

ADMINISTRATIVE POLICY

Date Issued: June 13, 2023
Date Revised:
Version No.: 1

Program: Yes
Policy: Yes
Procedure: Yes

AMERICANS WITH DISABILITIES ACT (ADA) NOTICE AND GRIEVANCE POLICY

PURPOSE

The purpose of this policy and related procedures is to provide necessary information to City of Davis staff and to members of the public regarding Americans with Disabilities Act rights and responsibilities of the City, as well as to lay out the grievance procedure for concerns about implementation of the ADA.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), CITY OF DAVIS ("CITY") shall not discriminate against qualified individuals with disabilities on the basis of disability in its programs, services or activities.

Employment: CITY does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: CITY will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in CITY's programs, services and activities.

Modifications to Policies and Procedures: CITY will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to access and enjoy all of its programs, services, facilities, and activities.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service or activity of CITY should contact the ADA Coordinator at 530-757-5694 or by email at ADACoordinator@cityofdavis.org as soon as possible but no later than seventy-two (72) hours before the scheduled event.

The ADA does not require that CITY take any action that would fundamentally alter the nature of its programs, services or activities, or impose an undue financial or administrative burden.

Complaints that a program, service, facility, or activity of CITY is not accessible to persons with disabilities should be directed to the ADA Coordinator listed above.

No fee will be charged by CITY to a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

Approved:

/signed Michael Webb

Michael Webb
City Manager

ADMINISTRATIVE PROCEDURE

Date Issued: June 13, 2023
Date Revised:
Version No.: 1

Program: Yes
Policy: Yes
Procedure: Yes

CITY OF DAVIS AMERICANS WITH DISABILITIES ACT **GRIEVANCE PROCEDURE**

PURPOSE

The purpose of this policy and related procedures is to provide necessary information to City of Davis staff and to members of the public regarding Americans with Disabilities Act rights and responsibilities of the City, as well as to lay out the grievance procedure for concerns about implementation of the ADA.

CITY OF DAVIS ("CITY") hereby adopts this grievance procedure to provide for prompt and equitable resolution of complaints alleging any action that is prohibited by Title II of the Americans with Disabilities Act (hereinafter "ADA"). CITY has designated the Community Services Program Coordinator in Parks and Community Services, responsible for ADA issues, as the ADA Coordinator.

In the event a request for access to CITY's programs, services, facilities, or activities cannot be resolved, an individual may file a grievance either orally or in writing by contacting the ADA Coordinator, City of Davis, Parks and Community Services, 23 Russell Blvd, Davis, CA, 530-757-5694. CITY's ADA Coordinator is available to persons with disabilities requiring assistance to file a grievance. CITY's communications regarding the grievance will be in a format accessible to the grievant.

The procedure to file a grievance is as follows:

STEP 1.

A written grievance should be filed on the ADA Grievance Form attached hereto. If the grievance is not filed on the Grievance Form, it should nonetheless contain the following information:

- The name, address, and telephone number of the person filing the grievance.
- The name, address, and telephone number of the person alleging the ADA violation, if other than the person filing the grievance.
- A description of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the United States Department of Justice or other federal or state civil rights agency or court.

- If a complaint has been filed, the name of the agency or court where the complaint was filed, the date the complaint was filed, and the name, address and telephone number of a contact person with the agency with which the complaint was filed.

An oral grievance can be filed by contacting the ADA Coordinator. The oral grievance will be reconfigured to writing by the ADA Coordinator utilizing the ADA Grievance Form and will be signed by grievant.

STEP 2.

The receipt of the grievance will be acknowledged within two (2) business days of filing.

STEP 3.

Within sixty (60) calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance will be documented in CITY's ADA Grievance File.

STEP 4.

If an informal resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Coordinator and a copy forwarded to the grievant no later than ninety (90) calendar days from the date of CITY's receipt of the grievance.

STEP 5.

The grievant may request reconsideration if he/she is dissatisfied with the written determination. The request for reconsideration shall be in writing and filed with the CITY, City Manager, 23 Russell Blvd, Davis, CA within thirty calendar (30) days after the ADA Coordinator's determination has been mailed to the grievant. The City Manager shall review the request for reconsideration and make a final determination within ninety calendar (90) days from the filing of the request for reconsideration.

STEP 6.

If the grievant is dissatisfied with CITY's handling of the grievance at any stage of the process or does not wish to file a grievance through CITY's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of CITY's grievance procedure is not a prerequisite to the pursuit of other remedies.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to the programs, services, activities, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which

an accommodation would constitute a fundamental alteration to the program, service, activity or facility, or cause an undue hardship to CITY. Accordingly, the resolution by CITY of any one grievance does not constitute a precedent upon which CITY is bound or upon which other complaining parties may rely.

File Maintenance

CITY OF DAVIS's ADA Coordinator shall maintain ADA grievance files for a period of three (3) years from the date of notice of the grievance.

For more information, please contact:

ADA Coordinator
Parks and Community Services Department
23 Russell Blvd
Davis, CA 95616
(530) 757-5694, (530) 757-5666 (TTY)
Email: ADACoordinator@cityofdavis.org

Approved:

/signed Michael Webb

Michael Webb
City Manager