

Standard Procedure 13
Americans with Disabilities Act Grievance Procedure

Effective: 12/30/2015

Supersedes: 7/23/2004

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Approved by: Michael J. Bajorek, Interim Town Manager

PURPOSE:

To implement procedures that assure that any employee or citizen who has a grievance alleging non compliance by the Town of Cary with the provisions of the Americans With Disabilities Act may report and resolve that grievance by following the procedure outlined below.

PROCEDURE:

A. EMPLOYEE

Any employee who has a complaint alleging non compliance by the Town of Cary with the provisions of the Americans With Disabilities Act shall resolve that complaint using the grievance procedure outlined in Chapter 2-96, of the Town of Cary Code of Ordinances.

B. CITIZENS

1. Any citizen who has a grievance alleging non compliance by the Town with the provisions of the Americans With Disabilities Act may report the grievance to the ADA Coordinator for the Town of Cary. The Grievance report shall be in writing, shall state the facts upon which the grievance is based and shall be signed by the aggrieved party. At the time of adoption of this procedure, the ADA Coordinator for the Town of Cary is Scott Hecht, Public Works Director (919) 469-4093, P.O. Box 8005, Cary, NC 27512-8005.
2. The ADA Coordinator shall investigate all grievances in light of ADA legislation and the Town of Cary's action plan. The ADA Coordinator shall initiate the investigation within 3 days of receipt of a written grievance.
3. The ADA Coordinator will respond in writing to the citizen's complaint within five working days of the completion of the investigation.
4. The written response of the ADA Coordinator shall restate the grievance as received in writing. The report will state the section of the ADA with which the Town is alleged not to be in compliance. The report will state the finding of the ADA Coordinator. If the ADA Coordinator finds the Town is not in compliance with the provisions of ADA, the report will identify in the transition plan the schedule for compliance or identify the process and schedule to be used by the Town to obtain compliance.

5. If it is the opinion of the ADA Coordinator that compliance has been achieved and the citizen does not agree; the citizen may appeal the decision to the Town Manager, or designee, using the same method described above. The Town Manager shall respond to the citizen as stated above within ten working days of the receipt of the grievance from the citizen.
6. If the citizen does not agree with the findings of the Town Manager, the citizen may appeal the grievance to the Cary Town Council. The appeal to Council shall be in writing and must be filed with the Town Clerk within ten work days of the date of the Town Manager's response.
7. Town Council will review the grievance at its next regularly scheduled meeting and report its findings to the citizen in writing. If Town Council reaches a decision of non compliance, the response will state the state the steps to be taken by the Town to obtain compliance.