

HERKIMER COUNTY

ADA/Section 504 Grievance Procedure

Herkimer County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by any federal agency regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that “no otherwise qualified individual with a disability ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance...”.

Complaints should be addressed to: **Herkimer Co Personnel Officer, Herkimer Co. Personnel Office, 109 Mary St. Suite 1304, Herkimer, NY 13350, Tel No. 315-867-1115**, who has been designated to coordinate ADA/Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing the complaint, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, will follow a filing of complaint. The investigation will be conducted by the Herkimer Co. Personnel Officer or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Herkimer Co. Personnel Officer and a copy forwarded to the complainant no later than 45 days after its filing.
5. The ADA/Section 504 coordinator will maintain the files and records of Herkimer County relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days of receiving an initial determination and addressed to: **Herkimer Co. Administrator, 109 Mary St. Suite 1312, Herkimer, NY 13350, Tel No. 315-867-1112**.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as filing of a Section 504 or ADA complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules will be construed to protect the substantive rights of interested persons, meet the appropriate due process standards and assure that Herkimer County complies with the ADA, Section 504 and their implementing regulations.