



ADA Coordinator
326 West Marion Avenue
Punta Gorda, Florida
941-575-3320 Telephone
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941-575-5013 TTY
ADA@CityofPuntaGordaFL.us
www.CityofPuntaGordaFL.us

City of Punta Gorda Grievance Procedure Notice Under the American with Disabilities Act

The City of Punta Gorda, FL., hereby adopts this internal 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").

In the event a request for access to services, programs, activities, including communication and employment practices or to City facilities cannot be resolved, an individual may file a grievance either orally or in writing by contacting the ADA Coordinator, City of Punta Gorda, 326 W Marion Avenue, Punta Gorda, FL 33950; Telephone: (941) 575-3320; TTY: (941) 575-5013; Florida Relay Service at 1-800-955-8771 (TTY) or for voice, call 1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).

The City's ADA Coordinator is available to disabled persons requiring assistance to file a grievance. The City's communications regarding the grievance will be in a format accessible to the grievant. **Note: The City has established an alternative procedure if the complainant alleges that the ADA coordinator or other official with responsibilities regarding the grievance procedures process is a part of the alleged discrimination. (See STEP 7 Below)**

FILING A GRIEVANCE:

This Grievance Procedure shall serve as the City of Punta Gorda's mechanism to respond to complaints of discrimination on the basis of disability in the provision of services, programs, activities, including communication and employment practices or to City facilities pursuant to the requirements of the American with Disabilities Act of 1990 ("ADA"). This procedure does not apply to complaints of discrimination in employment. The City of Punta Gorda's Personnel Policy governs employment-related complaints of disability discrimination.

PROCEDURE:

Any individual who feels that they have been discriminated against in the provision of services, activities, programs, or benefits by the City of Punta Gorda shall have the ability to file a formal grievance, have the grievance responded to, and shall have the right to request an appeal if they are dissatisfied with the resolution of their grievance. The procedure to be followed in filing a formal grievance shall be available and accessible to the general public.

STEP 1: A written grievance shall be filed on the Americans with Disabilities (ADA) Act Grievance Form attached hereto. If the grievance is not filed on the Grievance Form, it should nonetheless contain the following information:

1. Name, address, and telephone number of the grievant;
2. The date of the occurrence;
3. The name and location of the City services, activities, programs, or benefits, involved in the alleged occurrence;
4. Why the individual thinks that he/she has been discriminated against on the bias of a disability and the remedy sought;
5. Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
6. If a complaint has been filed, the name of the agency or court where the complaint was filed, the date it was filed, and the contact person for the agency which it was filed.

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

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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation.

STEP 2: The Grievance will be either responded to or acknowledged within 15 working days of receipt.

STEP 3: Within 30 calendar days of the 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 the 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 45 days from the date of the 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 Manager (or his designee), City of Punta Gorda, 326 W Marion Ave., Punta Gorda, FL 33950, within 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 30 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 the 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 the City's grievance procedure is not a prerequisite to the pursuit of other remedies.

STEP 7: Should an individual wish to file a grievance regarding the actions of the ADA Coordinator, initial contact should be with the City Manager for Administration. From there Steps 1-6 are the same. If the grievance is against the City Manager, initial contact should be as outlined in STEP 1.

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, activities, including communication and employment practices or to City 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, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one grievance does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

FILE MAINTENANCE:

The City's ADA Coordinator shall maintain ADA grievance files for a period of three years.

An individual may file a grievance either orally or in writing by contacting the ADA Coordinator. The City's ADA Coordinator is available to disabled persons requiring assistance to file a grievance. The City's communications regarding the grievance will be in a format accessible to the grievant.

Individuals who are not satisfied with the resolution of a complaint utilizing the procedures outlined above may file a complaint with the U.S. Department of Justice, Civil Rights Division, as follows:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave, N.W.
Office of the Assistance Attorney General, Main
Washington, DC, 20530
202-514-4609
<https://www.justice.gov/crt/how-file-complaint>

