

# How to file an Grievance

The procedure to file a grievance is as follows:

**1.** A formal written grievance should be filed on the City's ADA Grievance Form. Providing all pertinent information regarding the grievance upon request, reasonable accommodations will be provided in completing the form or filing the grievance. The grievance shall include the following information.

- The name, address, telephone number, and email of the person filing the grievance.
- The name, address, and telephone number of the person alleging ADA violation, discrimination, or request, if other than the person filing the grievance.
- A description and location of the alleged violation, discrimination, or request and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

**2.** Receipt of the grievance shall be acknowledged in writing to the grievant within 15 working days of receipt of the grievance.

**3.** Within 60 calendar days of receipt, the ADA Coordinator will conduct the investigation necessary to determine the merit of the grievance.

**4.** A written determination and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape of the grievance shall be issued by ADA Coordinator and a copy forwarded to the grievant no later than 90 days from the date of Carmel's receipt of the grievance.

**5.** The grievant may appeal the written determination. The appeal must contain a statement of the reasons why the complainant is dissatisfied with the written decision and must be signed by the complainant, or by someone authorized to sign on the complainant's behalf. A notice of receipt shall be sent in writing within five days of the receipt of the appeal. Such appeal shall be

in writing and filed with the City of Carmel's Clerk Treasurers office to be placed on an agenda of the meeting of the City of Carmel Board of Public Works and Safety within 30 days after the ADA Coordinator's determination has been mailed to the grievant.

All hearings before the Board of Public Works shall be open to the public. The grievant, the grievant's representative, the ADA Coordinator and any persons whose interests are affected shall be given the opportunity to be heard.

At the Conclusion of the hearing at which a continuance is not granted, the Board of Public Works may reverse, affirm, or modify the written determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded.

Any person, whether or not a previous party of appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

**6.** If the grievant is dissatisfied with Carmel's handling of the grievance at any stage of the process or does not wish to file a grievance through the Carmel's ADA Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The evaluation and written determination of a resolution of a grievance will consider various circumstances, including but not limited to, 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 alteration to the program, service, or facility, or cause an undue hardship to, and available funding. Accordingly, the resolution by of any one grievance does not constitute a precedent upon which is bound or upon which other complaining parties may rely.

Note: Except for the complainant's appeal deadline, any of the other deadlines listed above may be extended at the discretion of the ADA Coordinator, the Mayor, or the Mayor's designee provided notice of such an extension is given to the complainant.

### **File Maintenance**

All written complaints received by the ADA Coordinator or his designee, appeals to the Mayor or his designee, and responses from these two offices will be retained by the City of Carmel for at least three years.