



ADMINISTRATIVE ORDER

Title: Americans with Disabilities Act
Grievance Administrative Order

Number: AO-11

Cancels: 12/15/2005

Approved: 12/8/08

Originator: Housing and Human Services Dept.

Revision Due: 12/8/2011

I. PURPOSE AND SCOPE

Section 35.107 (b) of the Americans with Disabilities Act (ADA) requires public entities with 50 or more employees to establish grievance procedures for resolving complaints or violations of Titles I and II. In addition, the rule requires that the entity adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that is prohibited.

The following procedures establish a mechanism for resolution without requiring the complainant to resort to Federal complaint procedures.

The Brevard County Board of County Commissioners will ensure the Americans with Disabilities Act (ADA) requirements are met in providing accessible, usable services and facilities for all persons with disabilities.

II. DEFINITIONS AND REFERENCES

- A. ADA-Americans with Disabilities Act (ADA) Public Law 101.366 which prohibits discrimination on the basis of disability.
- B. Grievance-A formal written complaint made by a citizen or employee of Brevard County that he or she has been subjected to unlawful discrimination, or inaccessibility to facilities or services on the basis of a disability.
- C. Disabled-An individual with a physical or mental impairment that significantly limits one or more of the major life activities, has a record of such impairment, or is regarded as having such an impairment as defined in Public Law 101.366.
- D. Title I-That section of the ADA which requires equal employment opportunities for qualified individuals with disabilities.
- E. Title II-That section of the ADA which requires accessibility to all

facilities, programs and services be made available by public entities to all individuals with disabilities.

- F. Project Team Leader Title I-Brevard County Assistant County Manager.
- G. Project Team Member Title II- Employees Relations Manager.
- H. Project Team Member Title III-Personnel Manager.
- I. Grievance Committee-A committee as defined under Section V. A staff committee which will meet as necessary to hear complaints and grievances not resolved by the ADA Coordinator.

III. GRIEVANCES

- A. All grievances shall be made in writing and forwarded to the Brevard County ADA Coordinator.
- B. A written grievance should contain the following information:
 - 1. Name, address, and telephone number of the complainant.
 - 2. A complete statement of the grievance and the facts upon which it is based.
 - 3. The names and phone numbers of any witnesses who can provide supportive or relevant information.
 - 4. The violation alleged to have occurred.
 - 5. Desired remedy or solution requested.
- C. In the event the written grievance does not contain all of the above information, the ADA Coordinator has the responsibility to communicate with the complainant to obtain the required information.

IV. GRIEVANCE PROCEDURE STEPS

Step 1: Grievances and complaints regarding access or alleged discrimination shall be submitted to the Brevard County ADA Coordinator in writing. If the complaint is not able to be directly resolved by the ADA Coordinator, then a meeting of the Grievance Committee will be called. A record of the complaint and action taken will be maintained as part of the official record.

Step 2: Within five (5) working days of the receipt of the complaint or grievance, the ADA Coordinator will forward a copy of the complaint form to the Department or Office Director, County Manager, and when appropriate, to Facilities Management Department. Discussions will be informal for the purpose of settling the problem in the simplest and most direct manner. The ADA Coordinator shall make appropriate inquiries and take appropriate actions to resolve the problem, when indicated, or provide the complainant with a written response within a reasonable amount of time.

Step 3: If the grievance is not resolved within thirty (30) working days by the ADA Coordinator at the request of the complainant, the complaint may go to the ADA Grievance Committee. Such requests shall be accompanied by all facts and information concerned with the grievance and the written replies given thereto. The Committee shall meet within 30 days of the complainant's request to hear the complaint. The complainant shall be given no less than 5 working days notice of the meeting. The Committee shall issue a written decision within 30 days of the hearing. If the Committee is unable to render its decision within 30 days, then the Committee can reserve ruling for up to 15 days for further investigation of the facts.

Step 4: All proceedings of the Committee shall be recorded and minutes taken and maintained as part of the official record. All notices and agendas shall include the following statement:


If a person desires to appeal any decision made by the ADA Grievance Committee with respect to any matter considered at this meeting, such person will need a record of the proceedings and that, for such purposes, such person may need to ensure that a verbatim record of the proceeding is made, at his/her own expense, which record includes testimony and evidence upon which any such appeal is to be based. (FS 286.0105)

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the ADA Coordinator at least 48 hours in advance: (321) 637-5347. (TTY users may use Florida Relay Center at (1-800-955-1339) 9-711)

Step 5: If the matter is not resolved to the satisfaction of the complainant, the complainant shall have the right to appeal to the County Manager.

V. THE GRIEVANCE COMMITTEE

- A. The Grievance Committee shall be composed of:
1. Assistant County Manager for Community Services.
 2. Employee Relations Manager
 3. Personnel Manager.
 4. A representative from an organization which services the disabled, to be appointed by the County Manager.
 5. A disabled County employee appointed by the County Manager.
- B. Grievance Committee members shall be selected and serve in accordance with the following procedures:
1. Each Grievance meeting will consist of 5 participants as described in Section V-A.
 2. No member of the Grievance Committee may be from the same department or office as the facility or service against which the complainant is filing the grievance. A representative from that office or department against which the grievance is made may be invited to attend to assist in providing information, but shall not be entitled to participate in discussions at the Grievance Committee level or vote as a Grievance Committee member.
 3. The Assistant County Manager will serve as the Grievance Committee Chairperson.
- C. The ADA Coordinator shall serve as staff and advisor to the Grievance Committee.
- D. All meetings, investigations and hearings related to grievance reviews shall be conducted during normal working hours, whenever possible. Employees attending hearings regarding their own internal complaint shall be considered on administrative leave with pay.
- E. The County Attorney's Office shall serve in an advisory capacity for the ADA Grievance Committee. If counsel is present for the complainant, the County Attorney shall serve as the Attorney for the Grievance Committee.

 12/8/08
Peggy Busacca Date
County Manager