

RESOLUTION NO. 1250

**A RESOLUTION AMENDING RESOLUTION #1196  
ADOPTING A GRIEVANCE PROCEDURE TO COMPLY  
WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

WHEREAS, on March 16, 1992, the City Council approved Resolution No. 1196 adopting a grievance procedure to comply with the Americans with Disabilities Act (ADA);

WHEREAS, the City desires to amend said grievance procedure in order to streamline the grievance process per the recommendation of the ADA Grievance Committee;

NOW, THEREFORE, BE IT RESOLVED that the attached revised ADA Grievance Procedure is hereby adopted and approved.

DATED this 1st day of February, 1993.

CITY OF ANACORTES, WASHINGTON

By Doyle E. Geer  
Doyle Geer, Mayor

ATTEST:

George Khtalian  
George Khtalian, City Clerk

# PERSONNEL POLICY AND PROCEDURE

TITLE: PERSONNEL ACTIONS	SUBJECT: GRIEVANCE PROCEDURE RE: (ADA) Americans With Disabilities Act
EFFECTIVE DATE  1/1/93	SUPERSEDES:  PAGE NO: 1 OF: 3 PREPARED BY: City Attorney and Index No. 100-32 ADA Coordinators

- 1.1 Any individual who has cause to file a grievance against the City of Anacortes with regard to provisions of the Americans with Disabilities Act, shall follow this procedure, and/or may appeal directly to the Washington State Human Rights Commission, the Federal Department of Justice, or the EEOC.
- 1.2 The Americans with Disabilities Act recognizes that every effort should be undertaken to resolve complaints with the entity where the alleged discrimination occurred.

2.1 DEFINITIONS:

ACT: The provisions of the City of Anacortes Grievance Procedure.

ADA: The Americans with Disabilities Act.

DEPARTMENT: The City department or departments responsible for or where the alleged discrimination occurred.

CHAIR:: the Chairperson of the Grievance Committee.

CITY: the City of Anacortes or any of its designated representatives.

COMMITTEE: the ADA Grievance Committee.

COMPLETE COMPLAINT: a written statement that contains the complainant's name and address and describes the alleged discriminatory action in sufficient detail to inform the department of the nature and date of the alleged violation of the ADA with reference to the specific sections of the ADA alleged to have been violated. It shall be signed by the complainant or by someone authorized to do so on his/her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

COORDINATOR(S): the individual(s) responsible for coordinating the provisions of the ADA for the City. The coordinator(s) shall be non-voting members of the Committee.

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GRIEVANCE: a complaint by an individual of discrimination under ADA.

SECRETARY: the person designated responsible for preparing and maintaining the records of the Committee.

### 3.0 PROCEDURES

- 3.1 Any individual alleging violation of the ADA or discrimination thereunder shall first submit a complete complaint in writing to the department head responsible for the department wherein the alleged violation or discrimination occurred. The complainant and the department head shall make all reasonable and prudent efforts to resolve the complaint at the department level. Both parties shall maintain a written account of their contacts and negotiations. Within twenty (20) working days of the date that the complaint is received, the department head shall make a decision in writing which shall be transmitted to the complainant and to the ADA Coordinator.
- 3.2 Either the complainant or the City shall have the right to appeal the department head decision to the ADA Coordinator within ten (10) working days of the date the written decision of the department head is delivered to the complainant and the ADA Coordinator or within ten (10) working days of the date said written decision is placed in the U.S. mail to the complainant and the ADA Coordinator. On receipt of an appeal, the ADA Coordinator shall investigate the complaint and, in the course of such investigation, offer to discuss the complaint with the complainant and the department head. The ADA Coordinator shall review the complaint, recommend a solution, bring both parties together for purposes of resolving the complaint, and generally facilitate resolution of the grievance. Within ten (10) working days of receipt of the appeal from the department head decision by the ADA Coordinator, the ADA Coordinator shall make a written decision which shall be transmitted to the complainant either by mailing or personal delivery.
- 3.3 Either the City or the complainant shall have the right to appeal the decision of the ADA Coordinator to the ADA Grievance Committee. Such appeal shall be in writing and shall be filed within ten (10) working days of the date on which the decision of the ADA Coordinator is delivered to the complainant and the City or within ten (10) working days of the date that the written decision is placed in the U.S. mail directed to the complainant and/or the City. A copy of said Notice of Appeal shall be filed with the ADA

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Coordinator as well as with the secretary of the ADA Grievance Committee. The ADA Coordinator shall transmit to the ADA Grievance Committee a copy of the appeal, together with a complete file.

- 3.4 The ADA Grievance Committee shall conduct a hearing within thirty (30) calendar days of the date the appeal of the ADA Coordinator's decision is made. Each party appearing before the ADA Grievance Committee shall have the right to utilize legal counsel and/or expert witnesses at their own expense. The ADA Grievance Committee shall render written Findings of Fact and a decision within twenty (20) working days of the date on which the hearing is held. The decision of the ADA Grievance Committee shall be final.
- 3.5 Whenever either the City or the complainant is not available to pursue a complaint under Sections 3.1, 3.2, 3.3 or 3.4, that party shall request a time extension of up to 10 working days.
- 4.0 POWERS AND DUTIES

The Grievance Committee shall have the following powers and duties:

- A. Administrative Review: To hear and decide complaints where it is alleged the City was involved in an act of discrimination that, through pursuit of remedy available in Sections 3.0 thru 3.3, an equitable solution was not found.
- B. Determination: To decide the merits of the complaint, to determine corrective action, if any, to remove the barrier or correct acts not acceptable by ADA, and to determine reconciliation. The committee shall not have power to award compensation for any act of discrimination.
- C. Appeal: The complainant or the City may appeal the decision of the Grievance Committee to a Superior Court of Skagit County within fourteen (14) days after entry of the written Findings of Fact, Conclusions, and Decision by the ADA Grievance Committee.

# ANACORTES AMERICAN

PO Box 39, Anacortes, WA 98221

## Affidavit of Publication

The Matter Of A1472

In the Superior Court of the State of  
Washington In and For Skagit County

STATE OF WASHINGTON  
County of Skagit ss

The undersigned, being first duly sworn on oath deposes that he is principal clerk of the Anacortes American, a weekly newspaper That said newspaper has been approved as a legal newspaper by the Superior Court of Skagit County and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Skagit County, Washington, and it is now Skagit County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper

That the annexed is a true copy of an advertisement with publication dates, as it was published in regular issues (and not in supplemental form) of said newspaper commencing with

the issue of February 10 19 93  
and ending with

the issue of February 10 19 93

That such newspaper was regularly distributed to its subscribers during all of said period That the full amount of the fee charged for the foregoing in the sum of

\$ 15 52

[Signature]  
Clerk.

Subscribed and sworn to before me this  
17th day of February 19 93

[Signature]  
Notary Public and for the State  
of Washington, Residing in  
Stanwood

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CITY OF ANACORTES  
WASHINGTON  
by Doyle Geer, Mayor  
ATTEST  
George Khtalan, City Clerk  
A1472

Clerk's Filing Stamp