

**CITY OF TUMWATER
POLICY MANUAL - PART 2: OPERATING POLICIES**

**SECTION 7
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

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7.01 Purpose

To establish as a matter of policy, that the City of Tumwater complies with all pertinent provisions of the Americans with Disabilities Act (ADA) and subsequent Amendments.

7.02 References

The Americans with Disabilities Act of 1990, Public Law 101-336 and the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009, and their implementing federal rules.

7.03 Policy

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, the City of Tumwater will not discriminate against qualified individuals with disabilities on the basis of disability in the City's programs, activities, or services.

7.04 Scope

The City of Tumwater does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the Equal Employment Opportunity Commission under Title I of the ADA.

The City of Tumwater provides accessibility to city-owned or leased property and facilities which serve the public as required by the ADA.

The City of Tumwater will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other

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ways of making information and communication accessible to people who have speech, hearing, or vision impairments.

The City of Tumwater will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even though pets are prohibited.

Anyone who requires an auxiliary aid or service for effective communication or modification of policies or procedures to participate in a City program, service, or activity, should contact the person or department who scheduled the event as soon as possible but no later than 48 hours before the scheduled event. If you are not sure who you should contact, you may contact the ADA Coordinator identified in this notice.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items or identifying locations that are open to the public but are not accessible to persons who use wheelchairs.

7.05 Procedures

The Administrative Services Director serves as the City's ADA Coordinator. The City has a designated ADA Coordinator and grievance procedure to ensure that complaints and accommodations are handled properly. Equitable resolution is a priority through the review process. Please contact the ADA Coordinator with questions, concerns, suggestions, or requests related to ADA compliance efforts. The ADA Coordinator can be contacted by writing to: ADA Coordinator, City of Tumwater, 555 Israel Rd. SW, Tumwater, WA 98501; by calling (360) 754-4128, weekdays between the hours of 8:00 a.m. and 5:00 p.m.; or by the use of the Washington State Relay Service at 7-1-1 or 1-(800)-833-6384.

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7.06 Grievance Procedure

It is the intent of the City of Tumwater to expediently and equitably resolve issues concerning barriers to persons with disability or alleged discrimination toward persons with disability, in employment practice or in the provision of programs, services, or activities provided by the City. Complaints regarding improper denial of rights under the ADA by the City of Tumwater should be submitted as per the following grievance procedure:

A. ADA Coordinator: The ADA Coordinator is responsible to hear and/or cause investigation of any question or concern by a member of the public or employee regarding discriminatory practices in the provision of services, barriers to accessibility to services or employment practices. A decision by the ADA Coordinator will be rendered within ten (10) working days.

B. Ad-Hoc Compliance Committee: If the complaint cannot be resolved satisfactorily by the ADA Coordinator, it will be forwarded to a five (5) member committee composed of a disabled person, three (3) at-large citizens, and a health/medical representative. The committee will be appointed by the Mayor.

The committee will be charged by the Mayor to establish ground rules or procedures for hearing complaints, requests, or suggestions from disabled persons regarding access to and in the community. Further, the committee will be directed to hear such complaints in public, after adequate public notice, in an unbiased, objective manner, and to make a written decision within 30 days of notification. Proceedings of the committee shall be recorded and maintained.

C. Mayor: If the complaint cannot be resolved satisfactorily by the committee, the complaint will be heard by the Mayor or the Mayor's designee. A determination must be made within thirty (30) days. The decision of the Mayor or designee is final.

D. Recordkeeping and Public Proceedings: A record of action taken on each request or complaint must be maintained as a part of the records or minutes at each level of the investigation and resolution process.

E. Alternative Remedies: The individual's right to prompt and equitable resolution of the complaint must not be impaired by pursuit of other

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remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal or state agency. Furthermore, the filing of a lawsuit in state or federal court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.