

ACCESSIBILITY TO CITY BENEFITS, SERVICES AND PROGRAMS

PURPOSE: To set forth the City of Tyler's responsibilities under Title II of the Americans with Disabilities Act of 1990, as amended, which protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by the City of Tyler; and to establish a grievance procedure that provides a mechanism for the effective resolution of Title II violations.

POLICY: In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), as amended, the City of Tyler will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Tyler'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. Further, the City of Tyler will make all reasonable modifications to policies and procedures to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

PROCEDURE:

- A. ADA Coordinator designated. Title II of the ADA requires all state or local government entities with 50 or more employees to appoint a responsible person to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with Title II of the ADA or alleging any actions that would be prohibited by Title II. The name and contact information for the responsible person is required to be publicly advertised and is available on the City's website and public bulletin boards.
- B. Title II of the ADA: Five (5) major administrative duties.
 1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance; and
 2. Administer and write self-evaluation of the programmatic barriers in services offered by the local government; and

3. Establish a complaint or grievance procedure to respond to complaints of noncompliance from the public; and
4. Develop a transition plan if structural changes are necessary for achieving program accessibility; and
5. Retain the self-evaluation for three years.

C. Grievance Procedure.

1. 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 the City of Tyler. The City of Tyler's Personnel Policies govern Title I employment-related complaints of disability discrimination.
2. A complaint should be in writing and filed by the complainant as soon as possible but no later than sixty (60) calendar days after the alleged ADA Title II violation. The writing should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the alleged violation. The complaint may be filed with the City by submitting a completed ***ADA Title II Grievance Procedure Complaint Form*** ([Policy Form 2-58](#)) to:

Sharon Roberts
City of Tyler ADA Coordinator
City Attorney's Office
P.O. Box 2039
Tyler, TX 75710
Phone: (903) 531-1161
Fax: (903) 531-1281

The ***ADA Title II Grievance Procedure Complaint Form*** is available online at the City's website, and hard copies are available upon request at the City Attorney's Office at City Hall, 212 N. Bonner, Tyler, Texas, 75702.

Complaints may also be made by fax or email. If you have a disability requiring this material be produced in an alternate format (large print, audiotape, etc.), please call the ADA Coordinator, Sharon Roberts, at (903) 531-1161. Alternative means of filing complaints, such as personal interviews or tape recordings of the complaint, will be

- made available for persons with disabilities upon request. Every reasonable effort will be taken to produce the material in the desired format.
3. The ADA Coordinator will investigate the Title II complaint and may contact the complainant for additional information and/or contact City of Tyler staff who are best qualified to assist in reviewing the complaint, if necessary. The ADA Coordinator or her designee will contact the complainant within fifteen (15) calendar days of the receipt of the written complaint to set up a meeting to discuss the complaint and possible resolutions.
 4. Within fifteen (15) calendar days of the meeting, ADA Coordinator or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the City of Tyler and offer options for substantive resolution of the complaint.
 5. If the response by the ADA Coordinator or her designee does not satisfactorily resolve the issue, the complainant or designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the City Manager.
 6. Within fifteen (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 fifteen (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.
 7. All written complaints received by the ADA Coordinator or her designee, appeals to the City Manager or his designee, and responses from these two offices will be retained by the City of Tyler for at least three (3) years.
 8. This procedure is available in alternative formats on request.

FORMS:

[Form 2-57](#) **Notice under the Americans with Disabilities Act**

[Form 2-58](#) **ADA Title II Grievance Procedure Complaint Form**

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