



NON-DISCRIMINATION POLICY STATEMENT AND COMPLAINT & GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

NON-DISCRIMINATION POLICY

The City of Oakley is committed to ensuring that individuals with qualified disabilities are able to take part in and benefit from, the variety of public programs, services, and activities offered by the City. Furthermore, the City of Oakley does not discriminate on the basis of disability in its hiring or employment practices. The City of Oakley continues to modify its facilities, programs, policies, or practices, as necessary to ensure such access is provided.

ADA COMPLAINT AND GRIEVANCE PROCEDURE

Before filing a formal grievance, we encourage an individual to first seek a resolution beginning with an informal contact.

- Questions, concerns, complaints, or requests regarding building or facility inaccessibility should contact Dean Hurney, ADA Building Compliance Officer, (925) 625-7001.
- Questions, concerns, or complaints regarding City of Oakley employment related disability discrimination should contact: Gaby Banos-Galvan, Human Resources, (925) 625-7011.
- All other questions, concerns, complaints, or requests for additional information regarding programs, services, and ADA compliance should contact: Nancy Marquez-Suarez, (925) 625-7007.

In the event a request for access to programs, services, or facilities cannot be resolved, an individual may submit a formal grievance to the City of Oakley. The grievance must be in writing on the designated form and contain specific information about the alleged violation or discrimination including: Name, address, telephone number of the complainant; and the location, date, and a complete description of the problem or violation and remedy sought. Complaints or grievances will be kept confidential to the greatest extent possible, and/or unless ordered released by a court of competent jurisdiction. Alternative means of filing complaints or grievances may be accepted at the discretion of the ADA Coordinator. These may be submitted by telephone, e-mail (confidentiality cannot be assured), letter, personal interview, or tape recording, upon request.

All grievances must be submitted by the complainant or his/her designee to:

Paul Abelson, Risk Manager/ADA Coordinator
City of Oakley, 3231 Main Street, Oakley, CA 94561
(925) 625-7010; abelson@ci.oakley.ca.us.

Grievances should be submitted as soon as possible, but no later than sixty (60) calendar days, after the date of the alleged violation or discriminatory act.

Upon receipt, within ten (10) calendar days the ADA Coordinator or his designee will contact the complainant to discuss the grievance. Within thirty (30) calendar days of this contact, the ADA coordinator will respond in writing and, where appropriate, in an alternative format accessible to the complainant. The response will explain the position of the City of Oakley and offer options for substantive and reasonable resolution of the grievance.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the decision may be appealed to the City Manager within twenty (20) calendar days following receipt of the response.

Within twenty (20) calendar days after receipt of an appeal, the City Manager will contact the complainant to discuss the grievance and possible resolution. Within thirty (30) calendar days of this contact, the City Manager will respond in writing and, when appropriate, in a reasonable format accessible to the complainant, with a final resolution of the grievance.

Every reasonable attempt will be made by the City of Oakley to remedy the disability complaint or grievance in a timely manner. The time periods specified herein are guidelines and are not jurisdictional.

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 services, programs, 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 alternation to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City or any one grievance does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

The grievant has the option to file a complaint directly with the United States Department of Justice or another appropriate State or Federal agency.



Grievance Form

City of Oakley
ADA DISABILITY GRIEVANCE FORM

Date Filed: _____

TYPE: Program Access Physical Access Employment Discrimination
 Other (describe) _____

Complainant Name: _____

City, State, Zip: _____

Telephone #: () _____ Email (optional): _____

Date and location of alleged violation: _____

Complaint Description of Violation (use back or additional sheet of paper if necessary):

Requested Action by City: _____

(Official Use only)

Received by: _____ Date: _____