



# Americans with Disabilities Act

## TITLE II GRIEVANCE PROCEDURE

### **Formal Complaint Procedures**

The City has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. The following is designed to meet requirements of both §504 of the Rehabilitation Act of 1973, as amended, and Title II of the ADA. This procedure is available for any individual who wishes to file a complaint alleging discrimination by the City based on disability, regarding access to the government services, programs, and facilities of the City. It is unlawful for the City of Hendersonville to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

There is a separate complaint procedure for ADA issues relating to employment issues. Please contact the City of Hendersonville Personnel Department for further information regarding employment issues at 615-264-5314.

The availability and use of this grievance procedure via submission of a Grievance Form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

Grievance shall be processed in the following manner:

#### **Step #1: Submission of Grievance**

The grievance should contain as much information as possible about the alleged discrimination, including pictures if possible. The Grievant or his/her representative should file a Grievance Form with the ADA Coordinator as soon as possible but no later than thirty (60) days from the date of the alleged discrimination.

The City of Hendersonville Grievance Form is available at City Hall during regular business hours and on the City's website. Other arrangements for submitting a request, such as personal interviews or tape recordings, as well as assistance in completing the form, are available by contacting the ADA Coordinator.

The ADA Coordinator will notify the Grievant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

#### **Step #2: Consideration of Grievance**

If a complaint is filed alleging discrimination on the basis of a disability in the provision of services, activities, programs, or benefits by the City of Hendersonville, it must be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) days after the alleged violation to the ADA/504 Coordinator.

Within fifteen (15) calendar days after receipt of the complaint, the ADA/504 Coordinator will meet with the complainant to discuss the complaint and the possible resolutions.

Within fifteen (15) calendar days of the meeting, the ADA/504 Coordinator 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 does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision, in writing, within fifteen (15) calendar days after receipt of the response to the ADA Board.

Upon notification and receipt of an appeal, the Chairman of the ADA Board shall establish a meeting of the Grievance Committee. This meeting shall be held no later than thirty (30) days after a complaint is received. No complaint shall be heard by the Grievance Committee unless such complaint has been submitted in writing to the ADA Coordinator for resolution.

At the discretion of the ADA Coordinator in coordination with the Chief Operating Officer the process can be elevated if needed and the complaint can be sent directly to the general committee for a recommendation.

The Grievance Committee should be directed to hear such complaints in public after adequate public notice.

The Grievance Committee shall render its finding(s) and recommendation(s) to the ADA Board within fifteen (15) calendar days of its meeting. Written notification (or in a format accessible to the complainant) shall be sent to the grievant and the Chief Operating Officer within seven (7) days.

### **Step #3: Appeals**

If the response by the Grievance Committee does not satisfactorily resolve the issue, the complaint shall be submitted to the General Committee within fifteen (15) calendar days. Upon receipt of such appeal, the General Committee shall hear the complaint at their next scheduled public meeting prior to being submitted to the Board of Mayor and Alderman.

The decision of the Board of Mayor and Alderman shall be the final decision at the municipal level. Written notification (or in a format accessible to the complainant) shall be sent to the grievant within seven (7) days.

All written complaints received by the ADA/504 Coordinator, appeals received by the Chief Operating Officer, and responses received from these two offices will be retained by the City of Hendersonville for three (3) years.

## **Summary**

The City of Hendersonville is dedicated to ensuring that all City programs, benefits, activities, and facilities are fully accessible to and useable by persons with disabilities. The City of Hendersonville is here to serve the community as a whole and to coordinate and ensure equal access for all.

Any questions or concerns about accessibility issues regarding City programs and services should be directed to the following:

**Todd Baun, ADA/504 Coordinator**  
**101 Maple Drive N**  
**Hendersonville, TN 37075**  
**615-822-1016 (o)**  
**[tbaun@hvilletn.org](mailto:tbaun@hvilletn.org)**