

RESOLUTION NO. 132

A RESOLUTION ADOPTING A GRIEVANCE PROCEDURE  
FOR PERSONS ALLEGING DISCRIMINATION TO  
HANDICAPPED PERSONS

In accordance with the requirements of existing federal and state law, the following grievance procedure shall be utilized to provide for the prompt and equitable resolution of allegations of discrimination by persons applying for or using city services or applying for city employment. It is the intent of these procedures to insure that no otherwise qualified person shall on the basis of physical or mental handicap be denied the benefits of or employment of or be subject to discrimination in any city program or activity.

This grievance procedure does not include complaints covering employees.

1. TERMS

A. Grievance -- An alleged violation, misrepresentation, or inequitable application of an existing agreement, contract, resolution, policy, rule or regulation of city council or any city office.

B. Grievance Procedure -- The procedure set out by this resolution.

C. City Office -- Any office or department under the direct supervision of the city council or any elected city officer.

D. Department Head -- The city official or employee in charge of a city office/department.

E. City Coordinator -- The person the city has designated as the contact to coordinate efforts to comply with requirements to prohibit discrimination against qualified individuals because of their handicapped status.

F. Aggrieved Person -- The person or his/her representative making the claim.

II. PROCEDURES FOR PROCESSING COMPLAINTS

General Requirement: Failure to follow this grievance procedure will result in the grievance being dismissed. Step A

shall be completed within 30 calendar days from the date of the alleged discriminatory act unless the filing date is extended by the city coordinator upon a showing of exceptional circumstances. The burden of proof in this procedure shall be on the aggrieved person and he will have to furnish the evidence necessary to provide any contested facts.

Step A: The aggrieved person (applicant/client or his/her representative) shall arrange for an interview with the appropriate head within 30 calendar days of the event leading to the grievance. A written discussion and its rationale shall be made by the department head within 10 calendar days of receiving the complaint.

B. Interview with Official or Employee Alleged to have Acted in a Discriminatory Manner

The department head shall describe to the appropriate official or employee the nature of the complaint and the specific incident leading to the complaint, and identify the aggrieved person. A statement shall be taken which gives the facts, as the official or the employee knows them, concerning the issues giving rise to the complaint.

C. Review of Issues Specific to the Complaint

The department head shall:

1. Review documents concerning issues.
2. Interview witnesses suggested by the aggrieved person or as may be indicated by surrounding circumstances or the nature of the allegation.
3. Review client's record, if appropriate.

D. Report to City Council

The department head shall within 30 days after receiving notice of a grievance report his findings to the city council. The city council shall within two (2) weeks of the date of the receipt of the report of the department head, determine from the report whether there has been any discrimination. If it makes such a finding the city council shall take the necessary steps to remedy the discriminatory practice. If the city council fails to find any discrimination the aggrieved person shall be permitted, upon request, to have a hearing before the city council whereby he may submit proof of his allegations of discrimination, and he will be entitled to call witnesses on his behalf. Should the city council then find that the aggrieved person has been discriminated against, the city council shall take appropriate measures to alleviate the discrimination.

DATED: October 15, 1984,

CITY OF PAYETTE, IDAHO

By: Mayor

ATTEST:

B. D. K. Wiers  
City Clerk

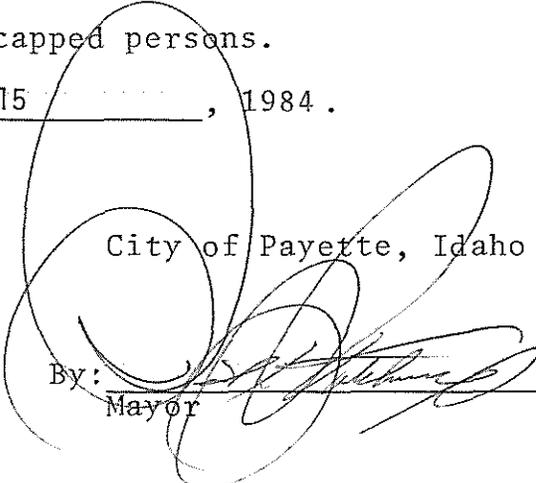
SELF EVALUATION PLAN

The City of Payette, Idaho has evaluated its programs and activities, policies and practices to determine areas of noncompliance with the handicapped discrimination regulations contained in Section 51.55 of the federal Revenue Sharing Regulations, and have determined if any "nonstructural changes" or "structural changes" needed to be made to achieve compliance.

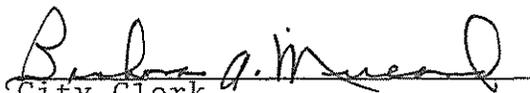
The City of Payette, Idaho has determined through its evaluation that no "nonstructural changes" or "structural changes" need to be made to comply with the handicapped discrimination regulations. Therefore, the City of Payette, plans to continue with its nondiscriminatory practices as they relate to handicapped persons.

DATED: October 15, 1984.

City of Payette, Idaho

By:   
Mayor

ATTEST:

  
City Clerk