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 Geer, Mayor

ATTEST:

______________________________
George Khtayan, City Clerk
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.
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.
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.
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AMENDING RESOLU-
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GRIEVANCE PROCEDURE TO COMPLY WITH
THE AMERICANS WITH DISABILITIES ACT (ADA)
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approved Resolution No. 1186 adopting a grievance
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WHEREAS, the City
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recommendation of the ADA Grievance Com-
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NOW, THEREFORE,
BE IT RESOLVED that the
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hereby adopted and approved;
DATED this 1st day of
February, 1993
CITY OF ANACORTES
WASHINGTON
by Doyle Geer, Mayor
ATTEST
George Khan, City Clerk
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 hereafter 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 adver-
tisement with publication dates, as it was pub-
lished in regular issues (and not in supplement-
hal 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 dis-
tributed 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

Clerk’s Filing Stamp