordinator. The Coordinator will then issue a written response to the complaint.

7. WHEN WILL I RECEIVE A RESPONSE?

Within 15 days of the City's receipt of the grievance, you will receive a confirmation that it has been received and is being investigated. If you do not receive a confirmation within 15 days, please contact the appropriate Coordinator. Absent extenuating circumstances, all grievances will be investigated, and a response issued, within 90 days of receipt of the grievance. If a delay is expected, the Department Head or Coordinator will notify you in writing of the reason(s) for the delay, and the date by which you will receive a response.

8. SHOULD I BE CONCERNED THAT A CITY OFFICER OR EMPLOYEE MIGHT RETALIATE AGAINST ME IF I COMPLAIN?

The City will not retaliate against you for filing a grievance and will not knowingly permit retaliation by its officers or employees. The City will take reasonable steps to protect you from retaliation by others as a result of filing a grievance. Please let the Coordinator know immediately if you feel you are being retaliated against for filing a grievance.

9. WHAT CAN I DO IF I AM NOT SATISFIED WITH THE RESULTS OF THE CITY INVESTIGATION?

If you are not satisfied with the results of the investigation, you may submit a verbal or written appeal within 20 days of your receipt of the findings. Your appeal should detail the reasons you believe the findings to be in error. You will receive a response within 20 days of the day you submit your appeal.

Your appeal should be directed to the City Attorney (see contact information in Attachment 1). A written response to the appeal, approved by the City Attorney, will be issued within 20 days.

At any time during the investigation or process, you have the right to lodge a further complaint with the appropriate agency or department of the State or Federal government. Contact the U.S. Department of Justice, the United States Department of Housing and Urban Development, the California Department of Justice Civil Rights Division, or the California Department of Fair Employment and Housing for information about how to file a complaint with these agencies. You may also sue the City in federal court.

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of alleged discrimination, the City encourages you to use this procedure in addition to any other available remedies you may choose.

Lisa Goldman
Acting City Manager

Approved As to Form:

Donna Mooney
Acting City Attorney

Attachment 1

CITY OF ALAMEDA ADA / SECTION 504 GRIEVANCE FORM

Today's Date: _____

Complainant: _____

Address: _____

City, State, Zip: _____

Telephone and E-mail: _____

Individual Discriminated Against: _____

Address: _____

City, State, Zip: _____

Telephone and E-mail: _____

Alleged Violation: Date(s) of Occurrence: _____

Description of Violation and City Department Involved:

_____

_____

_____

Requested Action by City to Correct Violation: _____

_____

_____

_____

Has Complaint been Filed with State or Federal Agency: ___ Yes ___No

Name of Agency: _____ Date Filed: _____

Contact Person: _____

Signature: _____

Attachment 2

DEPARTMENT HEAD LIST - ADA / SECTION 504 GRIEVANCE RESPONSE

City Attorney's Office
Donna Mooney, Acting City Attorney
Lucretia Akil, ADA Coordinator
Office: 2263 Santa Clara Ave., Room 280, City of Alameda - Phone: (510) 747-4750

City Manager's Office
Lisa Goldman, Acting City Manager
Office: 2263 Santa Clara Ave., Room 320, City of Alameda - Phone: (510) 747-4700

City Clerk's Office
Lara Weisiger, City Clerk
Office: 2263 Santa Clara Ave., Room 380, City of Alameda - Phone: (510) 747-4800

Alameda Municipal Power
Girish Balachandran, General Manager
Office: 2000 Grand Street, City of Alameda - Phone: (510) 748-3901

Community Development
Andrew Thomas, Planning Service Manager
Office: 2263 Santa Clara Ave., Room 120, City of Alameda - Phone: (510) 747-6850

Economic Development
Jennifer Ott, Deputy City Manager
Office: 2263 Santa Clara Ave., Room 120,City of Alameda - Phone: (510) 747-6890

Finance
Fred Marsh, Controller
Office: 2263 Santa Clara Ave., Room 220, City of Alameda - Phone: (510) 747-4880

Fire
Mike Fisher, Interim Fire Chief
Office: 1300 Park Street, Fire Station 1, City of Alameda - Phone: (510) 337-2100

Housing Authority
Michael T. Pucci, Executive Director/ Section 504 Coordinator
Office: 701 Atlantic Avenue City of Alameda - Phone: (510) 747-4300

Human Resources
Karen Willis, Human Resources Director
Office: 2263 Santa Clara Ave., Room 290 City of Alameda - Phone: (510) 747-4900

Library
Jane Chisaki, Library Director
Office: 1550 Oak Street, City of Alameda - Phone: (510) 747-7777

Police
Michael Noonan, Interim Police Chief
Office: 1555 Oak Street, City of Alameda - Phone: (510) 337-8340

Public Works

Matt Naclerio, Public Works Director
Office: 950 West Mall Square, City of Alameda - Phone: (510) 749-5840

Recreation & Parks

Dale Lillard, Recreation & Parks DirectorOffice: 2226 Santa Clara Avenue, City of Alameda - Phone: (510) 747-7529