



Administrative Policy: ADA/504 Grievance Procedure

A. PURPOSE

The City of Lakewood is committed to ensuring that people with disabilities are able to take part in, and benefit from, the whole range of public programs, services, and activities offered by the City. The City continues to modify its facilities, programs, policies, or practices, as necessary, to ensure such access is provided.

Title II of the Americans with Disabilities Act (ADA) requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints. The purpose of this ADA grievance procedure is to resolve as promptly as possible any problems, complaints, or conflicts related to the City's ADA compliance without the need for the complainant to resort to other remedies available under the law.

Please note that the City of Lakewood ADA Coordinator accepts and investigates grievances related to property, programs, and services of the government of the City of Lakewood. If you wish to file a disability discrimination complaint against any other public or private entity, please contact the United States Department of Justice.

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Please note: This procedure applies only to the property, programs, and services of the government of the City of Lakewood. For information or assistance with regard to private property, please contact the City's Community Development Department at (562) 866-9771.



1. WHO MAY FILE A GRIEVANCE?

You or your authorized representative may file an ADA grievance if you believe that:

- The City is not in compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities, land, or rights-of-way, or
- You or a specific class of individuals have been denied access to participate in City programs, services, or activities on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the basis of disability by the City, or
- The City has otherwise violated the ADA.

2. WHEN SHOULD A GRIEVANCE BE FILED?

Before filing a grievance, you may seek informal resolution by contacting the Department Director of the affected department [See contact information contained in this Policy]. The City encourages, but does not require, an attempt to resolve concerns informally prior to filing a formal grievance. If your informal concern is not resolved in a timely fashion, you have the right to file a formal grievance under this procedure.

You are encouraged to file your grievance within 30 days of the date you became aware of any alleged discrimination or access violation. If reasonable circumstances prevent you from filing your grievance within that time period, the City may accept your grievance later than 30 days after the alleged incident(s). Failure to report an alleged violation within 180 days may impact your ability to redress your grievance.

3. WHAT SHOULD THE GRIEVANCE INCLUDE?

You may file your grievance using the Grievance form at the end of this policy. If you choose not to use the form, your grievance may be filed either in writing or verbally and must include the following information:

- a. Your name, address and telephone number. If a representative is filing the grievance on your behalf, his or her name, address and telephone number must also be included.
- b. A description of the offending behavior(s) or action(s) or violation(s).
- c. The date(s), time(s) and location(s) of the incident(s).
- d. If the incident(s) involved a City of Lakewood employee(s), his or her name(s) should be included, if you know it.
- e. The name(s) and contact information of witnesses, if any.
- f. If your grievance is being filed on behalf of another person or a group of people, all of the grievants should be described or identified by name, if possible.
- g. The remedy you desire.
- h. Your signature or the signature of your authorized representative.



The City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint and investigation process, to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share information only on a need-to-know basis.

4. WHERE SHOULD I SUBMIT MY GRIEVANCE?

You may file your grievance with the City's designated ADA Compliance Officer. The ADA Compliance Officer's name, office address and telephone number are:

Diane Perkin, ADA/504 Compliance Officer
Administrative Services Department
City of Lakewood
P.O. Box 220
Lakewood, CA 90714
(562) 866-9771 phone
(562) 866-0505 fax
dperkin@lakewoodcity.org email

You may mail your grievance, fax it, e-mail it, or deliver it in person.

If you believe the ADA Compliance Officer is involved in alleged discrimination, you should submit your grievance to the Assistant City Manager [see contact information contained in this Policy].

5. WHAT IF I NEED ASSISTANCE FILLING OUT MY GRIEVANCE?

ADA Grievances may be filed by mail, by phone, or by e-mail. Assistance is available from the ADA Compliance Officer. You should contact his/her office and request the type of assistance you need. The ADA Grievance Procedure and Complaint Form are available in alternative formats upon request. Verbal grievances should be filed with the ADA Compliance Officer.

6. WHAT HAPPENS AFTER I FILE MY GRIEVANCE?

After receiving your grievance, the Department Director and ADA Compliance Officer (or his/her designee) will investigate your concerns. The investigation may include, but may not be limited to, interviews with: (a) you; (b) the person(s), if any, who allegedly discriminated against you; and (c) any other person the investigator believes to have relevant knowledge concerning your grievance. The investigator will also consider any written evidence that is given to him/her.



