

## Appendix G – Grievance Procedure

Prior to filing a grievance, the public is strongly encouraged to contact the ADA Coordinator to discuss any concerns regarding County facilities. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. Contact information for the ADA coordinator can be found in Appendix D of this document.

### Stearns County

#### Grievance Procedure under The Americans With Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits by Stearns County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator. Contact information can be found in **Appendix D** of this document.

Within 15 working days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 working days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 30 calendar days after receipt of the response to the County Administrator or his/her designee.

Within 30 calendar days after receipt of the appeal, the County Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions.

Within 30 calendar days after the meeting, the County Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the County Administrator or his/her designee, and responses from these two offices will be retained by the County in accordance with state and federal law.

## Stearns County Grievance Procedure

Those wishing to file a formal written grievance with Stearns County may do so by one of the following methods:

- Internet  
Visit the Stearns County ADA website at <https://co.stearns.mn.us/Government/RulesandRegulations/ADATransitionPlan> and click the link to the ADA Complaint Form. A copy of The ADA Complaint Form is included with this document in Appendix H.
- Telephone  
Contact the ADA Coordinator as specified in **Appendix D** to submit an oral complaint. The ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- Paper Submittal  
Contact the ADA Coordinator as specified in **Appendix D** to request a paper copy of the complaint form, complete the form, and submit it to the ADA Coordinator.

The ADA Complaint Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different than the person filing the grievance)
- A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.
- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

If the grievance filed does not concern a Stearns County facility, the County will work with the complainant to contact the agency that has jurisdiction.

A Stearns County staff person will investigate to determine the validity of the alleged violation. As a part of the investigation, the staff person may consult with building code officials to help determine the response. The staff person will take advantage of department resources and use judgment, data collected, and any information submitted by the complainant to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The County will document each resolution of a filed complaint and retain such documentation in the County's ADA Complaint file in accordance with state and federal law.

The County will consider all specific complaints within its context or setting. Furthermore, the County will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others; and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Stearns county.

Accordingly, the resolution by Stearns County of any one grievance does not constitute a precedent upon which the County is bound or upon which other complaining parties may rely.

#### File Maintenance

The County shall maintain ADA Complaint files in accordance with state and federal law.

Complaints on Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact:

U.S. Department of Justice Civil Rights Division  
950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530  
[www.ada.gov](http://www.ada.gov)  
(800) 514-0301 (voice – toll free)  
(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.