



ADA Coordinators' Academy

Session VII

Put It in Writing!

Investigating and Responding to ADA Grievances

**Presented by the San Francisco
Mayor's Office on Disability**

Session Training Objectives



- ☐ Learn about the ADA Grievance Procedure for the City and County of San Francisco and why it is important.
- ☐ Understand our response obligations to ADA Grievances, Service Requests, Curb Ramp Requests, and Requests for Accommodations.
- ☐ Learn about the investigation and analysis steps needed for resolution.
- ☐ Learn how to write an appropriate response.
- ☐ Discuss documentation requirements.

Why Do We Need an ADA Grievance Procedure?



1. It's the law!

The ADA requires that we:

- have an ADA Grievance Procedure &
- provide notice to the public about ways to report & resolve disability discrimination complaints.

2. An option that leads to **a resolution instead of a lawsuit.**

3. **A way of monitoring quality** in program and service delivery.

4. **An indicator of future needs** for compliance efforts.

ADA Notice of Rights



**WHEELCHAIR
ACCESS**



**DISABILITY
SENSITIVITY**



**REAL TIME
CAPTIONING**



**TTY
MACHINES**



**ASSISTIVE
LISTENING
DEVICES**

**Would you like help with
access to our services?
Please let us know!**



**SIGN
LANGUAGE**



BRAILLE



**INFORMATION
AND HELP**



LARGE PRINT



**AMPLIFIED
PHONES**

**Questions? Need more help?
Contact John Dogooder at 415-555-1212 or
John.Dogooder@sfgov.org**

CCSF ADA Grievance Procedure

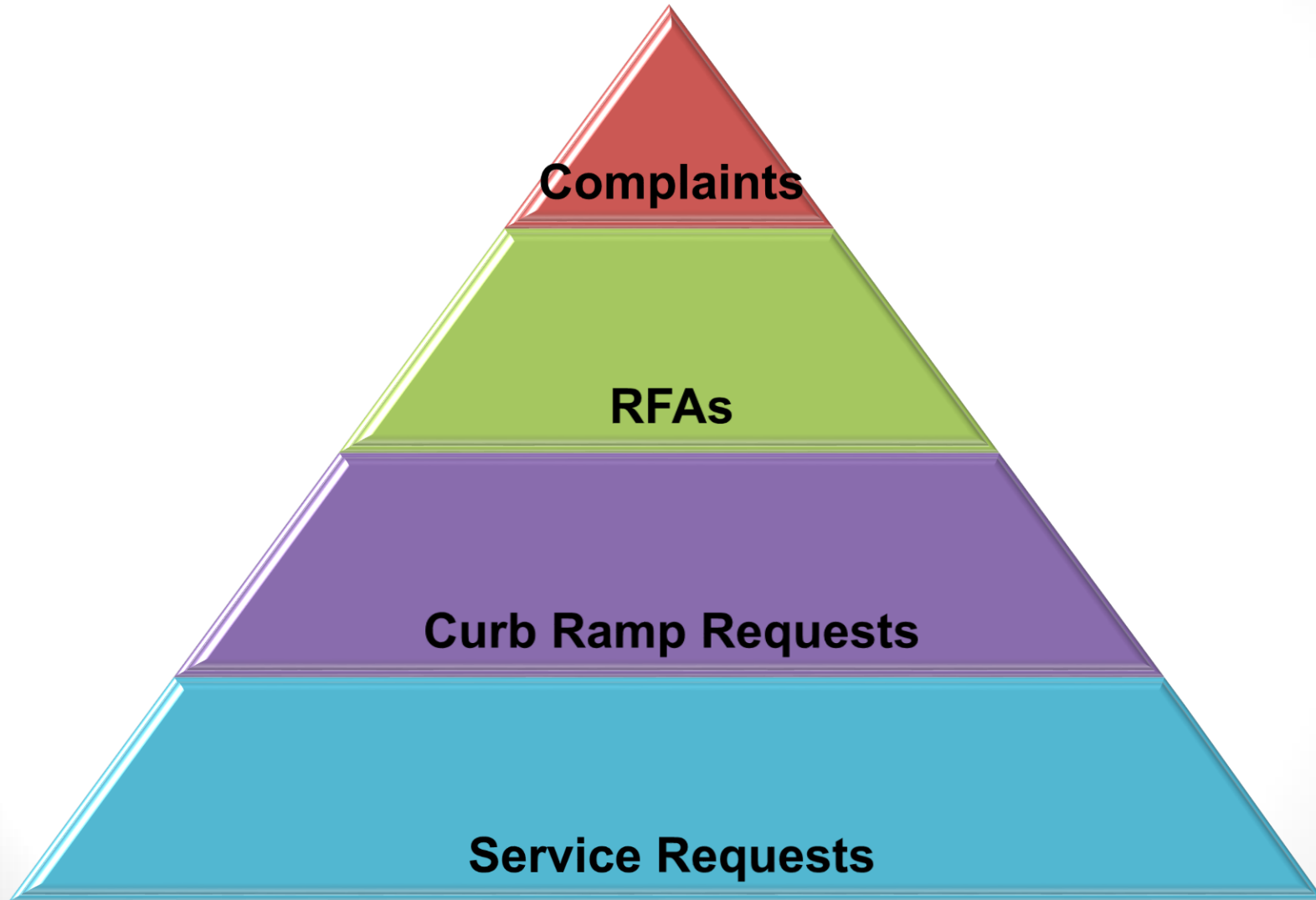
What is your role?

The ADA Coordinator **MUST:**

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



Types of Disability Issues with Response Obligations



CCSF's ADA Grievance Procedure

**1) Client Contacts
MOD**



**2) MOD Contacts
ADA Coordinator**
*(Within 3 days of
receipt)*

**3) ADA Coordinator
Investigates**

**4) ADA Coordinator
Drafts Response for
MOD Review**
*(Within 5 days of due
date)*

**30 Business Days
Response Timeline**

**5) ADA Coordinator Sends
Final Response to Client**

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 1/6/2017
- Subject: Annie Smith **Complaint** – Next Door Shelter 2/18/2017
- Subject: Adam Lee Curb Ramp Request – **Urbano Drive & DeSoto** 4/16/2017
- Subject: Nick James Service Request – Paratransit Service Quality Issue **5/12/2017**

Service Requests

- Service requests include **customer service** oriented issues such as:
 1. **Requests for information** about the accessibility features of a department's programs or services.
 2. **Disability sensitivity** concerns.
 3. **Assistance with navigating** benefits, application, or deadline requirements for services.
 4. **Requests for updates** about past curb ramp requests or requests for accommodations filed.

Update MOD and client verbally or in writing with information requested.

Curb Ramp Requests

- Curb ramps provide an accessible path of travel onto and off of public sidewalks to public facilities, accommodations, etc.
- Construction is prioritized based on requests by people with disabilities.
- The objective of the Curb Ramp Program is to provide accessible path of travel for all public sidewalks throughout San Francisco through the installation of curb ramps.



Respond to curb ramp requests no later than 30 business days!

RFAs – What's included?



City Programs ADA Title II

- **Reasonable Modification:**
City Departments must reasonably modify policies, practices, or procedures to provide equitable opportunity for people with disabilities to participate.
- **Effective Communication:**
Requests for auxiliary aids or services.

Supportive Housing (FHAA)

- **Reasonable Modification:**
A structural ONLY change made to interior, exterior and common use areas of multifamily dwellings to provide access to residents with disabilities.
- **Reasonable Accommodation:**
A change to a rule, policy, practice, service or procedure in housing.

Tips for Documenting RFA Responses

- **Provide initial response ASAP**, within 3 days if possible.
- **Summarize the issue** presented.
- **Apply the right law** in your analysis - ADA? FHAA?
- Discuss need for documentation (if applicable).
- **Consult with others** before denying an accommodation.
- **If denied offer an alternative.**
- A denial must be a **written statement of reasons** for reaching that conclusion.

