

City of Nanticoke Office of the City Manager

Americans With Disabilities Act (ADA) Policy and Grievance Procedure

PURPOSE: To provide a reasonable policy and procedure that will ensure: 1) equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the City; 2) a bias free environment for disabled employees, or for disabled persons who seek employment with the City; and, 3) prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

STATEMENT OF POLICY: The City of Nanticoke does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, or disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA).

The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration.

The City has a commitment to ensure equal opportunities for disabled City employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees. Detailed policies and procedures regarding employment practices are contained in the City's Employee Manual.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

The City is also committed to ensure equal opportunity for disabled persons to participate on boards. Board meetings will be held in accessible locations; requested auxiliary aids will be provided; and accommodation provided during the selection process of board and commission members. Through the Americans With Disabilities recruitment process, the City will actively seek and invite the participation of board members who are disabled.

All future construction and renovation of City-owned buildings and facilities will be carried out in accordance with current ADA accessibility best practices.

In the event citizens, employees, or other participants in the City's programs, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

City staff will be trained to ensure that disabled persons may participate in and benefit from City programs, services, and activities.

GRIEVANCE PROCEDURE:

The City of Nanticoke adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing title I of the ADA and the U.S. Department of Justice regulations implementing title II of the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Complaints should be addressed to: City Clerk, City of Nanticoke, 15 E. Ridge Street Nanticoke, PA 18634 (570)735-2800. The City Clerk has been designated to coordinate ADA compliance efforts. The City Clerk shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

1. A complaint may be filed either in writing or verbally. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within twenty (20) business days after the complainant becomes aware of the alleged violation.
2. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be commenced by the City Clerk, or the designee of the City Clerk, within ten (10) business days following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
3. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the City Clerk and a written copy mailed to the complainant within thirty (30) business days following the filing of the complaint.

4. The complainant may request a reconsideration of the case determination of the City Clerk in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) business days following the date the complainant receives the determination of the City Clerk. The request for reconsideration shall be made to the City Manager, or designee of the City Manager, City of Nanticoke, 15 E. Ridge Street Nanticoke, PA 18634 (570)735-2800. The City Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The City Manager shall issue his or her decision on the request for reconsideration within twenty (20) business days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

5. The complainant may request a reconsideration of the case determination of the City Manager in instances where he or she is dissatisfied with the decision of the City Manager. The request for reconsideration should be made within ten (10) business days following the date the complainant receives the determination of the City Manager. The request for reconsideration shall be made to the Mayor through the City Manager, or the designee of the City Manager. The Mayor shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within thirty (30) business days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the Mayor is final.

6. The complainant's right to prompt and equitable resolution of the complaint must not be impaired by his or her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. These rules shall be construed to: 1) protect the substantive rights of interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.

Approved by City Council 12/20/17
Date