

cc: All Depts } 4/18/06
DASH

STATE OF WASHINGTON
County of Jefferson

In the Matter of Americans with }
Disabilities Act (ADA) }
Grievance Procedure }

RESOLUTION NO. 18-06

WHEREAS, the Americans with Disabilities Act (ADA) - Public Law 101-336 was enacted on July 26, 1990; and,

WHEREAS, the Americans with Disabilities Act, Section 202, states, in part, that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied benefits of the services, program, or activities of a public entity, or be subject to discrimination by any such entity”; and,

WHEREAS, Section 504 of the Rehabilitation Act states, in part, that “no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance”; and,

WHEREAS, the law stipulates that all public jurisdictions will establish a complaint procedure to resolve grievances in a prompt and equitable manner and strongly encourage the use of dispute resolution mechanisms other than the federal court system; and,

WHEREAS, the guiding principles for the establishment of the Jefferson County grievance procedure are:

- 1) To promote cooperation between a complainant and the County, rather than fostering an adversarial environment.
- 2) To take full advantages of existing expertise and resources available in Jefferson County, the grievance procedure will incorporate the capacity for both sides to be able to confer with people with expertise.
- 3) To ensure that the procedure in no way disadvantages people with disabilities from their rights and opportunities under Federal law and State law in order to help ensure that people with disabilities will go through the grievance procedure process rather than filing a lawsuit against the County.

WHEREAS, the Jefferson County Commissioners encourage citizens to view this grievance procedure as an opportunity to open dialogue between a person with a disability and the County.

NOW, THEREFORE BE IT RESOLVED, by the Jefferson County Board of Commissioners, that Jefferson County does hereby establish the following as its Americans with Disabilities Act Grievance Procedure:

Section 1: ADA Coordinator

Jefferson County designates that the Central Services Director shall act as the County’s ADA/504

Coordinator who will coordinate the efforts of the County in order to comply with ADA and/or Section 504.

Concerns, comments and/or complaints should be sent to:

Jefferson County

Central Service Director Ph: (360) 385-9141

1220 Jefferson Street Fax: (360) 385-9195

PO Box 1220

Port Townsend, WA 98368

Section 2: Complaint Procedure

This procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities and programs of Jefferson County.

Step 1 - The Written Complaint -

A complaint should be in writing, contain the name and address, phone number and e-mail (if available) of the person filing it, and the location, date and a description of the problem or the action alleged to be prohibited by the ADA and/or Section 504 (45 CFR Part 84). Alternative means of filing complaints will be made available for persons with disabilities upon request.

A complaint should be filed as soon as possible in the office of the ADA Coordinator, but no later than 60 working days after the person filing the complaint becomes aware of the problem or action alleged to be prohibited by either or both regulations. The ADA Coordinator shall confirm the date of receipt of the complaint to the complainant in writing or via an alternative means if requested.

Step 2 - Meeting with Complainant and Investigation by the ADA Coordinator -

Within 30 working days of the receipt of a written complaint the ADA Coordinator, or their designee will meet with the complainant to discuss the complaint and shall conduct such investigation of a complaint as may be appropriate to determine its validity. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

Step 3 - Written Decision -

The ADA Coordinator, or that person's designee, shall issue a written decision determining the validity of the complaint and/or the position of Jefferson County no later than 45 working days after receipt. Alternative means of providing a written decision will be made available for persons with disabilities upon request.

Step 4 - Appeal -

If the response by the ADA Coordinator does not resolve the issue to the satisfaction of the complainant, the complainant may appeal to the County Administrator. The County Administrator shall confirm in writing to the complainant the date of receipt of the appeal or confirm via an alternative means if requested. Said appeal shall be in writing and received by the County Administrator within fifteen (15) working days from the date of the written response. Alternative means of filing an appeal will be made available for persons with disabilities upon request. After receiving the appeal, the County Administrator will review it and respond in

writing or a format accessible to the complainant as a final resolution of the complaint within twenty (20) working days. The appeal to the County Administrator shall be the final administrative appeal process provided by the County.

BE IT FURTHER RESOLVED, that the ADA Coordinator shall maintain the files and records of Jefferson County relating to complaints filed hereunder. The ADA Coordinator may assist persons with the preparation and filing of the complaints, participate in the investigation of complaints, and advise the County Administrator, or his/her designee, concerning their resolution.

BE IT FURTHER RESOLVED, that these rules shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards, and to assure Jefferson County's compliance with the ADA and Section 504 as stated above.

BE IT FINALLY RESOLVED, this resolution repeals and replaces Interim Resolution No. 19-92.

APPROVED AND ADOPTED this 17th day of April, 2006.



JEFFERSON COUNTY
BOARD OF COMMISSIONERS

[Signature]
Phil Johnson, Chairman

[Signature]
Julie Matthes, CMC
Clerk of the Board

David Sullivan, Member

[Signature]
Patrick M. Rodgers, Member

APPROVED AS TO FORM:

[Signature] 4/11/2006
Deputy Prosecuting Attorney