

RESOLUTION NO. 10456

A RESOLUTION ESTABLISHING A GRIEVANCE PROCEDURE PROVIDING FOR PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS ALLEGING ANY ACTION PROHIBITED BY TITLE I AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990; APPOINTING AN ADA COORDINATOR AND ASSISTANT COORDINATOR; AND CREATING AN ADA COMPLIANCE COMMITTEE.

WHEREAS, the Helena City Commission is desirous of establishing grievance procedures to be followed by any person or persons who wish to submit a complaint regarding access or alleged discrimination relating to Title I and Title II of the Americans with Disabilities Act of 1990; and

WHEREAS, the City is desirous of providing for prompt and equitable resolution of complaints alleging any action prohibited by the Title I and Title II of the Americans with Disabilities Act of 1990, which provides comprehensive civil rights protection in the areas of employment, state and local government services and programs, and telecommunications to individuals with disabilities.

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof to adopt a formal grievance procedure relating to compliance with Title I and Title II of the Americans with Disabilities Act of 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Helena City Commission hereby designates the Administrative Assistant within the Rehab Loan and Administrative Services Department (the Coordinator) as the official ADA coordinator for the City of Helena and the Human Resource Manager as the assistant ADA coordinator to oversee the planning, training and implementation of compliance activities and to handle grievances.

Section 2. Complaints should be addressed to the City Manager, in care of the ADA Coordinator, 316 N. Park Ave., Helena MT 59623 or telephone 406-447-8000.

Section 3. A complaint must be filed within 30 days after the complainant becomes aware of the alleged violation.

Section 4. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be conducted by the City Manager or designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Section 5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the City Manager and a copy forwarded to the complainant no later than 30 days after its filing.

Section 6. The ADA coordinator shall maintain the files and records of the City of Helena relating to the complaints filed.

Section 7. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing within 30 days to the ADA Compliance Committee, in care of the City of Helena ADA Coordinator, 316 N. Park Ave., Helena, MT 59623.

Section 8. The City Commission shall, by this Resolution, establish the ADA Compliance Committee. The Committee shall be comprised of: one City Commissioner; one person representing the disabled community; one business owner; one person with expertise in the field of architecture or construction; and one person in the health/medical field. The term of office shall be for a period of two years from date of appointment. However, the first appointments of the representative of the disabled community and the person with expertise in the field of architecture or construction shall be for a three-year term. Persons may seek reappointment for an additional two terms.

Section 9. The ADA Compliance Committee shall act as an advisory committee to assist in the determination of reasonable accommodations; draft a contagious disease policy; recommend priorities for making structural changes to public facilities; offer suggestions on how to achieve program accessibility; may review employment practices and accommodations for compliance and make recommendations; review grievances forwarded by the ADA

coordinator that are being appealed; and make a determination as to the validity of the complaint and provide a description of the resolution on those grievances that have been appealed by the complainant.

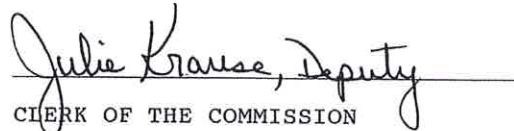
Section 10. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 20th DAY OF JULY, 1992.



Mayor

ATTEST:



CLERK OF THE COMMISSION