



ADMINISTRATIVE POLICY

City of Wilmington

Original Issue date: 12.20.2004 Revised : 02/10/2010	APPROVED BY: Sterling Cheatham City Manager	POLICY NUMBER: 105
SUBJECT: <i>Americans with Disabilities Act</i>		

1.0 Purpose

To ensure that the City of Wilmington follows the guidelines set forth in the Americans with Disabilities Act (ADA), as updated and amended and to provide procedures for the citizenry and its employees to request accommodations and to report any concerns regarding the application of the ADA.

2.0 Policy

It is the policy of the City of Wilmington to provide reasonable accommodations or adjustments to programs or activities when necessary. These accommodations must be made in a timely manner and on an individualized and flexible basis.

3.0 Responsibility

3.1 The City Manager's Office, City Hall, Post Office Box 1810, 102 North 3rd Street, Wilmington, North Carolina, telephone 910.341.7810, coordinates ADA compliance activities, inquiries, accommodation requests and complaints through the ADA Compliance Officer and the ADA Coordinator.

3.2 It is the responsibility of individual citizens and employees to identify themselves as an individual with a disability when seeking accommodations or adjustments.

3.3 It is also the responsibility of individual employees to document their disability (from an appropriately licensed professional) and to demonstrate how the disability limits their ability to complete the essential functions of their job. Medical documentation will be kept confidential

4.0 Accommodation Request Procedures

4.1 Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by the City should contact the City of Wilmington, North Carolina City Manager's Office cited above. They must complete a *request of Accommodation form* which is attached as Exhibit A and is also available on our internet site.

4.2 Any employee who wishes to request a reasonable accommodation in order to perform the essential duties of their job should contact their supervisor or manager. They, in conjunction with the City's Safety Officer, and any third party experts when necessary, will investigate what reasonable accommodations may

be made to assist the employee in performing the essential functions of the job and implement those reasonable accommodations found to best serve the needs of the employee and the City.

5.0 GRIEVANCE/COMPLAINT PROCEDURE

- 5.1 Any individual who wishes to file a complaint with the City that alleges noncompliance or any actions that would be prohibited by the Americans with Disabilities Act should follow the Grievance Procedure under the Americans with Disability Act, shown as Attachment A to this policy and found on our internet site.
http://www.wilmingtonnc.gov/ada_policy/ada_grievance_procedure.aspx

- 5.3 Any City employee who wishes to file a complaint under the ADA against the City should avail himself of the provisions of Administrative Policy #207, Employee Grievance.

- 5.4 It is unlawful for any form of retaliation or coercion to take place against any complainant, witness or person involved directly or otherwise following the filing of a complaint.



Disability Accommodation Request Form

The City of Wilmington does not discriminate on the basis of disability in admission to, or operation of its programs, services or activities. This form may be used by a private citizen with a disability seeking access to a City program or facility.

ACCOMODATION REQUEST INFORMATION

Name: _____ Telephone (or TTY) _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Program Access: _____ Facility: _____
Name of Program Address

I am requesting the following accommodations:

- Wheelchair Access
- Sign Language Interpretation
- Written Material in Alternate Format (Large Print/Computer Disk)
- Reader
- Modification of Policy Procedures
- Other _____

Please provide additional details necessary to process this request:

Please return this form to:
Jonathan Batts
City of Wilmington
302 Willard Street
Wilmington, NC 28401
910.341-5876
(TDD 341-7873 / TTY 711)

Exhibit B

CITY of WILMINGTON Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. 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 the City of Wilmington. The City of Wilmington's Personnel Policy governs employment-related complaints of disability discrimination. 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 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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Jonathan Batts, ADA Coordinator
City Hall
102 N. 3rd Street
P.O. Box 1810
Wilmington, NC 28402

Within 15 calendar days after receipt of the complaint, Jonathan Batts or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Jonathan Batts or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Wilmington and offer options for substantive resolution of the complaint.

If the response by Jonathan Batts or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his designee.

Within 15 calendar days after receipt of the appeal, the City Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Jonathan Batts or his designee, appeals to the City Manager or his designee, and responses from these two offices will be retained by the City of Wilmington for at least three years.