

City of Sioux City Administrative Policy and Grievance Procedures

Purpose

The purpose of this Administrative Policy (A.P.) is to establish the ongoing commitment of the City of Sioux City to comply with the Americans with Disabilities Act (ADA) and to continue working towards meeting the needs of disabled persons in our workforce and community.

Scope

This A. P. applies to all applicants, current employees, and employees seeking promotional opportunities. The cooperation of all City employees is required as we actively seek to include increased number of qualified disabled persons in the City government, either through employment, as members of our boards and commissions, so that we can more fully utilize the talents and abilities available in our population.

Responsibility

Department Directors or their designated representatives will be responsible for informing employees of this policy and enforcing the policy.

Policy

The City of Sioux City reaffirms that, with regard to disabled individuals, no qualified person shall, on the basis of disability, be subjected to discrimination in employment or the provision of services under any program or activity which is operated by the City. The City shall make all decisions concerning employment and the provision of services in a manner that ensures that discrimination on the basis of disability does not occur and does not adversely affect a disabled person's opportunities or status. In addition, the City of Sioux City has adopted several policies in the past which address the treatment of disabled persons and which are still in effect:

The City is committed to equal employment of individuals with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship.

In accordance with the Human Rights Ordinance # S-32708 and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment.

Definitions

ADA Coordinator: The ADA Coordinator for the City is the Human Resources Director.

Disability: For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable Accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Undue Hardship: An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the City.

Reasonable accommodation applies to three aspects of employment:

1. To assure equal opportunity in the employment process;
 - 2.
 3. To enable a qualified individual with a disability to perform the essential functions of a job;
- and
- 4.

Procedure - Current Employees and Employees Seeking Promotion

1. The City will inform all employees that this Americans with Disabilities Act policy is available.
- 2.
3. The employee shall inform their supervisor, the ADA Coordinator or designee of the need for an accommodation.
4. The ADA Coordinator or designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
- 5.
6. When a qualified individual with a disability has requested an accommodation, the City shall, in consultation with the individual:
- 7.
8. The City will work with the employee to obtain technical assistance, as needed.
- 9.

10. The City will provide a decision to the employee within a reasonable amount of time.

11.

12. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the City business, the employee and the ADA Coordinator or designee shall work together to determine whether reassignment may be an appropriate accommodation.

13.

Procedure-Job Applicants

1. The job applicant shall inform the ADA Coordinator or designee of the need for an accommodation. The ADA Coordinator or designee will discuss the needed accommodation and possible alternatives with the applicant.

1. The ADA Coordinator or designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

2.

Policy for Funding Accommodations

The City, for accommodations that do not cause an undue hardship, must approve funding.

Procedure for Determining Undue Hardship

1. The employee will meet with the City to discuss the requested accommodation.

2.

3. The City will review undue hardships by considering:

4.

5. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and

- 6.
7. The City will provide a decision to the employee.
- 8.

Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the department head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the City's complaint procedure as outlined in **Appendix A** of this plan.

Robert Padmore

Interim City Manager

APPENDIX A

ADA GRIEVANCE PROCEDURE

The **CITY OF SIOUX CITY** has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination” in programs or activities sponsored by a public entity.

Complaints should be addressed to: The Human Resources Department has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed no more than 160 days after the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Human Resources Department. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by Human Resources Department and a copy forwarded to the complainant no later than thirty days after the initial filing. (Complainant will be notified if additional time is needed.)
5. The ADA coordinator shall maintain the files and records of the City of Sioux City relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing,

within fifteen days to the City Manager.

7. Within fifteen business days after written receipt of the appeal request, the City Manager or his or her designee will meet with the complainant to discuss the complaint and possible solutions. Within fifteen business days after the meeting, the City Manager or his or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

8. All written complaints received by the ADA Coordinator, appeals to the City Manager or his or her designee, and the responses from the ADA Coordinator and City Manager or his or her designee will be kept by the City of Sioux City.

9. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

ADA NOTICE: The City of Sioux City does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals who need auxiliary aids for effective communication in programs and services of the City of Sioux City are invited to make their needs and preferences known two working days prior to need to the Human Resources Department, City Hall, 405 – 6th Street, Room 204, (712) 279-6200. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.