Wood County Board of Developmental Disabilities **PROCEDURE**

Procedure #:

02-ALL-ALL-0493 (HR)

Subject:

Complaint of Discrimination on the

Basis of Disability (ADA Grievance)

Effective Date: Person Responsible: 09-26-94

Human Resources Coordinator

Last Revision:

11-05-14

Approvals/Date:

Superintendent, WCBDD

Department Director

Date

The following definitions will apply:

Disability - for purposes of determining eligibility for a reasonable accommodation, a person with a disability.

- has a physical or mental impairment that substantially limits one or more major life activities and or bodily functions
- has a record of such impairment
- is regarded as having such impairment

Major Life Activities - include, but are not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; communicating; sitting; reaching; interacting with others and working.

Major Bodily Functions - include, but are not limited to: functions of the immune system; normal cell growth; digestive; bowel; bladder; neurological; brain; circulatory; respiratory; endocrine; hemic; lymphatic; musculoskeletal; special sense organs and skin; genitourinary; cardiovascular system; and reproductive system.

Facility - any or all portions of buildings, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property.

- 1. The complainant or the complainant's representative shall present the complaint, in writing to the EEO Complaince Officer within 10 working days after the alleged incident of discrimination has occurred. The complainant shall describe the situation and provide reason why he/she feels they have experienced discrimination.
- 2. Within 10 calendar days after receiving the complaint, the EEO Compliance Officer shall conduct an internal investigation of the complaint and made every effort to resolve the complaint by mutual agreement at the time of investigation. If the EEO Compliance Officer is successful in resolving the complaint by mutual agreement, the resolution shall be documented. The agreement must be in writing and signed by all involved parties, including the complainant, the EEO Compliance Officer, the Department Director and/or Superintendent. If, after investigating the alleged incident, the EEO Compliance Officer finds that the complaint is unfounded or without merit, or that it is not possible to remedy the complaint to the satisfaction of all parties involved, the EEO Compliance Officer shall issue written findings within thirty (30) days and shall send a copy of such findings to Superintendent. If, after investigating the matter, the EEO Compliance Officer shall, in writing, within 30 days issue findings and specify corrective action to be taken by the Superintendent. A copy of the findings and the corrective action shall be sent to the complainant, Department Director and/or Superintendent.
- 3. Within 10 days following the receipt of the decision from the EEO Compliance Officer, either the Department Director or the complainant may request that the complaint be reviewed by an ADA Compliance Committee. All such requests must be made in writing and filed with the EEO Compliance Officer. The ADA Compliance Committee is appointed by the Board.
- 4. Within 30 working days the Department Director shall promptly implement the corrective action specified by the EEO Compliance Officer.
- 5. Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide federal assistance to the program in question. To file an ADA complaint by mail, you must fill out a form on the ADA gov website and mail it to: US Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division Disability Rights Section - 1425 NYAV, Washington, D.C. 20530. The ADA Information Line is 1-800-514-0301.
- 6. All records of complaint shall be kept confidential. A record of action taken on each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process.
- 7. An individual's right to prompt and equitable resolution of complaint shall not be impaired by his/her pursuit of their remedies, such as the filing of a complaint with the US Department of justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

References:

FEOC

Title I of ADA Title II of ADA

ADA Amendments Act of 2008 (P.L. 110-325)

ORC 4112.02 01-ALL-ALL-0073 01-ALL-ALL-0085 02-ALL-ALL-0493 (HR) 02-ALL-ALL-0856 (HR) 03-ALL-ALL-0943