

Chapter 2.68
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

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2.68.005 Notice under the Americans with Disabilities Act.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), and ADA Amendments Act of 2008, the city of Colfax, Washington, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

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

B. Effective Communication. The city of Colfax will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

C. Modifications to Policies and Procedures. The city of Colfax will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy its programs, services and activities. For example, individuals with service animals are welcomed in the city of Colfax offices, even where pets are generally prohibited.

1. 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 the city of Colfax, should contact the building and community development associate as soon as possible, but no later than forty-eight hours before the scheduled event.

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

3. The city of Colfax will not place a surcharge on a particular individual with disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy. (Ord. 16-23 §1 (Exh. 2) (part)).

2.68.010 ADA coordinator.

The building and community development associate shall be designated as the ADA coordinator. Complaints that programs, services, or activities of the city of Colfax are not accessible to persons with disabilities should be directed to:

Building and Community Development Associate
P.O. Box 229
400 N. Mill Street
Colfax, WA 99111
(Ord. 16-23 §1 (Exh. 2) (part)).

2.68.015 Administrative policy and notice of grievance procedures.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), and ADA Amendments Act of 2008, 2010, and 2011, the city of Colfax, Washington, provides grievance procedures for qualified individuals who believe that in the city's services, programs, or activities, they have been discriminated against on the basis of disability.

A. Overview. These procedures cover complaints filed under the Americans with Disabilities Act of 1990, relating to any program facility or activity managed by the city of Colfax. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination or unaccommodated barriers to access. Effort will be made to resolve complaints informally at the city level. The option of informed mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution. Intimidation or retaliation of any kind is prohibited by law.

B. Complaints. Any individual, group of individuals or entity that believes they have been discriminated against on the basis of disability or faced unaccommodated barriers to access as defined by the ADA may file a complaint. The complaint must be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities. The complaint should be submitted as soon as possible but no later than sixty calendar days after alleged violation. It must be submitted to:

Building and Community Development
P.O. Box 229
400 N. Mill Street
Colfax, WA 99111

1. Complaint Requirements.

a. Who May File. Any individual, group of individuals or entity that believes they have been discriminated against on the basis of disability or faced unaccommodated barriers to access as defined by the ADA may file a complaint.

b. Format and Content. The complaint must be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities.

2. After receiving the written complaint, the citywide ADA coordinator, in consultation with other city offices, will determine its jurisdiction, acceptability, need for additional information

and the investigative merit of the complaint. If the complaint is incomplete, the ADA coordinator will promptly notify the complainant what must be done for a complete complaint. Once a complete complaint is received, the ADA coordinator will provide the respondent the complaint information within five calendar days.

3. Respondent's Opportunity to Respond. The city will provide the respondent with the opportunity to respond in writing to the allegations. The respondent will have ten calendar days after receiving the notice of the complaint to furnish the city with a written response to the allegations.

4. Investigative Report. Within sixty days of receipt of the original, completed complaint, the ADA coordinator will prepare a written investigative report for the appropriate department director and the city administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The recommendation shall be reviewed by the city attorney's office, which may discuss the report and recommendations with the ADA coordinator and other appropriate departmental staff. The report will be modified as needed and finalized for its release to the parties.

5. Notification of Decision. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen days. Both the complainant and respondent shall receive a copy of the report during the briefings and will be notified of their respective appeal rights.

6. Filing Complaint with the U.S. Department of Justice. The complainant may file a complaint with the U.S. Department of Justice.

"A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause."--28 C.F.R. Section 35.170.

This is not an appeal, but a separate legal action available independent of the city's grievance procedures.

7. Log of Complaints. The ADA coordinator will maintain a log of complaints. This log shall keep complaints for at least six years and shall contain the following information for each complaint filed:

- a. The name and address of the person filing the complaint;
- b. The date of the complaint;
- c. The basis of the complaint;
- d. The disposition of the complaint;
- e. The status of the complaint.

8. Procedure After Complaint Is Received.

- a. Ensuring Complaint Jurisdiction and Sufficiency. After receiving the written complaint, the ADA coordinator in consultation with other city offices will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. If the complaint is incomplete, the ADA coordinator will promptly notify the complainant what must be done for a complete complaint.
- b. Providing Respondent Complaint Information. Once a complete complaint is received, the ADA coordinator will provide the city department responsible and the respondent (subject of complaint) the complaint information within five calendar days.
- c. Respondent's Opportunity to Respond. The city will provide the respondent with the opportunity to respond in writing to the allegations. The respondent will have ten calendar days after receiving the notice of the complaint to furnish the city with a written response to the allegations.
- d. Investigative Report. Within sixty days of receipt of the original, completed complaint, the ADA coordinator will prepare a written investigative report for the appropriate department director, the deputy city manager, and the city administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The recommendation shall be reviewed by the city attorney's office, which may discuss the report and recommendations with the ADA coordinator and other appropriate departmental staff. The report will be modified as needed and finalized for its release to the parties.
- e. Notification of Decision. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen days. Both the complainant and the respondent shall receive a copy of the report during the briefings and will be notified of their respective appeal rights. (Ord. 16-23 §1 (Exh. 2) (part)).

2.68.020 Rights and obligations.

Nothing herein shall be construed as providing rights and obligations less than those required under the Americans with Disabilities Act. (Ord. 16-23 §1 (Exh. 2) (part)).