



## GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

### I. AUTHORITY

This Grievance Procedure complies with the Americans with Disabilities Act of 1990 ("ADA") and has been adopted by the City of Buffalo to provide prompt and equitable resolution of disability discrimination complaints that are prohibited by Title II of the ADA. Any individual may file a complaint alleging discrimination of a disabled individual regarding services, programs, or activities provided by the City of Buffalo.

### II. DESIGNATION OF RESPONSIBLE PERSON

The ADA Coordinator for the City of Buffalo is:

Melissa L. Hoffman  
Assistant Corporation Counsel  
Department of Law  
1100 City Hall  
Buffalo, New York 14202  
Telephone: (716) 851-4342  
Email: mhoffman@city-buffalo.com

### III. COMPLAINT

**A.** The complaint shall be in writing on the form entitled *Title II Americans with Disability Act Disability Discrimination Complaint Form*.

**B.** The aforementioned complaint form shall be available online at <http://www.city-buffalo.com/> and from the following City of Buffalo offices:

1. Department of Law-11th floor City Hall;
2. Department of Human Resources-10th floor City Hall; and
3. Office of Senior Services and Disabled Parking Permits-Room 8A City Hall.

**C.** The complaint form shall be in blue or black ink or typed and shall include the following information:

1. The complainant's name, address, and telephone number;

2. If the complainant is unable to complete the form or file the complaint without assistance then the complaint shall also include the name, address, and telephone number of the individual who completed the form and filed the complaint;
3. Description of the alleged discrimination including the date, location, and facts;
4. Desired remedy or solution requested; and
5. List of witnesses who can provide information supporting the complaint.

**D.** If the complainant is unable to complete the form and does not have anyone to assist with completing the form, then the complainant shall notify the ADA Coordinator who will provide appropriate alternative means to complete the form such as personal interviews, tape recordings, or larger font.

#### **IV. FILING THE COMPLAINT**

**A.** The complaint should be filed as soon as possible but no later than 60 calendar days after the date of the alleged discrimination.

**B.** File the completed complaint form with:

Melissa L. Hoffman  
ADA Coordinator  
Assistant Corporation Counsel  
Department of Law  
1100 City Hall  
Buffalo, New York 14202

**C.** The complaint form may be filed online, in-person, or mailed to the address listed above. If the complaint is filed in person then the complainant shall be provided with a copy of the completed complaint form.

**D.** The filing deadline may be extended upon show of good cause.

#### **V. INVESTIGATION**

**A.** The ADA Coordinator or a designee shall mail a hearing notice to the complainant, by way of the United States Postal Service regular mail to the address indicated on the complaint form, no later than 15 working days after the date of which the complaint form was filed or postmarked.

**B.** The hearing shall be scheduled no later than 30 working days after the date of which the complaint form was filed or postmarked. This deadline may be extended upon show of good cause.

- C. Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the ADA Coordinator at least 5 working days before the scheduled hearing to ensure availability.
- D. The complainant must present all evidence including photographs at the time of the scheduled hearing (photographs will not be returned).
- E. All witnesses must be present at the time of the scheduled hearing.
- F. Affidavits or notarized statements are not acceptable substitutes for live testimony.
- G. The hearing shall be recorded using an audio device.

## VI. RESPONSE

- A. No later than 15 working days after the date of the hearing, the ADA Coordinator shall submit a written response to the complainant, in a format accessible to the complainant, by way of the United States Postal Service regular mail to the address indicated on the complaint form.
- B. The written response shall explain the position of the City of Buffalo and offer options for substantive resolution of the complaint.
- C. The deadline may be extended upon show of good cause.

## VII. APPEAL

- A. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the ADA Coordinator's decision to the City of Buffalo Corporation Counsel or his designee no later than 30 working days after the postmark date of the response.
- B. The appeal shall be in writing on the form entitled *Title II Americans with Disability Act Disability Discrimination Appeal Form*.
- C. The aforementioned appeal form shall be available online at <http://www.city-buffalo.com/> and from the following City of Buffalo offices:
  - 1. Department of Law-11th floor City Hall;
  - 2. Department of Human Resources-10th floor City Hall; and
  - 3. Office of Senior Services and Disabled Parking Permits-Room 8A City Hall;

## **VIII. FILING THE APPEAL**

- A.** The appeal may not be filed later than 30 working days after the postmark date of the ADA Coordinator's response
  
- B.** File the completed appeal form with:
  - David Rodriguez, Acting Corporation Counsel
  - City of Buffalo Department of Law
  - 1101 City Hall
  - Buffalo, New York 14202
  
- C.** The appeal form may be filed online, in-person or mailed to the address listed above. If the appeal is filed in person then the appellant shall be provided with a copy of the completed appeal form.
  
- D.** The filing deadline may be extended upon show of good cause.

## **IX. APPEAL HEARING**

- A.** The Corporation Counsel or a designee shall mail a hearing notice to the appellant, by way of the United States Postal Service regular mail to the address indicated on the appeal form, no later than 15 working days after the date of which the appeal form was filed or postmarked.
  
- B.** The hearing shall be scheduled no later than 30 working days after the date of which the appeal form was filed or postmarked. This deadline may be extended upon show of good cause.
  
- C.** Auxiliary aids and services required to ensure effective communication will be provided upon request. The request must be made to the Office of Corporation Counsel at least 5 working days before the scheduled hearing to ensure availability.
  
- D.** The appellant must present all evidence a second time at the appeal hearing.
  
- E.** All photographs in the complaint file that were presented at the time of the original hearing will be provided to the Corporation Counsel for the appeal hearing.
  
- F.** All witnesses must testify a second time and must be present at the time of the scheduled appeal hearing.
  
- G.** Affidavits or notarized statements are not acceptable substitutes for live testimony.

**H.** The hearing shall be recorded using an audio device.

**X. APPEAL RESPONSE**

**A.** No later than 15 working days after the date of filing the Appeal Form, the Corporation Counsel or his designee will mail a final written resolution of the complaint, in a format accessible to the appellant, by way of the United States Postal Service regular mail to the address indicated on the appeal form.

**B.** The Corporation Counsel's deadline may be extended upon show of good cause.

**XI. RECORD RETENTION**

**A.** The ADA Coordinator shall maintain a complete and accurate record of all complaints, investigations, and responses on file for at least three years.

**B.** The City of Buffalo Corporation Counsel shall provide to the ADA Coordinator copies of all written responses regarding any complaints or appeals pertaining to Title II of the Americans with Disabilities Act.