After completing the investigation, the investigator will review the factual information gathered through the investigation to determine whether discrimination has occurred or the ADA has been otherwise violated. The investigator will consider all of the factual information, all the circumstances, and the context in which any alleged incident(s) occurred.

The investigator will then prepare a written report which will include: (1) the results of the investigation; (2) a determination as to whether discrimination occurred or access requirements have been violated; and (3) any appropriate remedy which the City will provide. A copy of the report will be sent to you, and a copy will be sent to both the Department Director and the ADA Compliance Officer. The ADA Compliance Officer will then issue a written response to the complaint.

7. WHEN WILL I RECEIVE A RESPONSE?

Within 15 days of the City's receipt of the grievance, you will receive a confirmation that it has been received and is being investigated. If you do not receive a confirmation within 15 days, please contact the ADA Compliance Officer. Absent extenuating circumstances, all grievances will be investigated and a response issued within 90 days of receipt of the grievance. If a delay is expected, the Department Head or ADA Compliance Officer will notify you in writing of the reason(s) for the delay, and the date by which you will receive a response.

8. SHOULD I BE CONCERNED THAT A CITY OFFICER OR EMPLOYEE MIGHT RETALIATE AGAINST ME IF I COMPLAIN?

The City will not retaliate against you for filing a grievance and will not knowingly permit retaliation by its officers or employees. The City will take reasonable steps to protect you from retaliation by others as a result of filing a grievance. Please let the ADA Compliance Officer know immediately if you feel you are being retaliated against for filing a grievance.

9. WHAT CAN I DO IF I AM NOT SATISFIED WITH THE RESULTS OF THE CITY'S INVESTIGATION?

If you are not satisfied with the results of the investigation, you may submit a verbal or written appeal within 20 days of your receipt of the findings. Your appeal should detail the reasons you believe the findings to be in error. You will receive a response within 20 days of the day you submit your appeal.

Your appeal should be directed to the Assistant City Manager [see contact information contained in this Policy]. A written response to the appeal, approved by the City Manager, will be issued within 20 days.



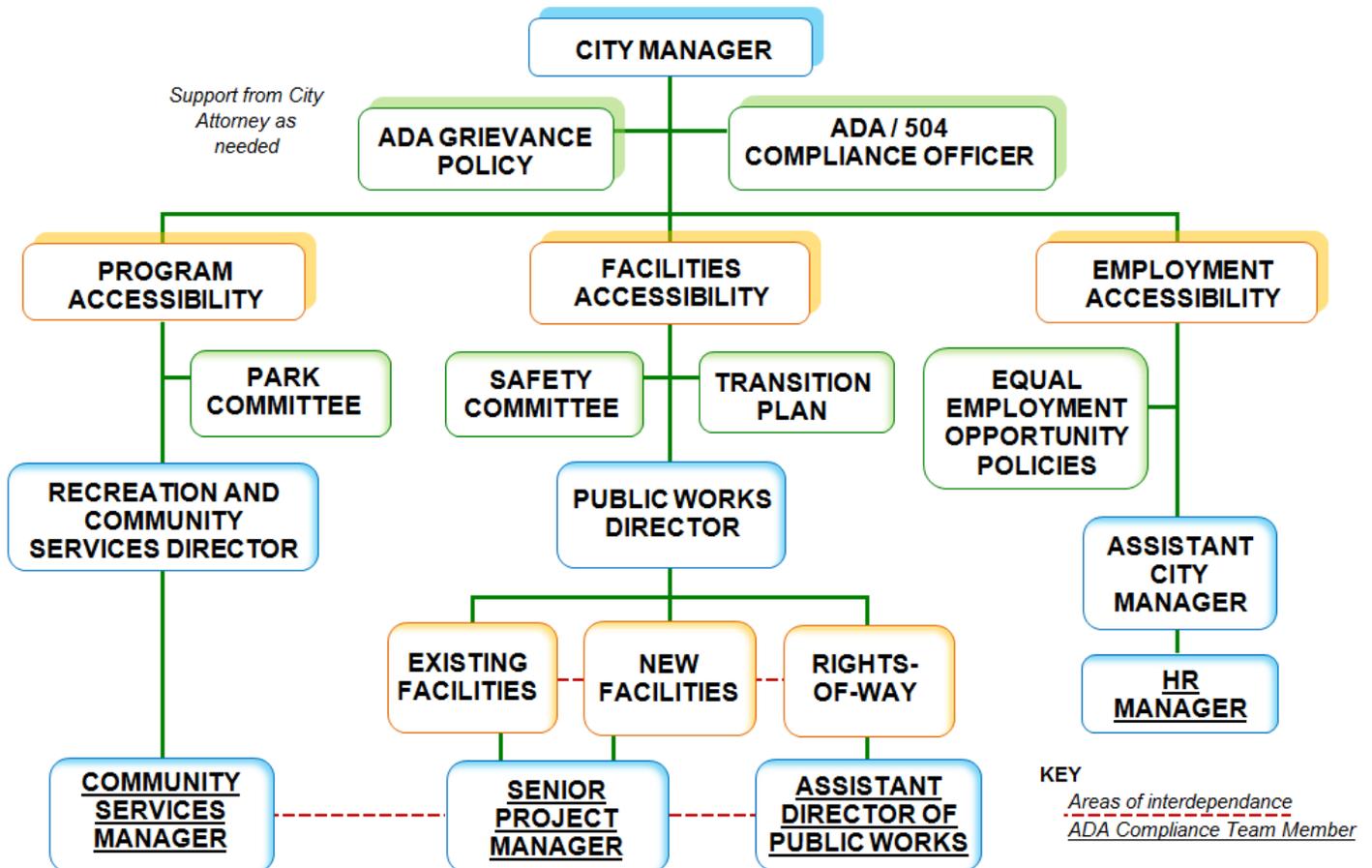
CITY OF LAKEWOOD, CA Title II - Americans with Disabilities Act

