
ADA GRIEVANCE PROCEDURE – CHARTER TOWNSHIP OF KALAMAZOO

Processing of a Grievance:

STEP 1 - INITIAL PROCESSING

A Complainant should make reasonable effort to direct their complaint to a responsible Township representative, and preferably the ADA Coordinator. However, it is recognized complaints may sometimes be directed to an available Township 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 On-Line 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 Township 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

- A) 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, in any practicable manner, 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.
- B) If the ADA Coordinator believes that the complaint is justified, that the remedy is the Township'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 Township as to the appropriate remedy.

- C) 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 the appropriate course of action, for example: Public Works, Engineering, Utilities, Emergency Services or the Township's Attorney.
- D) The ADA Coordinator will, in writing, inform the Complainant of their decision, or that the complaint was 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:

- o Minor project/repair to be completed by Public Works
- o Project to be entered into prioritization for future work by Township Engineer
- o Project to be completed as part of other scheduled work
- o Complaint is to be assigned to a Department Head for further analysis
- o Complaint is not the Township's responsibility (state reason, e.g. not in Township's Right of Way, not an intended Public Use)
- o Complaint requires consideration of Township 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 Township, offer potential options for the resolution of the complaint, and also inform the complainant of their rights to appeal the determination.

- E) 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)

- A) If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Township Board. Such appeal should be addressed to the attention of the current Township Supervisor.
- B) Within 15 calendar days after receipt of the appeal, a representative of the Township Board or the Township Attorney, on the Board's behalf, will contact the complainant to discuss the complaint and possible resolutions.

- C) The Township Board will enter an ADA Grievance Appeal as new business and will discuss it at the next available Board Meeting for which the agenda has not already been set, but no later than the second Board Meeting after the appeal is received by the Township Supervisor. The Board, in order to provide itself time to perform its own investigations, may defer the issue to a later Board Meeting, but no issue shall be left without preliminary action for more than 30 calendar days, and the Board shall hold a vote within 90 calendar days of the items first appearance on the Board's Agenda. In the event of an issue that cannot reasonably be addressed within 90 days, the Board will inform the Complainant in writing that the issue is still under consideration and will provide a date when the Board will render a decision.

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

STEP 4 - DECISION, FINAL RECORD

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

Applicability:

The Township 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 Township 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.