

ADA GRIEVANCES

SUMMARY

This grievance procedure shall serve as the County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs and services under the Americans with Disabilities Act of 1990 (ADA). This procedure shall not apply to complaints of discrimination in employment. Employment discrimination grievances are handled by the Office of Fair Employment Practices.

PROCEDURE

Any individual who feels that they have been discriminated against in the provision of a program or service operated by Miami-Dade County shall have the ability to file a formal grievance, have the grievance responded to, and have the right to request an appeal if they are dissatisfied with the resolution of their grievance. The procedures to be followed in filing a formal grievance shall be available and accessible to the general public.

The Miami-Dade County Office of ADA Coordination, 111 N.W. 1st Street, 12th Floor #348, shall be the agency responsible for coordinating the County's grievance procedure and will serve as the conduit between the grievant and the department against whom the grievance is made. The Office will provide the department with the necessary technical assistance needed in reaching resolution of the grievance. The Office will make all attempts to assist the department in reaching an amicable resolution to the grievance; however, the office of ADA Coordination shall have no authority to direct the department in the manner in which the department ultimately decides to respond to the grievance.

Employment discrimination grievances should be sent to the Office of Fair Employment Practices, 111 N.W. 1st Street, Suite 2720.

Any individual who feels they have been discriminated against in any program or service provided by Miami-Dade County, under provisions of the ADA, shall submit a grievance, in writing to the Office of ADA Coordination. This written grievance shall contain the following information:

1. Name, address and telephone number (if available) of the grievant.
2. The date of the occurrence.
3. The name and location of the County program and service involved in the alleged occurrence.
4. The name (if known) of the County employee with whom the grievant came in contact, if appropriate.
5. Why the individual thinks that he has been discriminated against on the basis of a disability.

Within five (5) business days of receipt of the grievance, the Office of ADA Coordination shall:

1. Inform the department of the grievance; transmit a copy of the grievance to the department with general instructions as to the format which the department should follow in their response, and a date by which the department shall return a response to the Office. The Office of ADA Coordination will review the decisions with the department before final preparation of the response.
2. The department shall have thirty (30) business days from receipt of grievance from the Office of ADA Coordination to respond to the complainant. Attempts will be made by the department to clarify the facts of the grievance. The actions taken by the department shall be conveyed to the grievant in writing. This letter, addressed to the grievant and signed by the Department, shall be transmitted to the Office of ADA Coordination within the specified time period. The response shall be mailed to the grievant by the Office of ADA Coordination with a cover letter informing the grievant of their ability to appeal the decision enclosed and the procedure which the grievant must follow in requesting an appeal. In no instance shall the Department mail their response directly to the grievant.
3. In the event that a complainant submits a written grievance to the operating department, the department shall send a copy of the grievance to the Office of ADA Coordination within five (5) business days. That action will constitute a filing by the complainant with the Office of ADA Coordination as required in Section IV of this document. The Department will have thirty (30) business days from receipt of written grievance to respond to complainant.
4. Where a department can solve a written grievance informally, the department will provide the Office of ADA Coordination a written statement explaining the mutually agreeable solution. It should be signed by the complainant and the department representative.

All reasonable attempts should be made by the department with the assistance of the Office of ADA Coordination to mediate and resolve the grievance.

Any individual who is dissatisfied with the recommended resolution of their grievance may request an appeal. In requesting an appeal the individual shall, within fifteen (15) business days from the date of the written recommended resolution offered by the County, submit in writing to the Office of ADA Coordination their request to appeal the decision and express their willingness to appear before an impartial panel to present their grievance. Upon receipt of a written request for an appeal, the Office of ADA Coordination shall:

1. Notify the County Manager and request that within thirty (30) business days he appoint a panel of three (3) senior members of unaffected County departments to hear the grievance. The Manager shall designate one of the panel members to serve as chairperson.
2. Set a time and place for the hearing that is convenient to the grievant, the affected department and the panel members, within twenty (20) business days after the panel is appointed, if possible.
3. Instruct the department, against whom the grievance has been made, to prepare a package with all necessary information pertinent to the grievance for each panel member to review prior to hearing.
4. Monitor and tape the hearing.

At the time of the hearing both the grievant and the affected department shall have the opportunity to present their positions to the panel. The panel members will also have the opportunity to pose questions to both parties. After the affected parties have presented the facts, and after all questions posed by the panel have been answered the hearing shall be closed and the panel shall meet privately to deliberate.

Within fourteen (14) business days from the date of the hearing the panel shall issue its decision. The Chairperson shall prepare the decision of the panel. The Chairperson shall send the written decision to each panel member for review and signature prior to its submission to the affected parties. The decision of the panel is final and no further appeal shall be available within the administrative branch of County government.

The Office of ADA Coordination shall maintain files on grievances received along with all communications, recommendations, and other records pertinent to the grievances for a period of at least three (3) years.

The establishment of this grievance procedure shall not preclude nor waive the grievant's right to seek redress under any alternative remedy available.

CONTACT(S):
Department/Division
Office of ADA Coordination