

VILLAGE OF HOFFMAN ESTATES

ADA COMPLAINT PROCEDURE

The Village of Hoffman Estates (herein after referred to as Village) has adopted the following ADA Complaint Procedure for the prompt and equitable resolution of complaints alleging any action prohibited by the U. S. Department of Justice regulations implementing Title II provisions of the Americans with Disabilities Act (ADA). Complaints involve the alleged discrimination regarding Village facilities, services, activities, and programs or against applicants or employees as to benefits, functions, and employment. Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination in employment.”

The procedure identified below is consistent with the requirements of Section 35a.107(b) of the Americans with Disabilities Act.

PURPOSE

To insure that the Village has a mechanism for resolving complaints at a local level without requiring the complainant to resort to the complaint procedures established under the ADA.

POLICY

ADA Complaints regarding alleged discrimination by the Village with regards to its programs, services, activities or employment practices shall be resolved by the local government entity.

PROCESS

1. The ADA Coordinator for the Village serves as the individual responsible for consultation, receiving complaints, and responding to complainants regarding the ADA. Complaints may involve general accessibility or accessibility to programs, services and activities, as well as non-compliance with the employment requirements of the ADA.
2. The Complaint Procedure exists to provide a prompt and equitable resolution to a complaint. This procedure is not a prerequisite that individuals must follow before pursuing other remedies provided under the ADA including filing a complaint with the Department of Justice or another appropriate federal agency, or pursuing any other action in state or federal courts. However, a delay in filing a complaint at the Federal level caused by the pursuit of the remedies available under the local Complaints Procedure would generally be considered good cause for extending the time allowed for filing under Section 3170(b).
3. This procedure shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Village complies with the ADA.

PROCEDURE

1. Questions related to the Village programs, services and activities and compliance with the ADA, as well as any complaint, shall be submitted in writing to:

**ADA Coordinator
Village of Hoffman Estates
Health and Human Services Department
1900 Hassell Road
Hoffman Estates, IL 60169
(847) 882-9100 (v/tdd)**

2. A complaint should contain the name and address of the complainant and a brief description of the alleged violation. Forms are available from the Village's Health and Human Services Department at Village Hall. In situations where the complainant's disability requires assistance to submit the complaint in writing, the Department will reasonably accommodate the complainant.
3. A complaint should be filed within one hundred and eighty (180) days following the occurrence of the alleged discriminatory practice.

STEP 1: COMPLAINT REVIEW BY THE ADA COORDINATOR

- a. An investigation, as may be appropriate, shall follow the filing of a complaint. The ADA Coordinator will conduct the investigation. These procedures will involve informal, but thorough, investigations affording all interested parties and their representatives an opportunity to submit evidence relevant to the complaint.
- b. The ADA Coordinator shall issue a written response to the complaint, which includes a determination of its validity and a description of the proposed resolution. A copy of the determination shall be forwarded to the complainant within twenty (20) business days of the receipt of the complaint.

STEP 2: RECONSIDERATION OF THE DETERMINATION

The complainant can request a reconsideration of the case in instances where she/he is dissatisfied with the resolution. The request for reconsideration should be made in writing to the Assistant Village Manager within ten (10) business days from receipt of the determination.

- a. The Assistant Village Manager shall, within fifteen (15) business days of receiving a request for reconsideration, notify the complainant whether the matter will be referred directly to the Village Manager, or if the ADA Advisory Committee will be convened to review and comment on the complaint. If the complaint is referred to the Village Manager, go to Step 4; otherwise, proceed to Step 3.

STEP 3 REVIEW AND COMMENT BY THE ADA ADVISORY COMMITTEE

- a) The ADA Advisory Committee will meet within fifteen (15) business days of the date of the ADA Coordinator's notice to the complainant. The Committee shall be composed of the ADA Coordinator, the Assistant Village Manager, the Director of Human Resources Management, and at least one other Department Director appointed by the Village Manager. The Assistant Village Manager shall forward copies of all documentation to the Committee members.
- b) The Assistant Village Manager shall notify the complainant of the decision of the Advisory Committee within ten (10) business days of the final meeting on the matter.

STEP 4 APPEAL TO THE VILLAGE MANAGER

- a) If the complainant is not satisfied with the outcome of the review and comment by the ADA Advisory Committee, the complainant may appeal the matter to the Village Manager by indicating in writing to the Assistant Village Manager. The request shall be received within twenty (20) business days of notification of the action of the ADA Advisory Committee.
- b) The Assistant Village Manager shall forward copies of either a request for reconsideration that is being sent directly to the Village Manager or an appeal of a decision of the ADA Advisory Committee, with all relevant documentation, to both the Manager and the Corporation Counsel. The Village Manager shall convene a meeting with the complainant within twenty (20) business days of receiving the request from the Assistant Village Manager. The Village Manager may request Village or other staff to be present as resource persons when reviewing the complaint with the complainant; however, the Village Manager will make the decision on the appeal.
- c) The Village Manager may render a final decision, or upon advice of the Corporation Counsel, refer the complaint to the Village Board for consideration. The Village Manager shall notify the complainant of the manager's decision within ten (10) business days of the final meeting or of the complaints referral to the Village Board. If the decision is referred to the Village Board, go to Step 5.

STEP 5 COMPLAINT REVIEW BY THE VILLAGE BOARD

The Village Board may consider a referred ADA complaint in Executive Session or conduct a public hearing on the complaint after giving public notice. The complainant and all interested persons and their representatives, if any, shall be given the opportunity to submit evidence relevant to the complaint. The Village Board shall render its decision within twenty (20) business days of the Executive Session or hearing.

DOCUMENTATION OF COMPLAINTS FILED

The ADA Coordinator maintains files and records relating to ADA complaints and action taken thereon.

PURSUIT OF OTHER REMEDIES

The ADA Complaint Procedure exists to provide a prompt and equitable resolution to a complaint. This procedure is not a prerequisite to pursuing other remedies provided under the ADA, including filing a complaint with the Federal Department of Justice or another appropriate federal agency, or pursuing any other action through state or federal courts.

**VILLAGE OF HOFFMAN ESTATES
AMERICANS WITH DISABILITIES ACT (ADA)**

COMPLAINT FORM

Name of Complainant _____

Address _____

Phone (v/tdd) _____ Date _____

Submit this complaint to:

Director of Health and Human Services
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169
(847) 882-9100 (v/tdd)

Your complaint will be handled in accordance with the Village of Hoffman Estates ADA Complaint Procedure. On request, this Complaint Form is available in alternative formats.

NATURE OF THE COMPLAINT:

On the second sheet of this form describe the incident(s) leading to this complaint. Please identify the person(s) who allegedly committed a discriminatory practice (respondent). Indicate dates, times, locations, persons familiar with the circumstances and any other details that may assist in understanding the complaint. Include the details of any requests for accommodation and the response to those requests. Please tell us how you would like this matter resolved.

PLEASE DO NOT WRITE BELOW THIS LINE

Date received _____ By whom _____

Nature of the Complaint

Action Taken

Decision Communicated to Complainant on:

ADA COMPLAINT FORM (continued)

Complainant

Respondent

Date, Location, Witness to alleged discriminatory practice

Nature of Complaint

(continue on additional pages if needed)

Respondent's Comments

(continue on additional pages if needed)