

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 40

#### LINN COUNTY NOTICE AND GRIEVANCE PROCEDURE UNDER TITLE II OF THE AMERICANS WITH DISABILITIES ACT POLICY

Americans with Disabilities Act and investigating Americans with Disabilities Act complaints; and (C) Develop grievance procedures to provide fair and prompt resolution of complaints under Title II of the Americans with Disabilities Act.

[Adopted 15-314 eff 8/26/15]

#### 40.200 Notice under the Americans with Disabilities Act

(A) Each Linn County Office and Department shall post in the Office or Department, and make available to those interested in Linn County programs, activities, and services, a Notice Under the Americans with Disabilities Act substantially conforming to Appendix 1 of this Policy.

[Adopted 15-314 eff 8/26/15]

#### 40.300 Grievance procedure and purpose

(A) The provisions of Linn County Policy 40.300 to 40.700 constitute the Linn County Grievance Procedure under Title II of the Americans with Disabilities Act.

(B) This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Linn County. Linn County Policy 24 governs employment-related complaints of disability discrimination.

[Adopted 15-314 eff 8/26/15]

#### 40.400 Form and time of complaint

(A) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of

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#### 40.100 Purpose

The purpose of the Linn County Notice and Grievance Procedure Under Title II of the Americans with Disabilities Act Policy is to:

(A) Adopt a notice about the relevant provisions of the Americans with Disabilities Act for those interested in Linn County programs, activities, and services;

(B) Designate a County official primarily responsible for coordinating compliance with the

the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

(B) The complaint should be submitted by the grievant and/or his designee as soon as possible, but no later than 60 calendar days, after the alleged violation to the Linn County ADA Coordinator, as identified in the Linn County Notice Under Title II of the Americans with Disabilities Act (Appendix 1).

[Adopted 15-314 eff 8/26/15]

#### **40.500 Response to complaint**

(A) Within 15 calendar days after receipt of the complaint, the Linn County ADA Coordinator, or designee, will meet with the complainant to discuss the complaint and the possible resolutions.

(B) Within 15 calendar days of the meeting, the ADA Coordinator, or his designee, will respond in writing and where appropriate in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Linn County and offer options for substantive resolution of the complaint.

[Adopted 15-314 eff 8/26/15]

#### **40.600 Appeal of response**

(A) If the response by the ADA Coordinator, or his designee does not satisfactorily resolve the issue, the complainant and/or his designee may appeal the decision within 15 calendar days after receipt of the response to the Chairman of the Linn County Board of County Commissioners.

(B) Within 15 calendar days after receipt of the appeal, the Chairman of the Linn County Board of Commissioners, or his designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Chairman, or his designee, will respond in writing and where appropriate in a format accessible to the complainant, with a final resolution of the complaint.

[Adopted 15-314 eff 8/26/15]

#### **40.700 Retention of complaint documents**

All written complaints received by the ADA Coordinator, or his designee, appeals to the Chairman of the Linn County Board of Commissioners, or his designee, and responses will be retained by the Linn County for at least three years.

[Adopted 15-314 eff 8/26/15]

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#### **Statutory References and Other Authorities:**

28 C.F.R. Part 35

#### **Legislative History of Policy 40:**

Adopted 2015-314

Amendments to 2015-314:

#1 none

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## Appendix 1 - Notice

### LINN COUNTY NOTICE UNDER TITLE II OF THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Linn County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Linn County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** Linn County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Linn County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** Linn County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Linn County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Linn County, should contact the Linn County ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Linn County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Linn County is not accessible to persons with disabilities should be directed to the Linn County ADA Coordinator.

Linn County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The Linn County ADA Coordinator may be contacted as follows:

Ralph E. Wyatt, Linn County Administrative Officer (and ADA Coordinator)  
PO Box 100, 4th and Broadalbin, SW  
Albany, OR 97321  
Phone 541-967-3825 / Fax 541-928-8228  
rwyatt@co.linn.or.us

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