

RESOLUTION NO. 96-76

**A RESOLUTION ESTABLISHING A PROCEDURE FOR COMPLAINTS
REGARDING THE AMERICANS WITH DISABILITIES ACT (ADA)**

WHEREAS, the Board of County Commissioners had previously established a grievance procedure regarding the ADA in Resolution No. 95-120 for employees and job applicants; and

WHEREAS, the Board of County Commissioners believes it is necessary to modify those procedures.

NOW, THEREFORE BE IT RESOLVED this 22nd day of April, 1996, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. Resolution 95-120 is amended as follows:

SECTION IV. COMPLIANCE PROCEDURES

A. Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability as provided for in the Americans with Disabilities Act should immediately bring the problem to the attention of the County Coordinator. Any employee or job applicant who believes that he/she has been discriminated against on the basis of disability shall set forth the basis for his/her complaint in writing and shall insure that the County Coordinator receives the complaint within ten (10) working days of the date of the allegation.

B. The County Coordinator shall investigate the complaint and may meet with the individual if the County Coordinator feels it is necessary. The County Coordinator, if he/she feels a meeting is

necessary, shall notify the complainant in writing of the date and time of the meeting and advise that they have a right to have legal counsel available. The meeting shall be set within ~~twenty (20)~~ thirty (30) days of the County Coordinator's receiving the complaint.

C. The County Coordinator shall render a decision and respond to the complainant within twenty (20) days of receipt of the complaint, if a meeting is not required, or within thirty (30) days of the meeting if a meeting is required. The response shall be in writing.

D. The complainant may appeal the decision of the County Coordinator to the Board of County Commissioners. Said appeal shall be filed within ten (10) days of the County Coordinator rendering a written opinion. Appeal forms shall be obtained from the County Coordinator's Office.

E. The Board of County Commissioners will review the appeal with the County Coordinator and the County Attorney at a regularly scheduled meeting within thirty (30) days of the receipt of the appeal.

F. The Board of County Commissioners shall have the discretion to grant or not grant a hearing. If a hearing is granted it shall occur within forty five (45) days of the date of the review meeting with the County Coordinator. If a hearing is granted, the complainant will be notified in writing of the date and time of said hearing and may have legal counsel present. The hearings shall be quasi-judicial. The hearing(s) may be continued

by the Board of County Commissioners.

G. If the Board of County Commissioners does not grant a hearing, the complainant shall be notified in writing by the County Coordinator within five (5) days of that decision being made.

H. If a hearing is not granted, the Board of County Commissioners shall consider the appeal during the review with the County Coordinator and County Attorney and shall direct that the County Coordinator provide the complainant with a written decision of the Board of County Commissioners. Said decision shall be provided within twenty (20) days of the date of the decision of the Board meeting, at which appeals are considered and may be continued by the Board of County Commissioners.

I. The County Coordinator's Office shall maintain complete files of all complaints.

E-J. No applicant or employee will be subjected to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in an investigation of any alleged violation of laws prohibiting discrimination on the basis of disability.

SECTION V. NON EMPLOYEE/JOB APPLICANT GRIEVANCE PROCEDURES

A. Any individual who is a qualified disabled individual pursuant to the Americans With Disabilities Act, who solely by reason of such disability, is, or has been excluded from participation in, has been or is denied the benefits of, or is, or has been subjected to discrimination in programs or activities

based upon a violation of the Americans With Disabilities Act, Title II, as regards any aspect of County Government under the control of the Board of County Commissioners may:

1. Address the complaint to the County Coordinator at 3163 Bailey Road, Fernandina Beach, FL 32034, Phone: (904) 321-5782.

2. A complaint shall be filed in writing, contain the name, address, and phone number of the person filing it and describe the alleged violation of ADA, Title II.

3. The complaint shall be filed within twenty (20) days after the complainant becomes aware of the alleged violation.

4. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall commence within twenty (20) days of receipt of the complaint and shall be conducted by a county employee designated by the County Coordinator. The complainant shall have the opportunity to submit evidence to the designated employee.

5. The complainant shall be notified in writing of the commencement of the investigation and advised that they may submit additional information within a period of time designated by the county employee. The county employee may require additional information of the complainant. In addition, if the county employee conducting the investigation deems it necessary, he/she may meet with the complainant to further review the complaint. Notification of the opportunity to meet shall be sent, in writing, to the complainant with a date and time. The dates and times may be varied

with the consent of the County Coordinator. The investigation stage may take up to sixty (60) days.

6. The designated county employee shall submit a recommendation to the County Coordinator within the investigation time period set forth herein.

7. The County Coordinator within thirty (30) days of the completion of the investigation shall make a written determination as to the complaint and a resolution, if required, shall also be provided. The complainant shall receive the determination and resolution within thirty (30) days of the completion of the investigation.

8. If the complainant is not satisfied with the decision, he/she may request a meeting within fifteen (15) days of the date of the decision with the County Coordinator. The County Coordinator shall schedule a meeting within thirty (30) days of the date of receipt of the request. The complainant may be accompanied by counsel. The County Coordinator shall render a decision in writing within twenty (20) days of the meeting.

SECTION VI. ADDITIONAL PROCEDURES

A. Any person not satisfied with the procedure as set forth herein or the decision of the Board of County Commissioners or the County Coordinator may file a complaint with the appropriate federal agency. A list of agencies may be obtained from the County Coordinator's Office.

SECTION VII. EFFECTIVE DATE

A. This Resolution shall become effective upon its being signed by the Chairman of the Board of County Commissioners.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

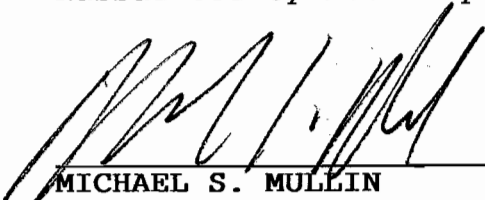


T. J. GREESON
Its: Ex-Officio Clerk



JIM B. HIGGINBOTHAM
Its: Chairman

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN