

City of Chesapeake Americans with Disabilities Act (ADA) Grievance Policy

I. BACKGROUND

The Americans with Disabilities Act (ADA) requires that public entities establish a procedure whereby individuals can make complaints of discrimination based on disability status in admission to, access to, and treatment in programs, services and activities provided by the public entity. This requirement is contained in Title II of the ADA, 28 CFR 35.107, entitled "Non-Discrimination on the Basis of Disability in State and Local Government Services". (In accordance with federal law, a complaint alleging discrimination based on an individual's disability status may also be filed directly with an appropriate federal agency.)

II. PURPOSE

The following complaint procedure provides an avenue for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the City of Chesapeake's provision of programs, services, and activities. This procedure must be used by individuals who wish to file complaints with the City based on ADA Title II. Any individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity (i.e. City of Chesapeake) may, by him or herself or by an authorized representative, file a complaint to the City of Chesapeake. Complaints based on ADA Title I (Employment) should be referred to Administrative Regulation 2.63.

III. PROCEDURE

- A. All complaints should be submitted in writing to the City of Chesapeake. Other arrangements for submission of a complaint, such as an in-person interview or phone interview, shall be made available upon request to persons who have difficulty using a written format. The complaint should contain as much information as possible about the alleged discrimination, including the complainant's name, address, and day-time phone number. The complaint should be submitted in writing or by alternative format by mail or in person within 90 calendar days of the alleged discrimination to:

Municipal Facilities Administrator
Dept of Public Works
431 Albemarle Dr.
Chesapeake, VA 23322
757-382-8951
757-382-8855 (fax)

- B. The Municipal Facilities Administrator shall be responsible for coordinating the grievance process with other appropriate City staff. The Municipal Facilities Administrator shall notify the complainant in writing (or via another mutually agreed upon format) within 10 working days of receipt of the complaint that the complaint has been received and is under review. A response to the complaint offering a resolution or explanation of the City's position with respect to the complaint shall be provided in writing (or via another mutually agreed upon format) to the complainant within 30 days of receipt of the complaint.

- C. If the complainant is dissatisfied with the response provided by the City, an appeal may be made to the Director of Public Works within 30 calendar days of the complainant receiving the initial City response. The appeal should be submitted in writing or by alternative format either by mail or in person to:

Director
Chesapeake Public Works Department
306 Cedar Rd.
Chesapeake, VA 23322
757-382-6101

The Director shall have 30 days from receipt of the appeal to render a finding as to whether the initial determination was reasonable or that additional action is required.

- D. If the complainant is dissatisfied with the Public Works Director's response, further appeal may be made within an additional 30 days to the Deputy City Manager (Operations). The appeal should be submitted in writing or by alternative format either by mail or in person to:

Deputy City Manager (Operations)
Chesapeake City Manager's Office
306 Cedar Rd.
Chesapeake, VA 23322
757-382-6166

The Deputy City Manager shall have 30 days from receipt of the appeal to render a finding as to whether the first-level appeal determination was reasonable or that additional action is required.

- E. All of the above timelines may be adjusted by mutual consent of the parties reduced to a written acknowledgment.

- F. All complaints submitted to the City and all responses to such complaints shall be kept on file by the City for a period of three years from the date of initial filing of the complaint.

Submitted by: Earl Sorey Date: 7/26/2021
Earl Sorey, Director of Public Works

Approved by: Christopher M. Price Date: 7.26.21
Christopher M. Price, City Manager

Approved as to form: Kelly J. Lackey Date: 7/26/21
Kelly J. Lackey, Deputy City Attorney