TOWN OF MANSFIELD
POLICY MEMORANDUM

To:	All Citizens & Town Employees
From:	Mansfield Advisory Committee for the Needs of Persons with Disabilities (ADA Grievance Committee) and Matthew Hart, Town Manager
Date:	May 24, 2011 (Revised), May 1, 2010 (Revised), September 14, 1992 (Original)
Subject:	ADA Grievance Procedure

I. Purpose

The Town of Mansfield adopts the following internal grievance procedure providing 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."

II. Statement of Policy

The Town of Mansfield does not discriminate on the basis of disability in employment or the provision of services, and is committed to the full participation of persons with disabilities in our programs, services, and activities.

The Town, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA). A reasonable accommodation is any modification or adjustment that will enable an individual to participate in a program or activity or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a person with a disability has rights and privileges equal to those of individuals without disabilities.

The Town is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the Town 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 Town. Persons with disabilities may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in the Town publicity announcements.

II. Filing A Complaint

Complaints should be addressed to the Mansfield Advisory Committee for the Needs of Persons with Disabilities c/o Human Services Office, 4 South Eagleville Road, Mansfield, CT 06268. All written correspondence, either by the complainant or the Town (i.e. ADA Grievance Committee, Town Manager's Office, Town Council), pertaining to the complaint should be sent by certified mail, return receipt. In accordance with U.S. Department of Justice regulations to establish an ADA Grievance Committee, the Mansfield Advisory Committee for the Needs of Persons with Disabilities was designated to assume this role by the Town Council on May 11, 2009.

1. A complaint may be filed either in writing or verbally; alternative means of filing complaints (such as personal interviews or tape recordings) can be made available upon request for persons with disabilities. It shall consist of the name, address, and phone number 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 Committee, or a designee of the Committee, 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. Members of the Committee may consult with appropriate Town officials in the process of the investigation such as the Town Attorney, the Director of Building and Housing Inspection, or the Assistant to the Town Manager.
3. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the Committee and a written copy mailed to the complainant with thirty (30) business days following the filing of the complaint. In rare instances, the thirty (30) business day response period may be extended when a quorum of members can not be present to meet during the specified time frames.

III. Appeals

All written correspondence, either by the complainant or the Town (i.e. ADA Grievance Committee, Town Manager's Office, Town Council), pertaining to the appeal should be sent by certified mail, return receipt.

1. The complainant may request a reconsideration of the case determination of the Committee 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 ADA Grievance Committee. The request for reconsideration shall be made to the Town Manager. Appeals should be addressed to the Town Manager's Office, 4 South Eagleville Road, Mansfield, CT 06268. The Town Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The Town 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 in writing. Where appropriate the decision shall be provided in a format accessible to the complainant such as large print, Braille or audiotape.

2. The complainant may request a reconsideration of the case determination of the Town Council in instances where he or she is dissatisfied with the decision of the Town Manager. The request for reconsideration should be made within ten (10) business days following the date the complainant receives the determination of the Town Manager. The request for reconsideration shall be made to the Town Council through the Town Clerk, or the designee of the Town Clerk. Appeals should be addressed to the Town Council, c/o Town Clerk's Office, 4 South Eagleville Road, Mansfield, CT 06268. The Town Council 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 in writing. Where appropriate the decision shall be provided in a format accessible to the complainant such as large print, Braille or audiotape. The decision of the Council is final.

IV. Rights of Complainants

1. 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.
2. 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.

V. Record Keeping

The ADA Grievance Committee shall maintain the files and records of the Town relating to the complaints filed and ensuing investigations. Records shall be maintained in a manner that is consistent with State Freedom of Information and records retention requirements and will be kept by the Town for at least two years from the date of resolution.