



ADMINISTRATIVE REGULATION

OFFICE OF THE CITY MANAGER

Number:	211
Responsible Department	Human Resources
Established/Effective Date	January 1, 2023
Latest Revision Date	February 1, 2023
Next Review & Reauthorization Date	February 1, 2025

SUBJECT: ADA/504 GRIEVANCE PROCEDURE

- 1. Purpose:** To establish an ADA/504 grievance procedure for members of the public as required by Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.
- 2. Authority:** By authority and powers granted to the City Manager under Section 401 of the City Charter and federal/state laws. Local governments with 50 or more employees are required to adopt and publish procedures for resolving complaints arising under Title II of ADA. Section 504 of the Rehabilitation Act requires complaint/grievance procedures for City governments with 15 or more employees that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504.
- 3. Application:** The ADA/504 Grievance Procedure is intended for members of the public. Employees should contact the Human Resources Department for all employment-related ADA issues.
- 4. Policy:** The grievance procedure process provides a system for resolving grievances, accessibility issues, and requests for accommodation in a prompt and fair manner.

The member of the public requesting an accommodation, accessibility service or grievance can find the [City's Grievance Procedure Form](#) (Attachment 1) on the City's website and submit it via email or in-person to the City's designated ADA/504 Coordinator at 2000 Main Street, Huntington Beach CA 92648.

For any questions, please call 714-536-5492, TTY through California Relay at 7-1-1, or email ADACoordinator@surfcity-hb.org.

5. Responsibilities & Procedures

5.1. Requestor/Complainant

Grievances can be submitted to the City's ADA/504 Coordinator within 60 calendar days of the alleged violation. If any ADA related requests are received by other departments, that department(s) shall notify the ADA/504 Coordinator immediately to respond accordingly. The City offers alternate ways to file complaints, such as personal interviews or an audio recording of the complaint that will be made available upon request for people with disabilities or for people who require accommodation.

5.2. ADA/504 Coordinator

The ADA/504 Coordinator shall respond in writing or alternative method to all grievances within 15 business days from the date of receipt to notify the individual of the City's proposed action and timeframe. The response shall either offer a resolution through reasonable



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accommodations; explain the position of the City of Huntington Beach with respect to the complaint; or find that the complaint is unfounded. The ADA/504 Coordinator responds in writing, and where appropriate, in a format accessible to the complainant (i.e. large print, Braille, audiotape or other communication accommodation will be provided).

5.3. City Engineer

The ADA/504 Coordinator will coordinate all requests concerning curb, ramp, and sidewalk accessibility issues with the City Engineer. If staff cannot make accommodations within 30 business days due to availability of funds or other resources, the City Engineer will keep a log of all curb, ramp, and sidewalk requests to prioritize as part of the City's Capital Improvement Program (CIP). The City Engineer will also notify the ADA/504 Coordinator of any complaints received regarding the public rights-of-way.

5.4. City Manager's Office (CMO)

If the ADA/504 Coordinator is unable to resolve the grievance, the CMO will be contacted in an effort to resolve the request. The CMO will respond in writing within fifteen (15) business days of receipt.

The complainant and/or designee may appeal the decision to the City Manager within 15 business days after receipt of the response from the City Manager. Within 15 business days after receipt of the appeal, the City Manager or designee is responsible for contacting the complainant to discuss the complaint and possible resolution. The City Manager shall respond to the complainant with a final resolution with 15 business days after the discussion.

5.5. City Attorney's Office (CAO)

The CAO will advise City staff on legal issues associated with the grievance process in a timely manner.

5.6. ADA/504 Coordinator

If it is determined that any of the violations alleged in a grievance are unfounded, the City will include the factual and legal basis for that determination in the response letter. The ADA/504 Coordinator shall be responsible for maintaining the City's ADA/504 Complaint Log (*Attachment 2*), files and records of the City of Huntington Beach, relating to the grievances filed, in accordance with City's Records Retention Policy.

TIMELINE OF RESPONSE

RESPONSE TIME	<u>60 days of</u> alleged violation	<u>15 business</u> days	<u>30 business</u> days	<u>15 business</u> days	<u>15 business</u> days
ROLE	Complainant (5.1)	ADA Coordinator (5.2)	City Engineer (5.3)	CMO (5.4)	ADA Coordinator (5.2)

Attachments:

1. Grievance Procedure Form
2. ADA/504 Complaint Log (this document can be found at the *SurfNet*)

Distribution: All employees may access the Administrative Regulations via the Intranet at:

<https://surfnet.cohb.net/policiesprocedures/SitePages/Home.aspx>



ADMINISTRATIVE REGULATION

OFFICE OF THE CITY MANAGER

Director of Human Resources
Initiating Department

Al Zelinka
City Manager

Approved as to Form

APPROVED AS TO FORM

By: _____
MICHAEL E. GATES
CITY ATTORNEY
CITY OF HUNTINGTON BEACH

Review Schedule

REVIEW DATE	DEPT. HEAD INITIAL	CITY MANAGER SIGNATURE



City of Huntington Beach **GRIEVANCE FORM**

Under the American with Disabilities Act Section 504 of the Rehabilitation Act of 1973

This Complaint and Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), Section 504 of the Rehabilitation Act of 1973, and for members of the public. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or facilities by the City of Huntington Beach. The City's Administrative Services Department – Human Resources Division administers policy that governs employment-related complaints of disability discrimination.

The complaint should be in writing or an alternate format. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should contain information about the alleged discrimination such as a name, address, phone number of complainant and location, date, and description of the problem. A grievance form is available for your convenience.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA/504 Coordinator as indicated on this form.

Within 15 business days after receipt of the complaint, the ADA/504 Coordinator or designee will contact the complainant to discuss the complaint and the possible resolutions. Within 15 business days of the discussion, the ADA/504 Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by the ADA/504 Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision within 15 business days after receipt of the response to the City Manager or designee.

Within 15 business days after receipt of the appeal, the City Manager or designee will contact the complainant to discuss the complaint and possible resolution. Within 15 business days after the discussion, the City Manager or designee will respond to the complainant with a final resolution.

All written complaint received by the ADA/504 Coordinator or designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City in accordance with City's Records Retention Policy.



City of Huntington Beach
GRIEVANCE FORM

Under the American with Disabilities Act
Section 504 of the Rehabilitation Act of 1973

Grievance Procedure Form

Please fill out this form completely, in ink. Sign and return to the address below:

Name of person making this complaint: _____

Address: _____

City _____ State _____ Zip code _____

Telephone Number: _____ E-mail _____

If complainant is not the individual completing this form, please enter your information:

Name: _____ Telephone Number: _____

Other Contact Information: _____

Describe the reason for your complaint (use additional pages if needed):

Signature: _____ Date: _____

ADA/504 Coordinator, Jose Rodriguez
City of Huntington Beach

2000 Main Street, Huntington Beach, CA 92648

Phone: 714-536-5492, TTY through California Relay at: 7-1-1, Email: ADACoordinator@surfcity-hb.org

For more information or assistance in completing this form, please contact the ADA/504/Title VI Coordinator.