



CITY OF SAN JOSE GRIEVANCE PROCEDURE UNDER THE ADA

It is the policy of the City of San José to provide access to its services and programs for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA) of 1990. This Grievance Procedure is established to meet the requirements of Title II of the ADA. It may be used by anyone who wishes to file a complaint concerning access to City facilities, services, activities, programs, or benefits.

The complaint should contain information about the alleged discrimination, location, date, and description of the problem, and preferred contact information for communication. The City may use this information to respond to your grievance or request additional details.

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:

ADA Coordinator, City of San José
200 East Santa Clara Street, 5th Floor
San José, CA 95113
408-535-8430 (voice)
1-800-735-2922 (TTY)

Departments should inform the ADA Coordinator immediately of any complaint that is filed with the department under Title II of the ADA.

1. Upon receipt of a complaint, the ADA Coordinator will provide the appropriate department ADA Liaison with a copy of the complaint. Within 15 calendar days after receipt of the complaint, the ADA Coordinator and/or the department ADA Liaison will then conduct an investigation that may involve meeting with the grievant to discuss the complaint and possible resolutions.
2. If an informal resolution is not reached with the grievant, within 60 calendar days after receipt of the complaint, the ADA Coordinator or department ADA Liaison will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of the City and offer options for substantive resolution of the complaint.
3. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the grievant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or their designee.
4. Within 30 calendar days after receipt of the appeal, the City Manager or their designee will review the complaint and the determination of the ADA Coordinator and respond in writing, and, where appropriate, in a format accessible to the grievant, with a final resolution of the complaint.



All written complaints received by the City's ADA Coordinator or their designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the ADA Coordinator for at least five years.

The City will not retaliate against you for filing a complaint. Any form of retaliation related to the filing of this complaint is prohibited and should be reported immediately to the ADA Coordinator.

Please be advised that some of the information you supply on this complaint form may be subject to public disclosure under the California Public Records Act. However, the City will make every reasonable effort to ensure that confidentiality is maintained throughout the complaint, investigation, and corrective action process, to the extent consistent with the law.

Additionally, in the event that the City decides that your complaint requires further investigation, witnesses may be interviewed, and the accused party/parties will be given an opportunity to respond to your allegations.

Please note that the City's ADA grievance procedure and form is limited to the City's facilities, programs, and services, as covered under Title II of the ADA.

If you wish to file a complaint under Title I of the ADA, or an employment-related complaint governed by City's Policy Manual Section 1.1.1 entitled "Discrimination and Harassment," you may do so by contacting the Office of Employee Relations at 408-535-8150 (voice) or 1-800-735-2922 (TTY) or employee.relations@sanjoseca.gov.

If you wish to file a complaint under Title III regarding a private business or public accommodation, you may file a complaint with the Federal Civil Rights Division of the Department of Justice at <https://civilrights.justice.gov/> or with the California Department of Fair Employment and Housing (DFEH) at <https://calcivilrights.ca.gov/Unruh/>. If you have an issue related to the Fair Housing Act, you may file a complaint with the Federal Office of Housing and Urban Development Fair Housing and Equal Opportunity (FHEO) at https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint



ADA COMPLAINT / GRIEVANCE FORM

Name: _____

Person Preparing Complaint (if different from Grievant): _____

Relationship to Grievant (if different from Grievant): _____

Please provide your preferred contact information for communication. The City may use this information to respond to your grievance or request additional details.

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ Email: _____

Date of Incident: _____ Time of Incident: _____

Please provide a complete description of your complaint or grievance:

Please specify the location of your grievance (if applicable):

Please state what you think should be done to resolve the grievance:

Please attach additional pages as needed.

Signature: _____ Date: _____

Please return to: ADA Coordinator, 200 E. Santa Clara St., 5th Floor, San José, CA 95113 or email ada@sanjoseca.gov

Upon request, reasonable accommodations will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Liaison at the above address.