

ADA GRIEVANCES

SUMMARY

This grievance procedure shall serve as Miami-Dade County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs, services, and activities under the Americans with Disabilities Act of 1990 (ADA). This procedure shall not apply to complaints of discrimination in employment. Employment discrimination complaints are handled by the Office of Human Rights & Fair Employment Practices. Whenever possible, the County shall attempt to resolve a grievance on an expedited, informal basis, provided that the grievant finds such disposition acceptable.

PROCEDURE

Any individual who feels that they have been discriminated against in the provision of a program, service, or activity 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 County ADA Grievance Procedure and the ADA Grievance Form can be found on the Miami-Dade County website (<http://www.miamidade.gov/peoplewithdisabilities/ada-form.asp>) or by calling the Internal Service Department ADA Office at 305-375-3566.

The Miami-Dade County Department of Internal Services ADA Office, 111 NW 1 Street, 24 Floor, Miami, shall be the agency responsible for coordinating the County's grievance procedure and will serve as the conduit between the grievant and the affected department against whom the grievance is made. The ADA Coordinator will provide the department with the necessary technical assistance needed in reaching resolution of the grievance. The ADA Coordinator will make all attempts to assist the department in reaching an amicable resolution to the grievance; however, the ADA Coordinator shall have no authority to direct the department in the manner in which the department ultimately decides to respond to the grievance.

Employment discrimination complaints should be sent to the Office of Human Rights & Fair Employment Practices, 111 NW 1 Street, Suite 2210, Miami, FL 33128. Further information about employment discrimination complaint procedures can be found on the Miami-Dade County website at <http://www.miamidade.gov/humanrights> or by calling the Office of Human Rights & Fair Employment Practices at 305-375-2784.

Any individual who feels they have been discriminated against in any program, service or activity provided by Miami-Dade County, under provisions of the ADA, shall submit a grievance, in writing, to the Department of Internal Services-ADA Office. Alternative means of filing a

grievance, such as personal interviews or tape recordings, are available upon request as an accommodation of the grievant's disability.

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, service or activity 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 business days of receipt of the grievance, the ADA Coordinator shall:

1. Inform the department of the grievance; transmit a copy of the grievance to the department with general instructions as to the format that the department should follow in their response, and include a date by which the department shall return a response to the ADA Coordinator. The ADA Coordinator will review the decisions with the department before final preparation of the response.
2. The department shall have 30 business days from receipt of grievance from the ADA Coordinator 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 ADA Coordinator within the specified time period. The response shall be mailed to the grievant by the ADA Coordinator with a cover letter informing the grievant of their ability to appeal the decision enclosed and the procedure that 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 directly to the affected department, the department shall send a copy of the grievance to the ADA Coordinator within five business days. That action will constitute a filing by the complainant with the ADA Coordinator. The affected department will have 30 business days from receipt of written grievance to respond to complainant.
4. Where an affected department can resolve a written grievance informally, the department will provide the ADA Coordinator a written statement explaining the mutually agreeable solution. The statement should be signed by the complainant and the department representative.

All reasonable attempts should be made by the affected department with the assistance of the ADA Coordinator 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 15 business days from the date of the written recommended resolution offered by the County, submit their written request to appeal the decision to the ADA Coordinator. Alternative means of filing an appeal, such as personal interviews or tape recordings, are available upon request as an accommodation of the grievant's disability.

Upon receipt of a written request for an appeal, the Internal Services Department ADA Office shall:

1. Convene a Grievance Review Committee within 30 business days to review the original grievance resolution and render a decision. The Grievance Review Committee shall consist of three ADA Coordinators of unaffected County departments to hear the grievance and render a decision.
2. Within five business days of the Grievance Review Committee's decision, a written response will be provided to the complainant. An alternate format of the response will be made available upon request as an accommodation for the grievant's disability.

At the time of the appeal, both the grievant and the affected department shall have the opportunity to present any new information to the Grievance Review Committee. The decision of the Grievance Review Committee is final and no further appeal shall be available within the administrative branch of County government.

The Internal Services Department 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 years.

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

CONTACT(S):

Department/Division

Internal Services Department/ADA Office

Office of Human Rights and Fair Employment Practices