

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
**AMERICANS WITH DISABILITIES ACT / SECTION 504 GRIEVANCE
PROCEDURE**

Policy

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (ADA), Salt Lake County does not discriminate on the basis of disability in providing individuals with disabilities equal access to the services, programs or activities the County sponsors. Salt Lake County provides equal employment opportunities to all employees and applicants for employment without regard to physical or mental disability. Salt Lake County does not retaliate or discriminate against, or coerce, intimidate or threaten any individual who (1) opposes any act or practice made unlawful by Section 504 or the ADA; or (2) files a grievance or complaint, testifies, assists, or participates in any investigation, proceeding, or hearing under Section 504 or the ADA.

Purpose

To provide a prompt and equitable resolution of grievances alleging any action prohibited by Section 504, the ADA, or the Federal regulations implementing these laws. The applicable Federal laws and regulations may be examined by contacting the Section 504/ADA Coordinator at the address or phone number provided below.

1.0 Definitions

- 1.1 ADA: Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101, et seq.): The ADA is a federal law that makes it unlawful to discriminate against a qualified individual with a disability. It provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be subjected to discrimination by a public entity.
- 1.2 ADA/504 PROGRAM COORDINATOR: The individual designated to administer, promote, and oversee Salt Lake County's compliance with the Americans with Disabilities act of 1990, as amended and Section 504 of the Rehabilitation Act of 1973
- 1.3 EEO MANAGER: The individual designated by Salt Lake County to monitor compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, monitor employment practices in respect to equal employment opportunity and affirmative action and coordinate the enforcement of County policy prohibiting discrimination and reprisal.

- 1.4 **QUALIFIED INDIVIDUAL WITH A DISABILITY:** A person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.
- 1.5 **SECTION 504:** Rehabilitation Act of 1975, as amended (29 U.S.C. § 793, 794): Section 504 of the Rehabilitation Act makes it unlawful to discriminate against a qualified individual with a disability. It provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be subjected to discrimination by any such entity.

2.0 Procedure

- 2.1 Any person who believes a Salt Lake County agency or program has violated Title II of the ADA, believes she or he has been subjected to discrimination on the basis of disability or who believes that she or he has been subjected to retaliation under Section 504 or the Title II of the ADA may file a grievance under this procedure. It is against the law for Salt Lake County to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- 2.2 Grievances must be submitted to Salt Lake County's ADA/Section 504 Program Coordinator (or her/his designee) as soon as possible but no later than sixty (60) calendar days after the date the person filing the grievance becomes aware of the alleged discriminatory action.

The ADA/504 Program Coordinator may be contacted at:

2001 South State Street, Suite N4600

Salt Lake City, Utah 84190-3150

(385) 468-0584

TTY 711 (Relay Utah) and give the operator the number you wish to call.

- 2.3 Grievances must be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- 2.3.1 Upon request, Salt Lake County personnel will assist an interested person in filing a grievance and will forward completed grievance to the ADA/504 Program Coordinator for investigation or other appropriate action.
- 2.4 The ADA/504 Program Coordinator shall notify the relevant elected official or department director and division director that a grievance has been filed.
- 2.5 The ADA/504 Program Coordinator (or designee) will conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. The

ADA/504 Program Coordinator will maintain the files and records of the County relating to such grievances.

- 2.6 Upon request, the ADA/504 Program Coordinator (or designee) will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in this grievance process. Such arrangements may include making the grievance procedure available in alternative formats such as Braille, large print, audio recording, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier-free location for proceedings.
- 2.7 The ADA/504 Program Coordinator (or designee) will issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing.
- 2.8 The person filing the grievance may appeal the decision of the ADA/Section 504 Program Coordinator by writing to the Deputy Mayor, within fifteen (15) calendar days of receiving the ADA/504 Program Coordinator's decision.
- 2.9 Filing a grievance with the ADA/504 Program Coordinator (or her/his designee) does not prevent the person filing the grievance from filing a complaint with the:

Office for Civil Rights, Region VIII
US Department of Health and Human Services
200 Independence Ave, S.W.
Room 509F, HHH Bldg.
Washington, D.C. 20201
Phone: (800) 368-1019
FAX: (303) 844-2025
TDD: (800) 537-7697

- 2.10 Employees requesting workplace accommodations for a disability must file a request for accommodation with the Salt Lake County ADA/504 Program Coordinator, pursuant to County Human Resources Policy #3-200 ADA Policy, Reasonable Accommodations.
- 2.11 Applicants for employment and Salt Lake County employees who believe they have been subjected to discriminatory treatment on the basis of their disability or to retaliation as a result of requesting a disability accommodation, objecting to a discriminatory practice, or for participating in an ADA/504 grievance process, may file an internal discrimination complaint with the EEO Manager, pursuant to Human Resources Policy #3-100; or may file a grievance of employment discrimination pursuant to the procedures outlined in Human Resources Policy #3-500, Grievance Procedure, the Appeal Procedure for the Career Service Council.

APPROVED and PASSED this 9 day of December, 2014.

SALT LAKE COUNTY COUNCIL

Michael Jensen, Chair

ATTEST:

Sherrie Swensen, County Clerk

APPROVED AS TO FORM

District Attorney's Office Date