

Grievance Procedure Under the Americans with Disability 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 on the basis of disability in the City's provision of services, activities, programs, or benefits by the City of Bozeman ("City").

The complaint must be in writing, signed by the complainant and contain the complainants name, address, and phone number. The complainant must also include the location, date, and a description of the alleged discriminatory action, or inaction, in sufficient detail to inform the City of the nature and date of the alleged violation. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with qualifying disabilities.

The complaint should be submitted by the complainant and/or their designee as soon as possible after the alleged violation has occurred to:

City of Bozeman ADA Coordinator
P.O. Box 1230
Bozeman, Montana 59771
Phone (406)-582-3232
Email: darnado@bozeman.net

Complaints filed by current City employees regarding discrimination under the ADA in employment practices shall be reviewed under these procedures but shall be forwarded by the ADA Coordinator to the Human Resources Director for investigation. If a conflict exists between the employee filing the complaint and the Human Resources Director the complaint may be handled by the ADA Coordinator in consultation with the Assistant City Manager.

Within 30 calendar days of receipt of the complaint, the ADA Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator will arrange to meet with the complainant to discuss the matter and attempt to reach an informal resolution. Any informal resolution of the grievance will be documented in the City's ADA Grievance File.

If an informal resolution to the complaint is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 60 days from the date of the City's initial receipt of the complaint.

The complainant may request reconsideration if they are dissatisfied with the written determination. The request for reconsideration shall be in writing and filed with the City Manager within 30 days of the ADA Coordinator's determination having been mailed to the complainant.

The City Manager shall review the request for reconsideration and make a final determination no later than 60 days from the filing of the request for reconsideration. The decision of the City Manager is the final City administrative remedy required of a complainant.

The resolution of any specific complaint requires consideration of varying circumstances, such as, but not limited to: 1) the specific nature of the disability; 2) the nature of the access to services, programs, or facilities at issue and essential eligibility requirements for participation; 3) the health and safety of others; and 4) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one complaint does not constitute a precedent upon which the City is bound or upon which other complaining parties may rely.

All written complaints received by ADA Coordinator or designee, appeals to the City Manager or designee, responses from these two offices and all supporting documentation, are generally considered public records under the Montana Public Records Act (Title 2, Chpt. 6, MCA). Every measure will be taken by the City to protect any privacy interests of any complainant. These records will be retained by the City for a minimum of three years from the final decision.