

Chapter 38 GRIEVANCES

ARTICLE I Access to Public Buildings by Handicapped Persons

§ 38-1. Statement of purpose.

§ 38-2. Complaint procedure.

§ 38-3. Appeals.

§ 38-4. Other remedies.

§ 38-5. Due process.

[HISTORY: Adopted by the Village Board of the Village of Iola as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Access to Public Buildings by Handicapped Persons [Adopted 2-12-1996 as Title 10, Ch. 7, of the 1996 Code]

§ 38-1. Statement of purpose.

The Village of Iola is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This article provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 CFR 51.55[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Section 504 states, in part, that "no otherwise qualified handicapped individual ... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...."

§ 38-2. Complaint procedure.

- A. Complaints should be filed with the Village Clerk-Treasurer, who has been designated to coordinate Section 504 compliance.
- B. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- C. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
- D. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Village Clerk-Treasurer who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.

- E. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than 30 days after its filing.
- F. The Section 504 coordinator shall maintain the files and records of the village relating to the complaints filed.

§ 38-3. Appeals.

- A. The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven days to the Village Clerk-Treasurer.
- B. The grievance shall be heard by the Village Board within 10 working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Board. The Village Clerk-Treasurer shall give at least three days' written notice to the applicant by first class mail of any such grievance hearing.
- C. Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
- D. The decision of the Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three working days of the close of the hearing and the Village Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Village Clerk-Treasurer.

§ 38-4. Other remedies.

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 a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the village believes that resolution of the complaint will be more promptly achieved if the village is able to provide a remedy before the complaint is brought to an external organization.

§ 38-5. Due process.

This article shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the village complies with Section 504 and the ORS regulations.