

City of Grove

Americans with Disabilities Act

Grievance Procedures Policy

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), including any amendments made to the Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **The City of Grove**.

Complaints must be addressed to the Code Enforcement Officer who has been designated as the ADA Compliance Officer to coordinate complaints for the ADA compliance efforts for the City of Grove:

City of Grove ADA Compliance Officer
Code Enforcement Office
104 W. 3rd
Grove, OK 74344
918-786-6107
918-786-8939 (fax)

1. Definitions.

Disability shall mean (a) an impairment that substantially limits one or more major life activities; (b) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; The determination of whether an impairment substantially limits a major life activity shall be made without regard to *ameliorative effects of mitigating measures*.

Ameliorative effects of mitigating measures shall mean (a) medication, medical supplies, equipment, or appliances, *low-vision devices* (which do not include *ordinary eye glasses or contact lenses*), prosthetics including limbs and devices, hearing aid and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable accommodations or auxiliary aides or services; (d) learned behavioral or adaptive neurological modifications.

Ordinary eye glasses or contact lenses shall mean lenses that are intended to fully correct visual activity or eliminate refractive error.

Low-vision devices shall mean devices that magnify, enhance or other augment a visual image.

Major Life Activities shall mean (a) including but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working; (b) operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain respiratory, circulatory, endocrine and reproductive functions.

Substantially Limits shall mean an individual is unable to perform a major life activity that the average person can perform or being significantly restricted as to the condition, manner or duration under which a major life activity can be undertaken.

Reasonable Accommodations shall mean modifications or adjustments that enable a qualified person with a disability to enjoy the benefits and privileges of services, activities, and programs of the City of Grove equal to those of individuals without disabilities.

Direct Threat shall mean a significant risk of substantial harm to the health or safety of others that cannot be eliminated or reduced by reasonable accommodations.

Undue Hardship shall mean that a specific accommodation would require significant difficulty or expense. This determination, which must be made on a case-by-case basis, considers factors such as the nature and cost of the accommodation needed and the impact of the accommodation on the operations of the agency.

A Qualified Person shall mean a person who has an impairment or disability which causes them to be unable to perform one or more major life activities.

Regarded as having impairment shall mean the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists. An individual who establishes that such individual has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. Individuals being “regarded as having an impairment” shall not apply to impairment that are *transitory or minor*.

Transitory or Minor Impairment shall mean an impairment with an actual or expected duration of six months or less. A reasonable accommodation or a reasonable modification to policies, practices or procedures need not be provided to an individual who only meets the “regarded as” definition of disability.

City of Grove Compliance Team shall mean a five member team consisting of the ADA Compliance Officer, Director of HR, City Attorney, City Treasurer, and Buildings and Grounds Superintendent.

ADA Grievance Form shall mean a form that allows the complainant to describe the alleged discriminations. This form is provided by the City.

Following is the Complaint process established by the City of Grove:

1. **Complaint Made:** The complaint must be submitted on the ADA Grievance Form (provided by the City) and contain information about the alleged discrimination such as name, address, phone number of complainant, and a brief description of the alleged violation. The description should contain information about the alleged discrimination complaint such as location, date and description of problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
2. **Date of Submission:** The complaint must be submitted to the ADA Compliance Officer as soon as possible but no later than 45 calendar days after the alleged violation. A complaint will be treated as filed on the date it is received by the City.
3. **Investigation and Meeting with Complainant:** The ADA Compliance Officer will review and investigate the validity of the complaint. Within 30 calendar days after receipt of the complaint, the ADA Compliance Officer will meet with the complainant to discuss the complaint and the possible resolutions.

To ensure that all effective accommodations are considered, the ADA Compliance Officer may discuss with the complainant accommodations he/she has requested and any specific limitation, problems or barriers that are unclear;

The ADA Compliance Officer will identify the potential accommodation(s) and assess the effectiveness of each. The ADA Compliance Officer will recommend the most appropriate accommodations for both the complainant and the City of Grove to the Compliance Team. While the complainant's preference will be given consideration, the City of Grove is free to choose among equally effective accommodations.

4. **Compliance Team Response/Resolution:** Within 21 calendar day of receiving the ADA Compliance Officer's recommendation, the Compliance Team will respond in writing, or, where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Grove and offer options for resolution of the complaint.

5. **Appeal:** If the complainant is not satisfied with the response of the ADA Compliance Team he/she may appeal the decision to the City Manager. The appeal shall be in writing and submitted within 21 calendar days after receipt of the Compliance Team's response.
6. **Meeting with City Manager:** Within 21 calendar days after receipt of the appeal, the City Manager will meet with the complainant to discuss the complaint and possible resolutions.
7. **Appeal Response/Resolution:** With 21 calendar days after the meeting, the City Manager will respond in writing, or, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All complaints received, recommendations made, and responses provided from the ADA Compliance Officer and Compliance Team, plus appeals to, response from and final decisions of the City Manager, will be retained by the City of Grove for three years following the date of the final resolution of the complaint.

The **City of Grove's** Personnel Policy governs employment-related complaints of disability discrimination.