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PINELLAS COUNTY ADA GRIEVANCE PROCEDURE

FILING A GRIEVANCE

This grievance procedure shall serve as the County's mechanism to respond to complaints of discrimination on the basis of disability in the delivery of Pinellas County programs and services pursuant to the Americans with Disabilities Act of 1990 (ADA). This procedure does not apply to complaints of discrimination in employment. If you are a Pinellas County employee with a complaint of disability discrimination relating to employment, you should ask to speak directly with an Intake Technician at the Pinellas County Office of Human Rights, at 727-464-4880.

PROCEDURE

Any individual who feels that they have been discriminated against in the provision of a program or service operated by Pinellas County Government shall have the ability to file a formal grievance, have the grievance responded to, and have the right to request an appeal if they are dissatisfied with the resolution of their grievance. The procedures to be followed in filing a formal grievance shall be available and accessible to the general public.

The Pinellas County Office of Human Rights serves as the Office of ADA Coordination for Pinellas County Government. It is located in the County Office Annex, 400 South First Harrison Avenue, 5th Floor, Clearwater, Florida 33756. This is the office responsible for coordinating the County's grievance procedure and it will serve as the conduit between the grievant and the department against whom the grievance is made. The Office of Human Rights will provide the department/division with the necessary technical assistance needed in reaching resolution of the grievance. The OHR will make all attempts to assist the department in reaching an amicable resolution to the grievance; however, the Office of Human Rights shall have no authority to direct the department in the manner in which the department ultimately decides to respond to the grievance.

Any individual who feels they have been discriminated against in any program or service provided by Pinellas County Government under the provisions of the ADA, shall submit a grievance in writing addressed to: ADA Coordinator – Pinellas County Office of Human Rights.

The written grievance shall contain the following information:

1. Name, address and telephone number (if available) of the grievant.
2. The date of the occurrence.
3. The name and location of the County program or service involved in the alleged occurrence.
4. The name (if known) of the County employee with whom the grievant came in contact, if appropriate.
5. Why the individual thinks that he/she has been discriminated against on the basis of a disability.

A form is attached which may be utilized by the grievant to complete this requirement.

Within five (5) days of receipt of the grievance, the Office of Human Rights shall:

1. Inform the department/division of the grievance; transmit a copy of the grievance to the department/division with general instructions as to the format which the department should follow in their response, and a date by which the department/division shall return a response to the Office of Human Rights. The Office of Human Rights, in consultation with the Office of the County Attorney, will review the response with the department/division prior to final preparation of the response to the grievant.
2. The department/division shall have thirty (30) days from the receipt of a grievance from the Office of Human Rights to respond to the grievance. Attempts will be made by the department/division to clarify the facts of the grievance. The actions taken by the department/division shall be conveyed to the grievant in writing. This letter, addressed to the grievant and signed by the department/division, shall be transmitted to the Office of Human Rights within the specified time period. The response shall be transmitted to the grievant by the OHR with a cover letter informing the grievant of their ability to appeal the decision enclosed and the procedure which the grievant must follow in requesting an appeal. In no instance shall the department/division mail their response directly to the grievant.
3. In the event that a grievant submits a written grievance to the operating department/division, the department shall send a copy of the grievance to the Office of Human Rights within five (5) days. That action will constitute a filing by the grievant with the Office of Human Rights as required herein. The department will have thirty (30) days from receipt of the written grievance to respond to the grievant through the Office of Human Rights.

4. Where a department/division can solve a written grievance informally, the department/division will provide the Office of Human Rights a written statement explaining the mutually agreeable solution. It should be signed by the grievant and the department/division representative.

All reasonable attempts should be made by the department/division with the assistance of the Office of Human Rights to mediate and resolve the grievance.

Any individual who is dissatisfied with the recommended resolution of their grievance may request an appeal. In requesting an appeal the individual shall, within fifteen (15)

days from the date of the written recommended resolution offered by the County, submit in writing to the Office of Human Rights their request to appeal the decision and express their willingness to appear before an impartial panel to present their grievance.

Upon receipt of a written request for an appeal, the Office of Human Rights shall:

1. Notify the County Administrator/Constitutional Officer or appropriate Appointing Authority within five (5) days and request that a panel of three (3) senior managers of unaffected County departments/divisions be appointed to hear the grievance. The County Administrator/Constitutional Officer or appropriate Appointing Authority shall designate one of the three panel members to serve as chairperson.
2. Set a time and place for the hearing that is convenient to the grievant, the affected department/division, and the panel members within twenty (20) days after the panel is appointed, if possible.
3. Instruct the department/division against whom the grievance has been filed to prepare a package with all necessary information pertinent to the grievance for each panel member to review prior to the hearing.
4. Monitor and tape record the hearing.

At the time of the hearing, both the grievant and the affected department shall have an opportunity to present their positions to the panel. The panel members will also have the opportunity to pose questions to both parties. After the affected parties have presented the facts, and after all questions posed by the panel have been answered, the hearing shall be closed and the panel shall engage in deliberation.

Within fourteen (14) days from the date of the hearing the panel shall issue its decision. The Chairperson shall prepare the decision of the panel. The Chairperson shall send the written decision to each panel member for review and signature prior to its submission to

the affected parties. The decision of the panel is final and no further appeal shall be available within the administrative branch of County government.

The Office of Human Rights shall maintain files on grievances received along with all communications, recommendations, and other records pertinent to the grievance for a period of at least three (3) years.

The establishment of this grievance procedure shall not preclude or waive the grievant's right to seek redress under any alternative remedy available.

CONTACTS

The Pinellas County Office of Human Rights

1 -- Attachment, Grievance Form

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