

## Chapter 13. ADA Grievance Procedures<sup>1</sup>

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### **13.001 [Grievance Procedures]**

- (a) The County must adopt and publish grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of complaints of non-compliance with the provisions of ADA.
- (b) The procedures are applicable to the following types of grievances:
  - (1) Complaints by employees and job applicants.
  - (2) Complaints by citizens using County facilities or services.
  - (3) Complaints by organizations that have a contractual relationship with the County.
  - (4) Complaints by advocacy organizations.
- (c) The U.S. Justice Department encourages public entities to resolve complaints on their own without having to resort to federal intervention. However, a complaint does not have to exhaust a public entity's grievance procedures before filing a complaint with a federal agency.

The following grievance procedure is presented for adoption by Commissioners Court:

### **13.002 General Provisions**

- (a) Authority. Under 28 CFR Part 45, Subpart A, Section 35.107(b), this ADA Grievance Procedure ("Procedures") is adopted by the Commissioners Court of Travis County ("Court").
- (b) Purpose. The ADA states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity. (42 U.S.C. 1232) These

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<sup>1</sup> Chapter 13 was adopted by Travis County Commissioners Court on 3/28/1995, Item 3.

Procedures are adopted to provide for prompt and equitable resolution of complaints alleging any action prohibited by the Americans With Disabilities Act of 1990 [42 U.S.C. 12131 ("ADA")] or Regulations of the Department of Justice implementing the ADA [28 CFR Part 35 [(Order No. 1512-91) ("Order")], or any other applicable regulations which are issued]. Copies of these Procedures will be published and made available to any interested party by the ADA Coordinator designated in 2.0.

- (c) Effective Date. These Rules will become effective on the date they are approved by the Court.

**13.003 Designation of Responsible Employee**

- (a) ADA Coordinator. The person designated by the Court as the employee responsible for coordinating ADA compliance efforts ("ADA Coordinator") is:

Mercy Pena, Director

Travis County Department of Human Services

Address:

Palm Square Office Building

100 N. Interregional, Suite 2000

Austin, Texas

Mailing Address:

Travis County Department of Human Services

P.O. Box 1748

Austin, Texas 78767

Telephone Number:

(512) 320-5700

**13.004 Grievance Procedure**

- (a) Who May File. A complaint may be filed by any person who believes he or she has been subjected to discrimination on the basis of disability by a public entity ("Complaint") by delivering a written complaint to the ADA Coordinator specified in 2.1

- (b) Written Complaint. The complaint must:

- (1) be in writing;
- (2) include the name and address of the person filing it;
- (3) a brief description of the alleged violation of the regulations;
- (4) be delivered to the ADA Coordinator.

- (c) Filing Date. A complaint must be filed with the ADA Coordinator within sixty (60) days after the Complainant becomes aware of the alleged violation.
- (d) Prior Grievances. Processing of any allegation of discrimination which occurred before the Procedures were in place will be considered by the ADA Coordinator on a case-by-case basis. Time restrictions will be waived as necessary to assure protection of the rights of the Complainant. Other procedures will be followed as closely as possible to accomplish the purpose of the Procedures.
- (e) Investigation. An investigation, as may be appropriate, will follow a filing of a complaint. This investigation will be conducted by the ADA Coordinator or his/her representative. The Procedures contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. All relevant evidence should be submitted with the written complaint when it is filed.
- (f) Resolution. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the ADA Coordinator and a copy delivered to the Complainant no later than thirty (30) days after its filing, unless an extension of that time is agreed to by the ADA Coordinator and Complainant prior to that date.
- (g) Appeal.
  - (1) In instances where the Complainant is dissatisfied with the resolution of the complaint by the ADA Coordinator, the Complainant may appeal the resolution by requesting in writing a reconsideration of the case by the Court.
  - (2) The appeal must be made in writing and delivered to the Court within thirty (30) days of the delivery to the Complainant of the written resolution. Delivery must be made to:  
Travis County Commissioners Court  
P.O. Box 1748  
Austin, Texas 78767  
with a copy to the ADA Coordinator
  - (3) The appeal must include a copy of the original complaint and resolution, brief details of the reason for appeal, and the remedy being sought.
  - (4) The Court will render a determination within sixty (60) days from the date of delivery of the appeal, and will deliver its written determination to Complainant upon completion.

### **13.005 Delivery of Documents**

The delivery of any documents directed by these Procedures will be deemed to have been given immediately if delivered in person to the party specified at the address

given, or on the third day following mailing if placed in the United States Mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the party at the address specified.

#### **13.006 Maintenance of Records**

The ADA Coordinator will maintain the files and records of Travis County relating to the complaints filed under these Procedures.

#### **13.007 Other Remedies**

The right of a person to a prompt and equitable resolution of the complaint filed under these Procedures will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use or completion of this grievance procedure is not a prerequisite to the pursuit of other remedies.

#### **13.008 General Construction**

- (a) Construction. These rules will be liberally construed to accomplish their purpose, to protect the substantive rights of interested persons, and to meet appropriate due process standards while assuring compliance with the ADA and implementing regulations.
- (b) Interpretation. The ADA Coordinator will, within the purpose of these Procedures, resolve any question regarding any interpretation of the Procedures.

#### **13.009 Confidentiality**

The ADA Coordinator agrees to keep confidential at all times all information as required by law.

#### **13.010 Amendment**

These Procedures may be amended at any time by the ADA Coordinator by submitting the proposed changes to the Court for approval.

#### **13.011 Severability**

If any provision of these Procedures or the application thereof to any person or circumstance is held to be invalid, the validity of the remainder of the Procedures and application thereof to other persons and circumstances will not be affected.