

RESOLUTION 93-172
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE CITY'S AMERICANS WITH DISABILITIES ACT
GRIEVANCE PROCEDURE

WHEREAS, the City of Fort Collins is strongly committed to complying with the Americans with Disabilities Act; and

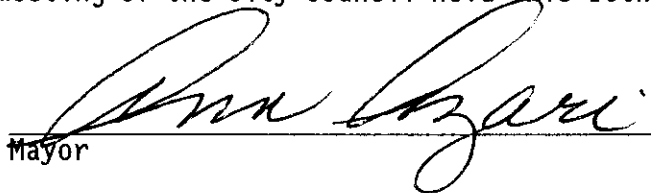
WHEREAS, the Americans with Disabilities Act requires that the City of Fort Collins establish a Grievance Procedure to investigate alleged violations of the Act by the City; and

WHEREAS, this procedure has been reviewed and approved by the City's ADA Task Force and the Commission on Disability; and

WHEREAS, the City is committed to the elimination of discrimination or prejudice because of any disability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Council hereby adopts the Americans with Disabilities Act Grievance Procedure, attached as Exhibit "A" and incorporated herein by this reference.

Passed and adopted at a regular meeting of the City Council held this 16th day of November, A.D. 1993.


Mayor

ATTEST:


Deputy City Clerk

ADA GRIEVANCE PROCEDURE

The City of Fort Collins has established a three-member committee to hear and consider complaints alleging the City has discriminated against the complainant on the basis of disability in violation of the Americans with Disabilities Act (ADA). Any person, including City employees, recipients of City services, contractors, or members of the public, who feel that they have been discriminated against by the City of Fort Collins in violation of the ADA may use this grievance procedure.

GRIEVANCE COMMITTEE

The Grievance Committee shall be composed of one representative from each of the following areas:

The Commission on Disability
The City Manager's Office
ADA Coordinator

PROCEDURE

1. The complainant must file a written complaint with the City's ADA Coordinator containing the name and address of the complainant and describing the alleged violation of the ADA regulations. The complaint must be hand-delivered or mailed to:

Americans with Disabilities Act Coordinator
City Manager's Office
P.O. Box 580
300 LaPorte Avenue
Fort Collins, CO 80522

If the person filing the complaint has a communication impairment that makes it difficult to communicate the complaint in writing, the City will provide assistance to that individual.

2. A complaint shall be filed within sixty (60) days after the occurrence of the action giving rise to the complaint.

3. Within ten (10) working days of the filing of the complaint, the Grievance Committee will convene to discuss the complaint. Within thirty (30) working days of the filing of the complaint, the Grievance Committee shall conduct an investigation of the complaint. The investigation may be informal, but shall be thorough, and shall afford all interested persons an opportunity to submit evidence relevant to the complaint. The complainant has the right to meet with a City representative upon request. The Grievance Committee should consult with appropriate City Boards and Commissions and departments when conducting the investigation. The times set forth in this subsection (3) may be extended by the Grievance

Committee for up to an additional thirty (30) working days when necessary to properly perform their duties hereunder.

4. The Grievance Committee shall render a decision on the allegations contained in the complaint, together with an explanation of the basis of the decision, within fifteen (15) working days from the conclusion of the investigation and shall mail a copy of the decision to the complainant within five (5) working days of making the decision.

5. The ADA Coordinator, through the City Clerk's Office, shall maintain the records of the City relating to complaints filed pursuant to this ADA Grievance procedure.

APPEAL

1. The Complainant may appeal the written determination of the Grievance Committee by filing a written statement setting forth the grounds of the appeal with the City Manager. The appeal must be filed within the (10) working days of the mailing of the Grievance Committee's written determination to the Complainant. The City Manager may review all information relevant to the appeal and shall render a decision in writing within fifteen (15) working days following receipt of the appeal. The City Manager's decision shall be final.

2. The right of a Complainant to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the Complainant's filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the filing of such a complaint.

3. This ADA Grievance Procedure shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City of Fort Collins complies with the ADA and implementing regulations.