

GRIEVANCE FREQUENTLY ASKED QUESTIONS

HOW DOES A MEMBER OF THE PUBLIC FILE A DISABILITY ACCESS GRIEVANCE AGAINST THE CITY OF BURIEN?

Individuals who believe they have experienced discrimination based on disability in admission to, access to and treatment in facilities, programs, services, or activities provided by the City of Burien may file a grievance with the ADA Coordinator in the Administrative Services Department. The ADA Coordinator works with named departments to facilitate the resolution of such grievances. The following is information (available on our website at <https://burienwa.gov/accessibility>) that explains the grievance process to members of the public.

Have you experienced discrimination because of your disability? This page describes the process and timelines for filing a grievance about lack of access in the City of Burien programs, services, and facilities.

Does the City of Burien have a procedure for handling grievances about discrimination based on disability?

Yes. Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA) require that public entities like the City of Burien have a procedure to address allegations that City facilities, programs, services, and activities are not accessible to people with disabilities.

The ADA Coordinator at the City's Administrative Services Department coordinates the resolution of grievances.

Who can file a grievance against the City of Burien?

- Any individual with a disability who believes he or she has experienced discrimination based on disability in admission to, access to and treatment in facilities, programs, services, or activities provided by the City of Burien.
- An authorized representative may file on behalf of a person with a disability (for example, a father can file for his child or a woman may file on behalf of her partner with a disability). Grievances on behalf of classes of individuals are also permitted (for example, someone from a disability-related organization can file on behalf of blind people in general). These sorts of grievances must describe or identify (by name, if possible) who are the alleged victims of discrimination.
- Individuals who have a relationship or association with a person with a disability may file a grievance if they believe they have been discriminated against because of that relationship or association (for example, a non-disabled person can file when he thinks he was discriminated against because of his brother's disability).

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How do I file a grievance?

1. Contact the ADA Coordinator and discuss your grievance issue.
2. Print the on-line grievance form or request a grievance form from the ADA Coordinator.
3. Complete the grievance form.
4. Describe the problems you encountered when trying to use the City of Burien facilities, or describe what happened or how you were treated that you believe to be discriminatory based on your disability. Be sure to include as much detail as possible, including date(s).
5. Sign the grievance form and send it to the City of Burien Administrative Services Department, Attn: ADA Coordinator.

Do I need to provide information about my disability on the grievance form?

On the grievance form you should include information about the effects of your disability and how the disability substantially impacts a major life activity (for example, "My disability limits my ability to climb stairs or to walk long distances."). This information will help the ADA Coordinator to understand why a facility was inaccessible to you or someone else. It will also assist the ADA Coordinator in determining how the City of Burien may need to change a service or organize an activity so it will be more accessible.

Should I share my ideas about how my grievance could be resolved?

Absolutely. Often, you will have good ideas about how things could have been done differently or ways in which facility access could be improved. Please be sure to include this information on the grievance form.

When can I file a grievance?

The ADA Coordinator must receive your grievance within 180 calendar days (or six months) of the date when you feel discrimination occurred. The sooner you file after an incident occurs, the more effective the grievance process may be. The more time passes, you and others involved in the incident may not remember details as clearly.

Is it possible that the ADA Coordinator might not accept my grievance?

Yes, because your grievance may not meet some requirements. Once a grievance is received, the ADA Coordinator will determine if the grievance allegations do constitute possible discrimination under disability access laws. If so, a case will be opened.

If the grievance allegations do not constitute possible discrimination under disability access laws, a case will not be opened (for example, the ADA Coordinator cannot accept a grievance that claims discrimination by a state government program, or one that does not identify who was being discriminated against). A letter will be sent to the grievant explaining the determination and, if appropriate, referring the grievant to another enforcement agency. Keep in mind that each enforcement agency has its own grievance process.

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What happens when the ADA Coordinator receives my grievance form?

1. The ADA Coordinator will determine if the grievance is appropriate for the grievance process.
2. If the grievance is accepted, they will coordinate work on your grievance.
3. The Coordinator will send you a letter confirming receipt of your grievance.
4. The Coordinator will forward a copy of your grievance to the City of Burien's department(s) involved, together with a cover letter requesting a response to the allegations and a proposed resolution.

In resolving a grievance, what does the ADA Coordinator do?

The ADA Coordinator is responsible for facilitating and coordinating all activities to resolve the grievance. If needed, the Coordinator is available to:

- Coordinate meetings between the parties;
- Provide information and technical assistance to the grievant; and
- Provide technical assistance to the department, including information about disability access laws and regulations, reasonable accommodations, or other services as requested by the department.

When resolution of the grievance requires action, such as modifications to a facility or changes to procedures for a service or program, the ADA Coordinator will monitor work activities until they have been completed.

How long does it take to resolve grievances?

We work to resolve all grievances in a timely manner, with a goal of achieving resolution within sixty (60) calendar days of receipt of a grievance; however, resolution may take longer. The ADA Coordinator will send the department's finalized response and offer of resolution to the grievant.

What if I don't agree with the resolution of the grievance?

If you do not agree with the grievance resolution proposed by the department, you may send a written request for reconsideration to the ADA Coordinator within thirty (30) days after you receive the department's response. The ADA Coordinator will deliver the request to the City Manager. The City Manager will review the records of said complaint, may conduct further investigation when necessary to obtain additional relevant information, and shall issue his or her decision within thirty (30) calendar days of the filing of the request for reconsideration unless the complexities of the complaint require additional time.

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When will the ADA Coordinator close a grievance?

A grievance will be closed:

- When you, the department and the ADA Coordinator agree to the proposed resolution;
- When there is no agreement but you make no request for a different resolution within thirty (30) days;
or
- When the City Manager issues a written response to a request for reconsideration, confirming a final response. This final response closes the grievance, although you may find that resolution unsatisfactory.

Do I need an attorney to file a grievance?

No. You do not need an attorney to file or pursue this grievance with the City of Burien. However, you may wish to seek legal advice regarding your rights under the law. Please keep in mind that City staff cannot give you legal advice or act as legal counsel for you.

Do I have to file a grievance with the City of Burien before I file a grievance with a federal agency or a court?

No. The ADA does not require individuals to complete the City of Burien's ADA grievance process before filing a grievance with any state or federal agency or in court.

What if I need some help with the grievance process?

You may contact City of Burien's ADA Coordinator if you need help completing the form or have questions regarding rights and protections of the grievance procedure.

The ADA Coordinator will provide reasonable accommodations at any point in the grievance process to facilitate full and effective participation by the grievant. Upon request, an alternative format of the grievance form will be made available.

City of Burien's ADA Coordinator:

Cathy Schrock, ADA Coordinator

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