



TOWN OF AMHERST

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

The Town of Amherst has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the US Department of Justice's regulations implementing Title II of the Americans with Disabilities Act (ADA).

Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Amherst.

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 addressed to Robert P. McCarthy, Director of Human Resources, Town of Amherst, 5583 Main Street, Williamsville, NY 14221 (716) 631-7025, who has been designated Co-ADA Coordinator to coordinate ADA compliance efforts.

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

An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by Robert P. McCarthy. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Within 30 calendar days after receipt of the complaint, Robert P. McCarthy or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, Robert P. McCarthy or his 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 position of the Town of Amherst and offer options for substantive resolution of the complaint.

If the response by , Robert P. McCarthy or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town of Amherst Town Attorney or his designee. Within 15 calendar days after receipt of the appeal, the Town of Amherst Town Attorney or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town of Amherst Town Attorney or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

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 an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the Town of Amherst complies with the ADA and implementing regulations.

All written complaints received by Robert P. McCarthy or his designee, appeals to the Town of Amherst Town Attorney or his designee, responses from these two offices and all files and records relating to complaints filed will be retained by the Town of Amherst ADA Coordinator for at least three years.

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