



City of Idaho Falls Grievance Procedure under Americans with Disabilities Act and Section 504

This grievance procedure is meant to comply with the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and Section 504 of the Rehabilitation Act of 1973, as amended. ADA and Section 504 state, in part, that no qualified individual with a disability shall be excluded from participation or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by such an entity.

This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of a disability because of the provisions, services, activities, programs, or benefits of the City of Idaho Falls. This procedure should be used to address all complaints regarding barriers to physical access to any City facility.

A grievance using this procedure should be in writing and should contain information about the alleged discrimination including name, address, and phone number, and email address of grievant, and the location, date, and description of the problem(s).

Note: The City’s Personnel Policy Manual governs employment and should be used by City employees who have concerns about job-related disability discrimination.

Alternative means of filing grievances, such as, personal interview or a tape recording of the grievance, are available for persons with disabilities upon request to the ADA Coordinator, City Clerk, or City Attorney. The *City of Idaho Falls ADA Grievance Form* is available for filing a grievance and may be found on the City website at www.idahofallsidaho.gov, under ADA. The grievance form may be printed off as a pdf and filled in and mailed to the address provided or it may be filled out and submitted online. Hard copies of the grievance form are available in the ADA Coordinator’s office, the Public Works Department, the Human Resources Department offices, all located at 680 Park Avenue, and at the City Clerk’s office in City Hall located at 308 Constitution Way.

The grievance should be submitted by the grievant and/or their designee as soon as possible, but **no later than sixty (60) calendar days** after the alleged violation to:

Lisa Farris, ADA Coordinator
680 Park Ave, P.O. Box 50220
Idaho Falls, ID 83405-0220
LFarris@idahofallsidaho.gov
208-612-8323 Fax 208-612-8520
Idaho Relay at 711 or TTY (800) 377-3529

ADA Coordinator and or Designee

Within five (5) business days following receipt of the grievance:

Inform both the Department involved and the City Attorney's office of the grievance.

Transmit a copy of the grievance to the Department with general instructions regarding the format the Department should follow in the Department's response, and provide a date by which the Department should return a written response to the ADA Coordinator and the City Attorney. The ADA Coordinator and the City Attorney shall review the decision of the Department before final preparation of a response.

Department Actions

Responds to the grievant within thirty (30) business days following the receipt of the grievance from the ADA Coordinator. Department shall attempt to clarify the facts of the grievance for the ADA Coordinator and City Attorney. Actions taken by the Department shall be conveyed to the grievant in a written response. The written response shall be transmitted to the ADA Coordinator within the time period specified above.

ADA Coordinator Actions

Shall mail the written response to the grievant with a cover letter informing the grievant of their ability to appeal the City's decision and the method by which to appeal. Where appropriate, the written response will be in a format accessible to the grievant. *Appropriate aids and services may be provided upon request.*

Department Actions

In the event a grievant submits the grievance directly to a City Department, the Department shall send a copy of the grievance to the ADA Coordinator. Where a Department can resolve a written complaint informally, the Department shall work with the ADA Coordinator to provide a written statement explaining the mutually agreeable solution. If the written statement of explanation is not signed by the grievant, a copy shall be mailed to the grievant.

Appeal Process

If the response by the ADA Coordinator does not resolve the grievance to the satisfaction of the grievant, the grievant and/or their designee may *appeal* the decision within fifteen (15) business days following the mailing of the response letter from the ADA Coordinator.

Grievant Appeal Action

To appeal the City's decision regarding the grievance, the grievant shall file a written appeal with the ADA Coordinator.

ADA Coordinator Appeal Action

Submit the request to appeal to the City Attorney within five (5) business days from the receipt of the appeal by the ADA Coordinator. Within the written request to appeal, the grievant shall express their willingness (or not) to discuss their grievance with the City Attorney or their designee.

City Attorney or their designee Appeal Action

City Attorney may use other employees or officers of the City to conduct an investigation of the grievance. City Attorney shall respond to the grievant in writing with a final resolution of the grievance within twenty (20) business days of receipt of the appeal.

Retention of Grievances and Appeals, and Responses

All written grievances received by ADA Coordinator or their designee, appeals to the City Attorney or their designee, and responses from the Department, the City Attorney, and the ADA Coordinator will be retained by the City of Idaho Falls not less than five (5) years from the date of their creation.

Grievant Rights

The right of a grievant to a prompt resolution of any grievance filed under this procedure shall not adversely affect pursuit of other remedies by a grievant (such as filing an ADA grievance with the appropriate state or federal agency).