

CHAPTER 4

Grievances Regarding Access to Public Buildings by Handicapped Persons

SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

- (a) **STATEMENT OF PURPOSE.** The City of Menasha is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."
- (b) **COMPLAINT PROCEDURE.**
- (1) Complaints should be filed with the City Clerk, who has been designated to coordinate Section 504 Compliance.
 - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the City Clerk who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
 - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
 - (6) The Section 504 coordinator shall maintain the files and records of the City relating to the complaints filed.
- (c) **APPEALS.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the City Clerk.
 - (2) The grievance shall be heard by the Common Council within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the City Hall at a convenient time fixed by the Council. The City Clerk shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.
 - (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
 - (4) The decision of the Common Council on the grievance appeal shall be in writing and

shall state the reasons for the decision. The decision of the Council shall be rendered within three (3) working days of the close of the hearing and the Common Council shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the City Clerk.

- (d) **OTHER REMEDIES.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the City believes that resolution of the complaint will be more promptly achieved if the City is able to provide a remedy before the complaint is brought to an external organization.
- (e) **DUE PROCESS.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City complies with Section 504 and the ORS regulations.