If you are not satisfied with the results of the appeal, you may file a complaint with the appropriate agency or department of the State or Federal government. Contact the U.S. Department of Justice, the U.S. Department of Education Office for Civil Rights, or the California Department of Justice Civil Rights Division for information about how to file a complaint with these agencies. You may also sue the City in federal court.

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of alleged discrimination, the City encourages you to use this procedure in addition to any other available remedies you may choose.

C. CITY ADA/504 COMPLIANCE STRUCTURE

**City of Lakewood
ADA Compliance Structure**





D. CITY CONTACT LIST

ADA/504 Compliance Officer

Diane Perkin, Director of Administrative Services
(562)-866-9771 ext 2601

City Manager's Office

Lisa Novotny, Assistant City Manager
(562) 866-9771 ext 2122

Public Facilities and Rights-of-Way (streets and sidewalks)

Lisa Rapp, Director of Public Works
(562) 866-9771 ext 2501

Parks, Recreation and Community Services

Lisa Litzinger, Director of Recreation and Community Services
(562) 866-9771 ext 2400

The Centre at Sycamore Plaza

Lisa Litzinger, Director of Recreation and Community Services
(562) 866-9771 ext 2400

Public Safety

Carol Flynn-Jacoby, Deputy City Manager
(562) 866-9771 ext 2112

Community Development

Sonia Southwell, Director of Community Development
(562) 866-9771 ext 2301

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The City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint and investigation process, to the extent consistent with the law, adequate investigation, and appropriate corrective action. This means that the City will share any sensitive information you provide here only on a need-to-know basis.

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	Address	
	Telephone	

1. Please describe the City of Lakewood's alleged violation of access requirements, or discriminatory action, in enough detail so that the nature of your grievance can be clearly understood. Add additional pages if necessary:

2. Please give the date(s), time(s) and location(s) of the incident(s) or observation(s) you are reporting:

3. If the incident involves a City of Lakewood's employee(s) please provide his or her name(s), if known:

4. If the grievance involves physical access to a City of Lakewood public facility, land, or right-of-way, please provide the specific address(s) of those locations, if known:

5. Please give the name(s) and address(es), if known, of any witnesses to the access violation or alleged discrimination:

6. If this complaint is filed on behalf of a second person, or on behalf of a group of people, please provide the names and addresses of all of the grievants, if possible:

7. What action do you want taken to correct the alleged access violation or discrimination?

8. Is there any other information you want the City to know concerning your grievance?

Signature:

Date:

Signature of (check one)

- Observer of alleged access violation
- Victim of alleged discrimination
- Authorized representative

Submit this form to the appropriate department head, or to the ADA/504 Coordinator in the City Administrator's Office. List included as Attachment 1 to the ADA/504 GRIEVANCE PROCEDURE.