



STATE OF IDAHO ADA COMPLAINT PROCEDURE

FILING A COMPLAINT

This complaint procedure shall serve as the State's mechanism to respond to complaints of discrimination on the basis of disability in the delivery of State of Idaho programs and access to services pursuant to the Americans with Disabilities Act of 1990 (ADA).

PROCEDURE

Any individual who feels that they have been discriminated against in a program or access to service provided by the State of Idaho shall have the ability to file a formal complaint, have the complaint responded to, and have the right to request an appeal if they are dissatisfied with the resolution of their complaint. The procedures to be followed in filing a formal complaint shall be available and accessible to the general public. A complaint form is available on this website.

Complaints shall be submitted in writing and addressed to:

Haley Westenskow, ADA Coordinator
Idaho Division of Human Resources
304 North 8th Street
P.O. Box 83720
Boise, ID 83720-0066

If the complaint form is not use, the written complaint shall contain the following information:

1. Name, address, and telephone number (if available) of the complaint.
2. The date of the occurrence.
3. The name and location of the State program or access to service involved in the alleged occurrence.
4. Why the individual thinks there is a cause for a discrimination complaint on the basis of a disability.

Within five (5) business days of receipt of the complaint, the ADA Coordinator shall:

- Inform the appropriate agency head of the complaint
- Transmit a copy of the complaint to the agency with general instructions as to the format which should be used in their response
- Inform the agency head of the time frame to respond to the ADA Coordinator

The agency shall:

- Attempt to clarify the facts of the complaint
- Have thirty (30) days from the receipt of a complaint from the ADA Coordinator to respond
- Transmit to the complainant within the specified time period a letter addressed to the grievant and signed by the agency head or designated representative conveying the actions taken by the agency

In addition, an agency may solve a written complaint informally, however, the agency must provide the ADA Coordinator a written statement explaining the mutually agreeable solution. It should be signed by the complainant and the agency head or designated representative.

All reasonable attempts should be made by the agency to facilitate and resolve the complaint.

An individual who is dissatisfied with the recommended resolution of their complaint may request an appeal. In requesting an appeal the individual shall within fifteen (15) days from the date of the written recommended resolution offered by the State, submit in writing to the ADA Coordinator their request to appeal the decision and express their willingness to appear before an impartial panel to present their appeal.

Upon receipt of a written request for an appeal, the ADA Coordinator shall:

- Notify the or appropriate agency head within five (5) business days
- Convene an impartial panel
- Set a time and place for the hearing that is convenient to the grievant, the affected agency, and the panel members within twenty (20) days after the panel is appointed, if possible
- Instruct the agency against whom the complaint has been filed to prepare a package with all necessary information pertinent to the complaint for each panel member to review prior to the hearing

At the time of the hearing, both the complainant and the affected agency shall have an opportunity to present their positions to the panel. The panel members will also have the opportunity to pose questions to both parties. After the affected parties have presented

the facts, and after all questions posed by the panel have been answered, the hearing shall be closed and the panel shall engage in deliberation.

Within fourteen (14) days from the date of the hearing the panel shall issue its decision, prepare a written report and send the report to the ADA Coordinator for review and signature prior to its submission to the affected parties. The decision of the panel is final and no further administrative process is available.

The ADA Coordinator shall maintain files on complaints received along with all communications, recommendations, and other records pertinent to the complaint for a period of at least five (5) years.

The establishment of this complaint procedure shall not preclude or waive the complainant's right to seek redress under any alternative remedy available.

STATE OF IDAHO ADA CONTACT

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304 North 8th Street
P.O. Box 83720
Boise, Idaho 83720-0066
(208) 854-3083
Email: ada.coordinator@dhr.idaho.gov
Fax: (208) 334-2438