



Town of Wilbraham, Massachusetts Grievance Procedure under Title II of the Americans with Disabilities Act



I. Purpose and Applicability.

A. Purpose.

This internal Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA").¹ Title II of the ADA applies to State and local governments, including the Town of Wilbraham, Massachusetts (the "Town"), and states, in relevant part, that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." Accordingly, the Town prohibits discrimination on the basis of disability in all services, programs, and activities provided or sponsored by the Town.

B. Applicability.

This Grievance Procedure may be used by anyone who wishes to file a complaint alleging that he or she has been excluded from participating in, denied the benefits of, or otherwise has been subject to discrimination on the basis of disability with respect to the provision of services, activities, programs, or benefits provided or directly sponsored by the Town of Wilbraham, Massachusetts.

II. Grievance Process.

A. The Grievance.

A grievance should be in writing and contain detailed information about the alleged discrimination, such as name, address, phone number of complainant, and the location, date, and description of the problem. Alternative means of filing grievances, such as personal interviews or a tape recording of the grievance, will be made available for persons with disabilities upon request.

¹ This Grievance Procedure does not apply to Title I of the ADA which prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The Town's Personnel Policy governs employment-related complaints of disability discrimination.

The grievance 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, Building Inspector
Wilbraham Town Hall
240 Springfield Street
Wilbraham, Massachusetts 01095

Within 15 calendar days after receipt of the grievance, the ADA Coordinator or his/her designee will meet with the grievant to discuss the grievance and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her 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 answer of the Town of Wilbraham and, where applicable, will offer options for substantive resolution of the grievance.

B. Appeal to Town Administrator.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the grievant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Administrator] or his/her designee.

Within 15 calendar days after receipt of the appeal, the Town Administrator or his/her designee will meet with the grievant to discuss the grievance and possible resolutions. Within 15 calendar days after the meeting, the Town Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

III. Retention of Documents and Records.

All written grievances received by the ADA Coordinator or his/her designee, appeals to the Town Administrator or his/her designee, and responses from these two offices will be retained by the Town of Wilbraham for at least three years.

IV. Procedural Guidelines.

The Town Administrator may issue procedural guidelines to carry out this Grievance Procedure.

Approved:

Susan C. Bunnell,
Chair of Board of Selectmen

Date: 6 June 2016