

Callaway County Court Order

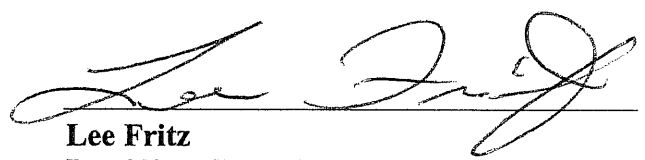
State of Missouri }
Callaway County } ss

February Term 20 10

In the County Commission of said county, on the 28th day of April 20 10 the following, among other proceedings, were had, viz:

Now on this day, the Callaway County Commission does hereby adopt the ADA policy and designate Linda Love, County Clerk, as the coordinator of the policy/grievances. The County Clerk will keep the County Commission informed of any/all complaints and/or grievances filed against the County.

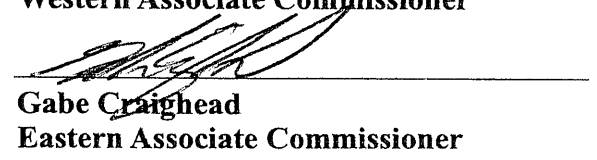
Copy attached




Lee Fritz
Presiding Commissioner



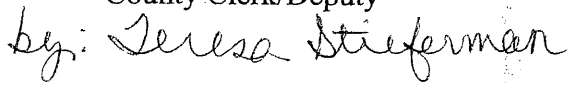
Donald "Doc" Kritzer
Western Associate Commissioner



Gabe Craighead
Eastern Associate Commissioner

Attest: 

County Clerk/Deputy

by: 

COUNTY OF CALLAWAY, MISSOURI
Grievance Procedure
Discrimination Based on Disability

Section 1.01 Purpose

(a) This document establishes the grievance procedure required by the Americans With Disabilities Act of 1990 (ADA) as amended, for the purpose of resolving grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the County's designated ADA coordinator.

(b) In general, ADA requires that each program, service and activity offered by the County of Callaway, Missouri (County), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.

(c) It is the intention of the County to foster open communication with all individuals requesting readily accessible programs, services and activities. The County encourages supervisors of programs, services and activities to respond to requests for modifications or accommodations before they become grievances.

Section 1.02 Definitions

(a) "grievance" is any complaint under ADA by an individual with a disability who:

1. meets the essential eligibility requirements for participation in or receipt of the benefits of a program, service or activity offered by the County, and
2. believes that he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the County or has been subject to discrimination by the County, on the basis of a disability.

(b) a "complainant" is a qualified individual with a disability who files a grievance on the form set out with this procedure.

(c) the "designated coordinator" is the person appointed by the County who is responsible for the coordination of the efforts of the County to comply with and carry out its responsibilities under Title II of ADA, including the investigation of grievances filed by complainants. The designated coordinator is and can be contacted at Callaway County Clerk, Callaway County ADA Coordinator, 10 East 5th Street, Room 104,

Fulton, Mo. 65251.

- (d) a "qualified individual with a disability" is a person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the County.

Section 1.03 Grievances

(a) The County will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this policy. A person who wishes to avail him self or herself of the formal procedure, however, may do so only by filing a grievance within 180 calendar days of the alleged discrimination in the form and manner prescribed in Section 1.04.

(b) The County shall provide a copy of the grievance procedure and the required grievance form to anyone who requests it or expresses a desire to file a formal grievance.

Section 1.04 Manner of Filing

(a) The filing of a grievance is accomplished by the complainant's submission of a grievance in writing to the designated coordinator on the prescribed form. (See form attached)

(b) In order to be deemed filed and to receive proper consideration by the designated coordinator, the grievance form must be completed in full except as otherwise indicated on the form. The designated coordinator will notify the complainant within ten (10) business days after receipt of the form if the filing is not complete. The coordinator will assist with completion of the grievance form upon request.

Section 1.05 Initial Response

The designated coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The designated coordinator shall provide a written response to the complainant and the County within ten (10) business days after receipt of the properly completed grievance form.

Section 1.06 Review

(a) If the grievance has not been resolved by the designated coordinator to the satisfaction of the complainant, the complainant may submit a

copy of the grievance form and the designated coordinator's response to the County Commission for final review. The complainant shall submit these documents to the County Commission, together with a short written statement explaining the reason(s) for dissatisfaction with the designated coordinator's written response, within five (5) business days after the complainant's receipt of the designated coordinator's response. The County Commission will extend the period for submitting the review request and supporting documents for up to ten (10) additional business days upon complainant's request.

(b) The County Commission shall appoint a three (3) member panel to review the grievance. One member so appointed shall be designated as the chairperson.

(c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the designated coordinator's written response and may conduct interviews and seek advice, as it deems appropriate.

(d) The panel shall make recommendations in writing to the County Commission as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may also make a signed, written recommendation to the County Commission.

(e) Upon receipt of the recommendations from the panel, the County Commission shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The County Commission's decision shall be final. If the County Commission disapproves or modifies the panel's recommendations, the County Commission shall include written reasons for such disapproval or modification.

(f) A complainant's failure to appeal the designated coordinator's response for review by the County Commission within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given by the designated coordinator.

Section 1.07 Accessibility

The County shall insure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 1.08 Case-by-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the service,

program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship to the County. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

COUNT OF CALLAWAY
Grievance Form
Discrimination Based on Disability

It is the policy of the County to provide assistance in filling out this form.

If assistance is needed, please contact:

Callaway County Clerk
Callaway County ADA Coordinator
10 East 5th Street, Room 104
Fulton, MO 65251

Phone: (573)642-0730 Fax: (573)642-7181 Email: lindal@callawaycounty.org

Name of Complainant:

Address:

City, State, Zip:

Telephone No.:

Program, service, or activity to which access was denied or in which alleged discrimination occurred:

Date of alleged discrimination:

Nature of alleged discrimination:

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable accommodation or modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature

Date

Please give to the ADA Coordinator at the address listed above.

OFFICE USE ONLY:

Date received:

By:

Please fill out this part of the form if this grievance is based on the denial of a requested reasonable modification or accommodation. A reasonable modification or accommodation will be made to make programs, services and activities accessible. Reasonable modifications and accommodations could include such things as providing auxiliary aids and devices and changing some policies and requirements to allow an individual with a disability to participate. This part of the form should be filled in to the extent you know the answers. The form may be submitted even if this part is incomplete.

Reasonable accommodation requested:

Date reasonable accommodation was requested:

Person to whom request was made:

Reason given for denial:

Estimated cost of accommodation (if assistive device, such as a TDD or optical reader, or commodity or service to which a cost is readily known:

Why is the requested accommodation necessary to use or participate in the program, service or activity?

Alternative modifications, which may provide accessibility:

Any other information that complainant believes will aid in a fair resolution of this grievance: