



Departmental ADA Coordinators' Academy

Session IV – June 19, 2014

Complaints & Requests for Accommodations

Presented by the

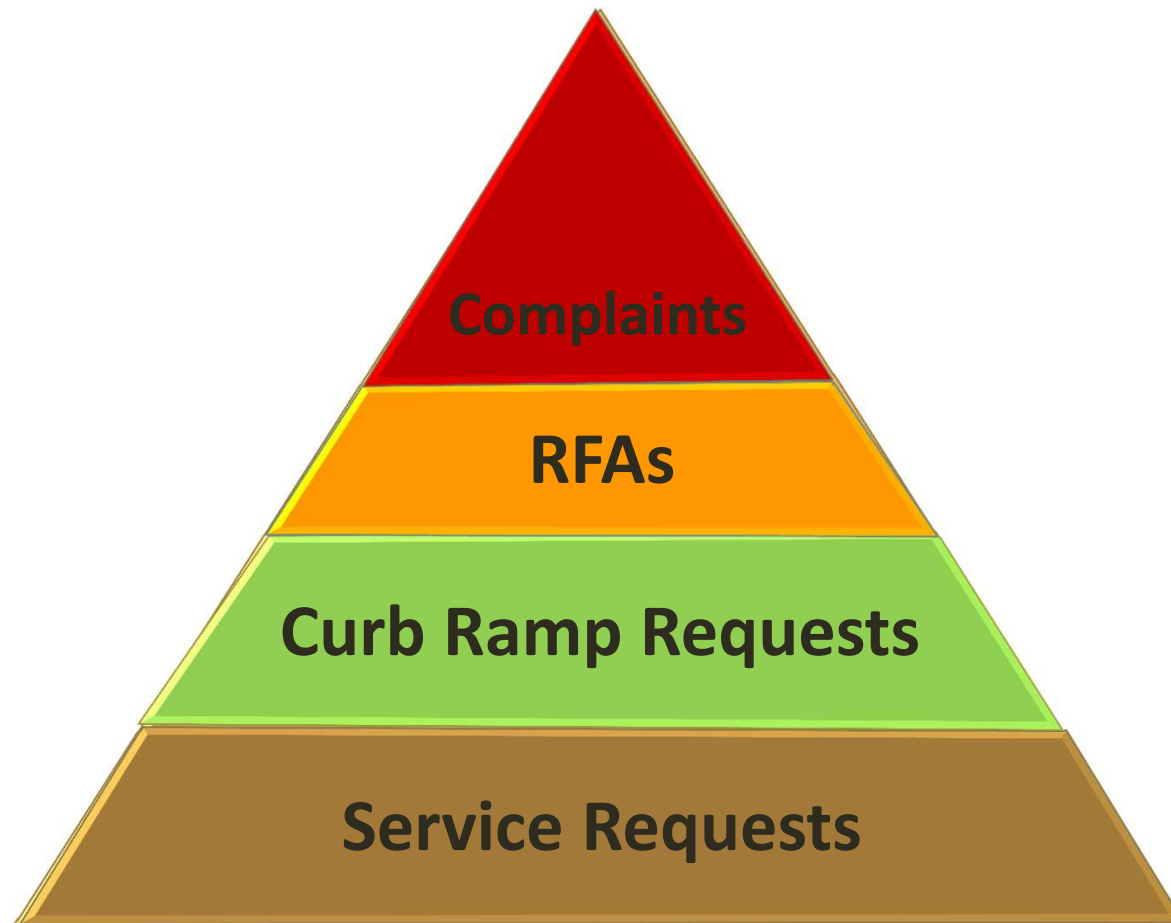
San Francisco Mayor's Office on **Disability**

Session Training Objectives



1. Understand the types of issues you are asked to respond to including ADA Grievances, Service Requests, Curb Ramp Requests, and Requests for Accommodations.
2. Learn about the ADA Grievance Procedure for the City and County of San Francisco and why it is important.
3. Learn about the investigation and analysis steps to resolve ADA Grievances and other types of issues.
4. Learn how to write an appropriate response.
5. Discuss documentation requirements.

Types of Disability Issues with Response Obligations



Subject Lines Matter!

We streamline the emails you receive by identifying the most important information in the subject line:

- **Subject:** **1. Client's Full Name** **2. Category** **3. Location or Issue** **4. Date filed**

Examples

Victoria White **Complaint** – Damaged Sidewalk at 1 South Van Ness 1/6/2014

Subject: Annie Smith Complaint – **Next Door Shelter**
2/18/2014

Subject: Adam Lee Curb Ramp Request – **Urbano Drive & DeSoto** 4/16/2014

Subject: Nick James **Service Request** – Paratransit Service
Quality Issue **6/12/2014**

Why Do We Need an ADA Grievance Procedure?

- It's the law! The ADA requires that we have **AND** provide notice to the public about ways to report & resolve incidents of disability discrimination.
- An administrative option leading to an informal resolution rather than a lawsuit.
- A way of monitoring quality in program and service delivery by the department and its' contractors.
- An indicator of future needs for the individual department in response to compliance efforts.

CCSF's ADA Grievance Procedure

- Complaints or inquiries to MOD
- The departmental ADA Coordinator receives the complaint, works with department staff to conduct an informal but thorough investigation.
- The ADA coordinator is responsible for drafting the response for MOD's input.
- S/he closes the loop by documenting final contact.
- **Complainant MUST receive a response within 30 days from original filing date.**

The ADA Coordinator's Role

The ADA Coordinator **MUST:**

- **Conduct** an informal but thorough investigation.
- **Document** the complaint and facts of the case.
- **Analyze** your findings based on ADA regulations.
- **Problem solve** with department staff and outline a course of action.
- **Be the central** communication point with your department, MOD and the complainant.
- **Provide** the final response to the complainant.

Investigation



- Start fresh with each incident even if the client is a “frequent flyer” or has a past history w/ your department.
- The devil is in the details: who, what, where, when, how, and why
- Get the story from both sides.
- Consider witnesses, site visits, records, pictures and other supporting evidence.
- Consider bias – is there a reason someone would be distorting the truth?

Finally, use logic and common sense!

Writing an Appropriate Response

- Provide a brief overview of the client's complaint or request and the investigation procedure(s) used.
- Report investigation findings.
- Explain the Citywide ADA specific policies and procedures used to evaluate the complaint.
- Identify the course of action and prevention of re-occurrence (if appropriate).

Additional Writing Tips



- A little empathy goes a long way...
- Thank constituent for their report or complaint.
- Use simple, non-jargon & clear language.
- Provide direct contact information for additional questions or concerns.

Watch out for condescending or triggering language!

Reasonable Accommodation (RA) vs. Reasonable Modification (RM)

ADA Language

- RA only refers to employment (Title I).
- RM has to do with policies & procedures (Titles II & III).

Fair Housing Language

- RA refers to housing policies & procedures.
- RM has to do with structural modifications.

Evaluating Reasonable Accommodation/ Modification Requests

- **D**isability: Does the person have a disability?
- **A**ccommodation: Is the client requesting a modification to a departmental policy?
- **N**ecessary: Is the modification necessary and directly related to the client's disability?
- **C**ost: Does the modification impose a financial burden considering the entire CCSF budget?
- **E**ffect: Would the modification fundamentally effect a change in the program?

Additional Tips about R.A./R.M.

- **If it is easy, just do it.**
- For most things, documentation of disability is not necessary.
- The timeline for responding to R.A./R.M. is **ASAP!**
- Closing documentation should never be more than 30 days from the date of request.
- Departments have a choice on what type of R.A./R.M. to provide as long as it is effective.
- Interactive process is key!

Summing Up

- Following through with complaints and requests for accommodations ensures that the needs of people with disabilities are addressed in the programs, activities, and services operated by a public entity.
- Having these requirements in place will not prevent all problems, but it will help us to address many questions and problems proactively and efficiently.
- Every inquiry or request merits a response.

Thank You!

For more questions & information contact:

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