

City of Newberg ADA Grievance Procedure and Process

We have adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Complaints should be addressed to: ADA Coordinator, City of Newberg, P. O. Box 970, Newberg, Oregon, 97132, (503) 538-9421, who has been designated to coordinate ADA compliance efforts.

1. A complaint regarding access or discrimination should be filed in writing or verbally. It must contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within thirty days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The ADA Coordinator or designee shall conduct the investigation. This procedure anticipates informal but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit evidence relevant to the complaint.
4. The ADA Coordinator shall issue a written determination as to the validity of the complaint and a description of the resolution, if any, within 30 calendar days.
5. If the complaint cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, it shall be forwarded to the City Council. The Council at a public meeting shall hear the complaint. A determination shall be made within 30 calendar days from the date of the hearing. The decision of the City Council is final.
6. The ADA Coordinator and City Recorder shall maintain the files and records of the City of Newberg relating to the complaints filed.
7. 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 an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet the appropriate due process standards, and to assure that the City of Newberg complies with the ADA and implementing regulations.

9. Time lines referred to above concerning the scheduling of hearings may be extended if, after reasonable effort and justification, the hearing cannot be conducted within the 30-calendar day limitation period.
10. All decisions shall be sent by regular mail to the complainant within 30 calendar days of the date of the hearing and shall be retained in the program file. Phone notification shall also be made in cases involving visually impaired individuals.
11. The ADA Coordinator may modify this grievance and appeal process in order to assure equal access to programs, services and activities for people with disabilities.
12. Nothing in this grievance process is meant to be used for any personnel, EEO, or labor agreement grievance procedure for the City of Newberg. Contact the City Human Resources Department for further information regarding Title I grievances.