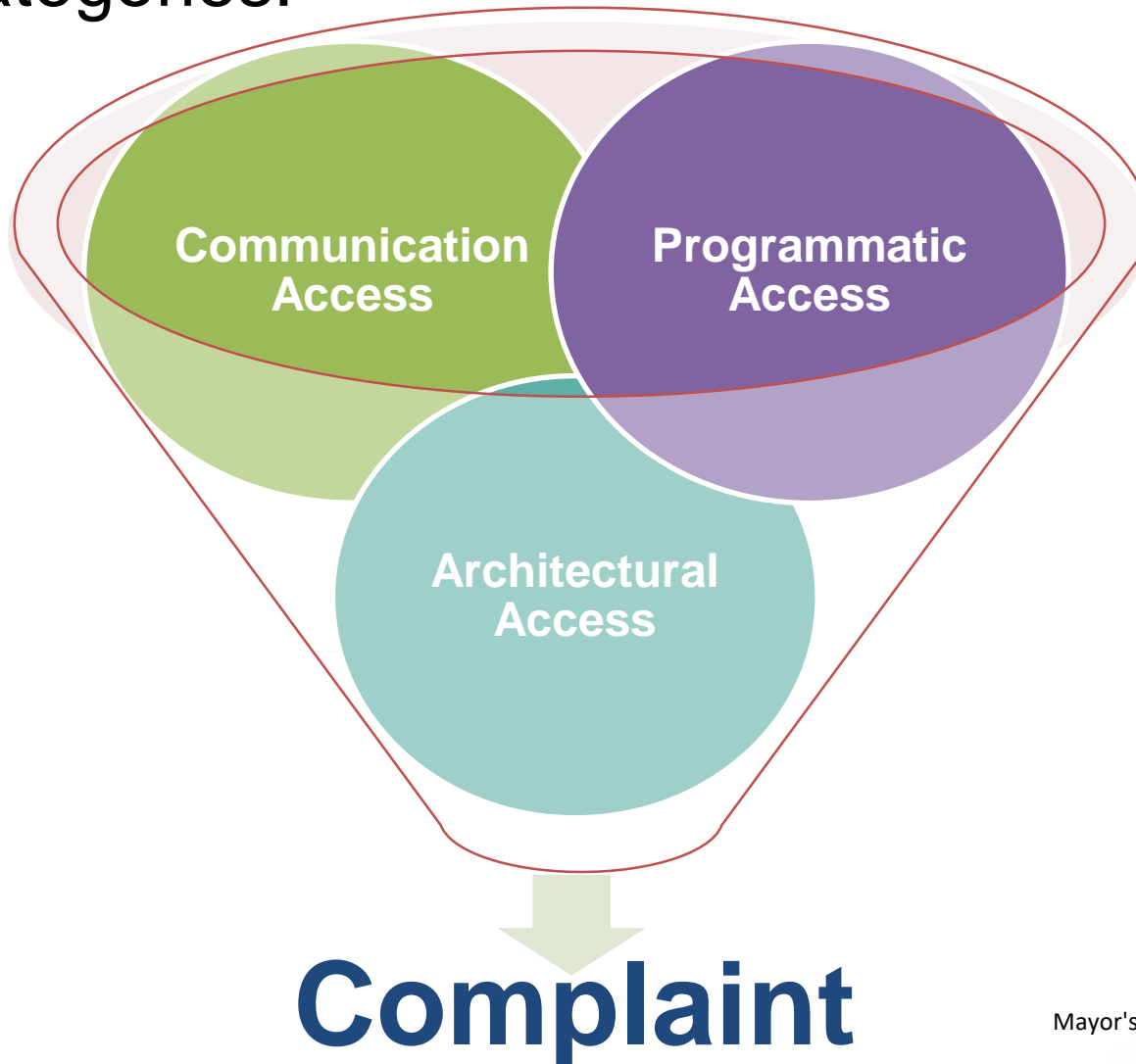


See you in 10 minutes!



ADA Grievances

- Access issues usually fall into one of three categories:



Complaint 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 full story** – from both sides!
- **Consider bias** – is there a reason someone would be distorting the truth?
- **Consider supporting evidence** – witnesses, site visits, records, and pictures, etc.

Finally, use logic and common sense!



Writing an Appropriate Response

First Paragraph

- **Acknowledge receipt of complaint** from MOD
- **Provide brief overview** of complaint
- **Thank complainant** for bringing the issue to your attention
- **Apologize** for their experience

Second Paragraph

- **Discuss investigation**
 - who you contacted &
 - supporting evidence collected (e.g. witnesses, site visits, records, pictures etc.)

Third Paragraph

- **Report investigation findings**
- **Explain ADA specific policies** used to evaluate complaint
- **Identify course of action taken** for prevention of re- occurrence (if appropriate)

Fourth Paragraph

- **Thank complainant**
- **Provide your contact information** for further questions and concerns related to complaint

Additional Writing Tips



- A little empathy goes a long way...
- Watch out for condescending or triggering language!
- Use simple & clear language.

Remember... the response is due to the complainant within 30 business days!



Group Activity



- Determine what type of disability issue.
- Provide a summary of the issues.
- Identify the steps that you will take to investigate.
- Write your response.

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.**

Additional Resources



➤ Mayor's Office on Disability's Website

➤ [ADA Coordinator's Toolkit](http://sfgov.org/mod/ada-coordinator-toolkit)

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Includes:

- ✓ ADA Grievance Procedure
- ✓ ADA Coordinator Responsibilities
- ✓ ADA Provisions Summary
- ✓ ADA Title II State and Local Government
- ✓ ADA Title II Technical Assistance Manual
- ✓ Reasonable Modification Policy
- ✓ Resources for Communication Access
- ✓ Service and Support Animals
- ✓ Training and Presentations

Thank You!

For more questions & information contact:

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