

Policy 2.13: Americans with Disabilities Act/Section 504 of Rehabilitation Act Complaint and Grievance Procedure

1. Purpose and Authority

This Policy has been created to comply with the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act of 1973. This policy establishes a complaint and grievance procedure to be followed by citizens who want to file a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Moorpark (City), and not including City employment related discrimination complaints.

The City wants to hear concerns and complaints from citizens in order to provide accessible programs, services and activities. A member of the public can contact the City with a comment, concern, or complaint without filing a formal grievance. The City's website, <http://moorparkca.gov>, has a Report a Concern feature that includes ADA complaints with a request tracker to ensure City staff quickly responds to such concerns. A formal grievance can be filed by completing the [Grievance Form](#) included as an attachment to this Policy.

2. Definitions

The following terms are used in this policy:

- A. ADA: Americans with Disability Act of 1990 (28 Code of Federal Regulations Part 35.107).
- B. ADA Coordinator: Responsible employee with a working knowledge of the requirements of ADA and designated to coordinate the City's efforts to comply with and carry out the City's ADA responsibilities. The Personnel Officer is the ADA Coordinator for the City of Moorpark.
- C. CFR: Code of Federal Regulations.
- D. TDD: Telecommunications Device for the Deaf.

3. Confidentiality

The ADA Coordinator maintains confidentiality with regard to complaints, consultations, mediations, and records, unless disclosure is notwithstanding the requirements of litigation and court proceedings. If the disclosure of information to another person is necessary to proceed with an investigation, the complainant or their designated representative will be advised first and consulted on whether and/or how to proceed.

4. Retaliation

Retaliation against a person who files a complaint of discrimination or harassment, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited by Federal and State law and City policy. Anyone who believes she or he has been retaliated against for filing a complaint of discrimination or harassment is encouraged to report the retaliatory actions to the ADA Coordinator.

5. Complaint and Grievance Procedure

This procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. It may be used by anyone who wishes to file a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Rules govern the employment-related grievance procedure for Competitive Service Employees. In addition, City Council Policy No. 2.6 governs employment-related complaints of harassment, discrimination, and retaliation for all employees.

It is preferred that the formal ADA grievance be in writing and contain information about the alleged discrimination, such as the name, address, phone number of the complainant, and location, date, and description of the problem. Alternative means of filing a complaint, such as a personal interview or a recording of the complaint, will be made available for persons with disabilities upon request. If additional accommodations are needed, please contact the ADA Coordinator.

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:

ADA Coordinator
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
Moorpark@moorparkca.gov
(805) 517-6213
California Relay Services: Dial 711

Within 30 calendar days after receipt of the complaint, the ADA Coordinator or her/his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the ADA Coordinator or her/his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of the City and offer options for substantive resolution of the complaint.

6. Appeal

If the response by the ADA Coordinator or her/his designee does not satisfactorily resolve the issue, the complainant and/or her/his designee may appeal the decision within 30 calendar days after receipt of the response to the City Manager or his/her designee.

Within 30 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, also respond in a format accessible to the complainant, with a final resolution of the complaint.

7. Records Retention

All written complaints and grievances received by ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City for at least three years from final action.