

CITY OF EUREKA

Category: GENERAL

POLICIES & PROCEDURES

Subject: COMPLAINTS OF  
DISCRIMINATION ON THE  
BASIS OF DISABILITY

Date Adopted: July 20, 1993

File 1.73  
Number

### POLICY OBJECTIVE

The purpose of this procedure is to resolve as promptly as possible complaints alleging that the City has violated Title II of the Americans with Disabilities Act by unlawfully discriminating against an individual or a group of individuals on the basis of disability in providing and administering services, programs or activities.

### ASSIGNED RESPONSIBILITY

City Manager

### APPLICABILITY

Any individual who believes that he or she has been subjected to discrimination on the basis of disability by the City may, by himself or herself or by an authorized representative, file a complaint under this procedure.

### PROCEDURES

#### 1. Time for filing

In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 60 days of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint with this time period, complaints received after this time period may be accepted. .

In no case will a complaint be processed if more than 180 calendar days have expired, following the complainant's knowledge of the act, or condition, which is the basis of the complaint.

#### 2. Information required in the complaint.

Complaints may be filed on the complaint form provided by the City (Attachment I). If a complainant chooses not to use the form, the complaint must be filed in writing and must include the following information:

- a. The complainant's name, address, and telephone number. If a representative is filing the complaint on the complainant's behalf, his or her name, address and telephone number must also be included.

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- b. A description of the offending behavior, action, omission, or violation.
- c. The date, time and location of the incident (s).
- d. If the incident involved a city employee, his or her name should be included, if known by the complainant.
- e. The name (s) of witnesses, if any.
- f. The remedy desired.
- g. The signature of the victim of the alleged discrimination or the signature of his/her authorized representative.

3. Where to file

The complaint should be filed with the head of the City department involved in the alleged discrimination if known to the complainant. Complaints may also be filed with the City Manager's office. Complaints may be mailed or delivered in person.

4. Assistance for complainants

In compliance with Title II of the Americans with Disabilities Act, the City Manager's office shall be responsible for providing assistance in using this procedure to alleged victims of discrimination who seek redress through this procedure.

5. Investigation

All complaints received by department heads shall be referred to the City Manger's office.

Upon receipt of a complaint, the City Manager or his/her designee shall investigate all charges. The investigation shall include interviews with: (a) the complainant; (b) the person (s) allegedly engaged in discrimination; and (c) any other person believed to have relevant knowledge concerning the complaint. Any written evidence shall also be considered.

Upon completion of the investigation, all factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination shall be reviewed, giving consideration to all factual information, the totality of the circumstances, including the nature of the alleged discriminatory conduct and the context in which the alleged incident (s) occurred.

6. Written report

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A written report will then be prepared setting forth: (1) the results of the investigation; (2) a determination as to whether discrimination occurred; and (3) if discrimination occurred, the remedy which will be provided by the City. Copies of the report shall be provided to appropriate persons, including, but not limited to the complainant, the person(s) allegedly engaged in discrimination, the supervisor, and the department head.

7. Employee discipline

If it is determined that a City employee(s) unlawfully discriminated against an individual(s), the City may take appropriate disciplinary action commensurate with the severity and/or frequency of the offense and pursuant to city disciplinary policies and procedures.

8. Retaliation

Reasonable steps shall be taken to protect the victim and other potential victims from further discrimination

Reasonable steps shall be taken to protect the victim from retaliation as a result of communicating the complaint.

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