

# City of Bellevue

## **Americans with Disabilities Act (ADA)**

### Complaint Procedures

#### A. Overview

These procedures cover all complaints filed under the Americans with Disabilities Act of 1990, relating to any program, facility or activity managed by the City of Bellevue. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination or unaccommodated barriers to access. Every effort will be made to resolve complaints informally at the city level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution. Intimidation or retaliation of any kind is prohibited by law.

#### B. Procedures

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination or faced unaccommodated barriers to access as defined by the ADA may file a written complaint with Blayne Amson, ADA Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The city will not officially act or respond to complaints made verbally.

2. Upon receiving the written complaint, the Citywide ADA Coordinator, in consultation with other city offices, will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint.

3. If the complaint is against the City of Bellevue, the city may request that an external entity conduct the investigation. If the complaint is against a sub-recipient, consultant or contractor, under contract with the city, the appropriate department and/or division shall be notified of the complaint within 15 calendar days, and the city will determine whether it will investigate the complaint or request that a third party conduct the investigation.

4. Once the city decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the ADA Coordinator.

5. In cases where the City of Bellevue assumes investigation of the complaint, the city will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt to furnish the city with his/her response to the allegations.

6. Within 60 days of receipt of the complaint, the ADA Coordinator or third-party investigator will prepare a written investigative report for the appropriate department director and the City Manager. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

7. The recommendation shall be reviewed by the City Attorney's office, which may discuss the report and recommendations with the ADA Coordinator and other appropriate departmental staff. The report will be modified as needed and finalized for its release to the parties.

8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the report during the briefings and will be notified of their respective appeal rights.

9. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the decision to the U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOJ. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

11. The ADA Coordinator will maintain an annual log of complaints, which will contain the following information for each complaint filed:

- The name and address of the person filing the complaint
- The date of the complaint
- The basis of the complaint
- The disposition of the complaint
- The status of the complaint