Americans with Disabilities Act
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.

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.

A grievance may be in writing, tape recording, or any other device, containing the name, address, telephone number, and preferred contact information of the person filing it (the Grievant) and submitted to the City Administrator’s office. The grievance shall state the problem or action alleged to be discriminatory and the remedy or relief sought by the complainant. Only those complaints not satisfactorily resolved by the Mayor within fourteen (14) calendar days shall then be directed to the ADA Board.

Grievances 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 City Administrator’s office no later than thirty (30) calendar 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**

The ADA Coordinator will oversee the investigation of the grievance. Within thirty (30) calendar days of the receipt of the grievance, the ADA Coordinator or his/her designee will respond to the grievance in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the grievance, explain the resolution (if achieved within 14 days) and/or offer options for a reasonable solution.

If a grievance cannot be resolved within 14 days of submission to the City Administrator, the grievance shall be submitted to the ADA Board. Upon receipt of a complaint, the chairman shall establish a meeting of the Grievance Committee. The meeting shall be held no later than thirty (30) days after a complaint is received.

The Grievance Committee shall render its finding(s) and recommendation(s) to the ADA Board within fourteen (14) calendar days of its meeting. Written notification shall be sent to the Grievant and the City Administrator within seven (7) days.

If at this stage the grievance cannot be satisfactorily resolved, the grievance shall be submitted to the Board of Mayor and Alderman (BOMA). Upon receipt, BOMA shall hear the grievance at their next scheduled public meeting. A determination must be made by BOMA within thirty (30) days.

**Step #3: Appeals**

If the response the grievance receives does not satisfactorily resolve the issue, the Grievant or his/her designee may appeal the decision to BOMA. The request for appeal must be made within fourteen (14) calendar days of the date of the BOMA decision. The request for appeal must be submitted in writing to the Mayor’s office.

Within thirty (30) calendar days after receipt of the request for appeal, the ADA Coordinator will conduct a hearing to consider the appeal. Within thirty (30) calendar days of the hearing, BOMA (or his/her designee) will issue a final determination of the complaint. The decision on the appeal will be in writing and, when requested, in a reasonable alternative format.

**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 City of Hendersonville ADA Coordinator.