

 <p>New York State Parks, Recreation and Historic Preservation</p> <p>Section: Diversity, Equity, Inclusion and Access</p>	<p>Procedure Title: ADA Grievance Procedure</p> <p>Directive: DEIA-PCD-004</p> <p>Effective Date: 01/16/2024</p>
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Summary

This grievance procedure is established in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA). Members of the public who wish to file a complaint alleging discrimination on the basis of disability in the provision of programs, activities, or services by the Office of Parks, Recreation and Historic Preservation (OPRHP) or grieve the refusal of a request for a reasonable modification may do so by following the procedure set forth below.

Employment-related complaints alleging discrimination on the basis of disability are covered elsewhere, in the Equal Employment Opportunity Rights and Responsibilities Handbook for New York State Employees.

Individuals may have other remedies available to them through State or federal oversight agencies or through private actions in lieu of or in conjunction with these grievance procedures.

Procedure

1. Individuals must submit their grievances in writing, or by an alternative means accessible to the individual, within sixty (60) days of the alleged violation. All grievances must contain the name, address, email address, and phone number of the individual filing it, the complainant's preferred method of contact, and the date, location, and brief description of the alleged violation. No particular format is required; however, individuals may use and submit the ADA Grievance Form for this purpose.
2. Alternative means of filing grievances, such as in-person or telephone interviews or digital recordings of the complaint, will be arranged as a reasonable accommodation upon request by contacting the ADA Coordinator. The ADA Coordinator, or their designee, will assist the individual and complete the ADA Grievance Form on the individual's behalf for purposes of tracking its resolution.
3. If an OPRHP employee receives a written grievance, they will forward it promptly to the ADA Coordinator, preferably within one (1) business day of receipt. If a complainant makes

a grievance in person to an OPRHP employee that employee will inform the complainant of the procedure for submitting grievances to the ADA Coordinator and provide the ADA Coordinator's contact information, as set forth below.

4. All grievances should be sent to:

Owen Gilbo, ADA Coordinator
NYS Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12238
Voice: (518) 402-2648
Accessibility@parks.ny.gov

5. The ADA Coordinator will review each grievance and forward any complaints involving an employee's conduct toward a patron to the Office of Employee Relations (OER) Anti-Discrimination Investigation Division (ADID) for further investigation and resolution.
6. Within fifteen (15) calendar days after receipt of the grievance, the ADA Coordinator, or their designee, will contact the complainant by the complainant's preferred contact method to discuss the grievance and possible resolution.
7. If appropriate, the ADA Coordinator, or their designee, may conduct an investigation to determine the appropriate course of action. In conducting any investigation, the ADA Coordinator, or their designee, will:
 - a. Document the grievance and facts surrounding it.
 - b. Request available supporting evidence (i.e., records and pictures) from complainant and/or employees.
 - c. Conduct any necessary site visits.
 - d. Interview or request additional information, as needed, from employees who may have knowledge relevant to the grievance.
 - e. Interview or request additional information, as needed, from complainant.
8. In developing a response to the grievance, the ADA Coordinator, or their designee, will:
 - a. Analyze the facts in consideration of and make findings based on appropriate ADA regulations and guidance.
 - b. Confer with relevant employees and outline a course of action to resolve the grievance, if appropriate.
9. Within fifteen (15) calendar days after this contact, the ADA Coordinator, or their designee, will respond to the complainant in writing, and where appropriate, in a format accessible to the complainant. The response will set forth the ADA Coordinator's findings and describe the resolution, if any.

10. If the complainant is dissatisfied with the response, the complainant may request reconsideration. The request must be made in writing, or where appropriate, by an alternative means accessible to the complainant, within fifteen (15) calendar days. Alternative means of requesting reconsideration such as in-person or telephone interviews or digital recordings, will be arranged as a reasonable accommodation upon request by contacting the ADA Coordinator.

11. Requests for reconsideration must be sent to:

Deputy Commissioner for Finance and Administration
NYS Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12238
518-474-0440
Accessibility@parks.ny.gov

Within thirty (30) calendar days of receipt of the request for reconsideration, the Deputy Commissioner for Finance and Administration, or their designee, will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the grievance, or indicating that the grievance has been returned to the ADA Coordinator for further action, including without limitation further investigation or review. If further action is indicated, the complainant will be contacted within fifteen (15) calendar days from the Deputy Commissioner for Finance and Administration's written response.

12. The ADA Coordinator will log and track all grievances to monitor quality in program and service delivery and as an indicator of future needs for compliance efforts. This log will include the following information: i) date of complaint, ii) location of complaint, iii) nature of complaint, iv) resolution of complaint, v) date of resolution of complaint and vi) description of the course of action taken to prevent reoccurrence, if appropriate.

13. The ADA Coordinator will retain all written correspondence and responses received in connection with the complaint for three (3) years after the final resolution of the grievance.

14. All OPRHP staff will receive training on this policy annually.

15. The ADA Coordinator, or their designee, will review this policy annually and update as needed to ensure continued compliance.

Forms

ADA Grievance Form

Other Related Information

28 C.F.R. § 35.107 Code of Federal Regulations, Designation of Responsible Employee and Adoption of Grievance Procedures

History

1/16/2024 Procedure created and effective immediately.