

City of Lancaster
SECTION 504 GRIEVANCE PROCEDURES

INTRODUCTION

The purpose of these procedures is to settle any and all grievances which may be raised by disabled employees or residents or persons participating or benefitting from federally funded projects/activities within the City of Lancaster. These procedures are designed to meet the requirements for grievance procedures as set forth in the *Rehabilitation Act of 1973*, -as amended.

INFORMAL SETTLEMENT OF GRIEVANCE

It is the goal of the City of Lancaster is to settle any and all grievance matters with disabled employees or residents in an informal way. Upon receipt of a written grievance by any disabled employee or resident with a grievance involving a disability issue, the grievance will be submitted for review to the appropriate supervisor. This supervisor will then meet with the person complaining (hereinafter “grievant”) at a time, date and place convenient to both parties. The supervisor hearing the grievance must always be someone other than the person who took the action resulting in the grievance. At the informal settlement, both parties shall present any and all evidence and statements pertaining to the current grievance. All statements and evidence shall be held in strictest confidence by both parties. After the meeting for informal settlement, the Section 504 Coordinator will issue a decision within 10 working days in writing. Within the written decision of the informal settlement, the grievant will also be advised that he/she may request a commencement of formal grievance proceeding upon request.

PROCEDURES TO COMMENCE A FORMAL GRIEVANCE HEARING

If the informal procedures fail to satisfy the dispute, the formal hearing process becomes available to all disabled employees or residents who have a grievance concerning a disability issue that may also be the subject of a complaint under *Section 504 of the Rehabilitation Act of 1973*, as amended. The following are the steps to be followed under the formal grievance procedure:

- 1. REQUEST FOR A HEARING:** Within thirty (30) days of receipt of the results of the informal settlement, the person or persons seeking relief from the City of Lancaster may file a written grievance. The letter should state the nature of the grievance and the action or relief sought.

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2. **SELECTION OF A HEARING OFFICER:** The Section 504 Coordinator and the grievant shall jointly select a hearing officer for the adjudication of this dispute. Qualification for being an Officer are as follows:

- No current or former employee of the City of Lancaster is eligible.
- It is preferred that any person or persons selected should have a background in meeting the needs, or working with persons with disabilities. Where possible, a representative of a social service agency representing the particular disability in question is preferred.
- Anyone selected may not have any prior knowledge of this particular grievance.

3. **FAILURE TO REQUEST A HEARING:** Anyone who is covered under this policy waives his or her right to a hearing if he/she has not requested a hearing within the noted time frames in #1. Other rights to file a complaint under the relief granted by the terms of the *1988 Amendments of Fair Housing Act* or *Section 504 of the Rehabilitation Act of 1973*, as amended, are not waived.

4. **HEARING PREREQUISITE:** In order to qualify for a formal 504 Grievance Hearing, the grievant must waive an informal hearing or have participated in the informal settlement procedure outlined above. If the grievant can show just cause why he/she did not participate or request informal settlement under the provisions above, then the Hearing Officer may waive this requirement.

5. **LOCATION AND TIME OF HEARING:** The location and time of the hearing shall be jointly agreed upon by all parties involved. Every effort shall be made to locate the hearing in a fully accessible location. If the grievant seeking relief under this policy need signers or special accommodations, such services will be provided free of charge by The City of Lancaster upon ten (10) days prior notice.

6. **PROCEDURES GOVERNING THE GRIEVANCE HEARING:** All hearing procedures will be held before the Hearing Officer. The grievant or his/her representative shall have the opportunity to examine before the start of proceedings all relevant materials. The grievant shall have the right to secure aid in representation whether of a

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professional nature or otherwise. This would include, but not be limited to, attorneys, health professionals, or any other person beneficial to the presentation of the case. These hearings shall be held in private unless the grievant requests a public hearing. The grievant has the right to present any and all pertinent evidence and cross-examine any and all witnesses. The decision of any and all hearings shall only be based on facts presented at the time of the grievance hearing.

7. FAILURE TO SHOW UP FOR THE HEARING: In the event that the City of Lancaster or its representatives fail to show or if the grievant does not show, the Hearing Officer may postpone the hearing for up to five (5) days or find against the party who failed to show. This determination does not affect the rights to pursue any other legal rights available to the grievant.

8. RECORDS OF PROCEDURES OR TRANSCRIPTS: The City of Lancaster or the grievant may arrange for a transcript of the hearing in advance at the expense of the party requesting the transcript.

9. DECISION OF THE HEARING OFFICER: The hearing officer must issue a written decision within ten (10) working days and furnish a copy to all parties. A copy must be kept on file with the City of Lancaster. A copy of the decision with all names deleted shall be kept on file for future reference by any other party filing a grievance.