

**SANTA FE COUNTY
AMERICANS WITH DISABILITIES ACT, TITLE II
POLICY STATEMENT AND GRIEVANCE PROCEDURES
September 2023**

I. Policy Statement

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990 as amended, Section 504 of the Rehabilitation Act of 1973 as amended, and all related regulations, laws, executive orders, and directives; it is the policy of Santa Fe County (also referred to as “County”) not to discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

II. Purpose

The purpose of this policy is to:

- A. Comply with Title II (Nondiscrimination on the Basis of Disability in State and Local Governmental Services) of the ADA and regulations thereunder;
- B. State the County's commitment to providing an environment in all its services, programs and activities free from discrimination based on disabilities;
- C. Provide a procedure for prompt reporting and investigation of grievances that the County's services, programs, or activities fail to meet ADA requirements; and
- D. Provide for corrective action to ensure that the County's services, programs and activities meet ADA requirements.

III. Scope

This policy sets forth basic information about accessibility of services, programs and activities, and provides a procedure to process grievances that services, programs and activities of Santa Fe County do not meet the requirements of the ADA.

IV. Employment

Santa Fe County does not discriminate against qualified individuals on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

V. Effective Communication

Santa Fe County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in

Santa Fe County's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, vision or other relevant impairments. Requests shall be submitted to the ADA Compliance Coordinator.

VI. Facilities

The Santa Fe County Public Works Department is responsible for ADA accessibility of Santa Fe County facilities, including:

- A. Roads (including but not limited to intersections, sidewalks, bus shelters, and other improvements within the County right-of-way);
- B. Parks and Open Spaces (including but not limited to parking areas, restrooms, and trails/paths); and
- C. Buildings and Support Facilities (including but not limited to interior and exterior improvements).

The Santa Fe County Public Works Department implements ADA facility improvements that are approved and prioritized by the Santa Fe County Board of Commissioners as part of the adoption of the Santa Fe County ADA Transition Plan and any future updates or amendments. Any inquiries about ADA facility improvements should be directed to Phillip Montano with the Public Works Department at 505-992-3037 or at: pmontano@santafecountynm.gov

VII. Reasonable Modifications and Auxiliary Aides and Services

Santa Fe County will on a case-by-case basis agree to reasonable modifications from policies and programs, and will work to provide auxiliary aides and services, to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

The ADA does not require Santa Fe County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Anyone who requires auxiliary aides and services for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Santa Fe County, should contact the ADA Compliance Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

Santa Fe County will not charge a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modification of policy.

VIII. ADA Compliance Coordinator

The Santa Fe County ADA Compliance Coordinator is responsible for overseeing the efforts of Santa Fe County to comply with Title II and for investigating any grievances that are received pursuant to this policy. The Deputy Director of the Human Resources & Risk Management Division has been designated as the ADA Compliance Coordinator. The contact information for the ADA Compliance Coordinator is included in Section X of this policy.

IV. Responsibility for Grievances

- A. The ADA Compliance Coordinator is responsible for grievance intake and information gathering when a grievance alleges that a program, activity or service of Santa Fe County is not accessible.
- B. The ADA Compliance Coordinator is responsible for dispositions of the grievance.
- C. The County Manager or the County Manager's designee is responsible to review dispositions of a grievance at the request of a grievant.

X. Grievance Procedures

- A. Person Filing Grievance: Any person, including employees of the County, may file a grievance that the County has failed in a program, activity or service to fulfill a requirement of Title II of the ADA. Grievances must be filed no later than 60 calendar days after the alleged act of discrimination.
- B. To Whom Grievance Made
 - 1. Grievances may be made in writing to the ADA Compliance Coordinator. Alternative means of filing a grievance, such as personal interviews or a tape recording of the grievance will be made available for persons with disabilities upon request. If the grievance is made verbally, the ADA Compliance Coordinator shall reduce the grievance to writing. If the grievance involves the ADA Compliance Coordinator, the grievance may be made to the Deputy County Manager who will then comply with the grievance procedures set forth herein in lieu of the ADA Compliance Coordinator.
 - 2. The grievance shall, at a minimum, contain the information contained on the form attached hereto entitled "ADA Title II Grievance Form". The form will be updated from time to time, and the updated form shall be available by contacting the ADA Compliance Coordinator and shall be posted on the Santa Fe County website. Failure to fully complete the form may result in a determination that no grievance was lodged.
 - 3. The ADA Compliance Coordinator can be contacted in writing at the following mail or e-mail addresses:

Melinda Jagles-Moquino
Deputy Director
Human Resources & Risk Management Division
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501
mjmoquino@santafecountynm.gov

Alternative means of submitting grievances can be initiated by contacting the ADA Compliance Coordinator at the addresses above or by phone at 505-992-9884.

C. Information Gathering

1. The ADA Compliance Coordinator shall gather all information relative to the grievance.
2. If the grievance refers to a personnel matter, the ADA Compliance Coordinator shall promptly send a copy of the grievance to the Human Resources & Risk Management Director to address any personnel components of the grievance, while remaining responsible for addressing the grievance as it pertains to a program, activity or facility, and to ensure compliance with Title II of the ADA.
3. The ADA Compliance Coordinator shall gather all information related to the grievance within twenty calendar days after the receipt of the grievance. If the grievance refers to a personnel matter, a copy of such information shall be sent to the Human Resources & Risk Management Director. The Human Resources & Risk Management Director shall, when there are issues concerning matters of personnel, supplement the information obtained by the ADA Compliance Coordinator, if necessary.

D. Further Investigation

1. Upon receipt of the information, the ADA Compliance Coordinator shall review the information and determine whether further information is required from County staff or the grievant. If further information is required, the ADA Compliance Coordinator shall request the information within a period of time, not to exceed fifteen calendar days of receipt of the initial information.
2. The investigation may include discussions of the grievance with affected parties to determine the problem. The grievant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation.
3. Absent exceptional circumstances, investigations shall be completed within thirty (30) days of receipt of the formal grievance.

E. Disposition

1. The ADA Compliance Coordinator shall review the information gathered and issue a written disposition of the grievance. Where appropriate, the disposition shall be in a format accessible to the grievant, such as large print, Braille, or audio tape. The disposition may, but is not limited to, the following types of actions:
 - (a) Factual information available does not support a determination that ADA requirements have not been met;
 - (b) A conciliation meeting is required to establish appropriate resolution of the grievance; and
 - (c) Factual information indicates that the County should undertake remedial action to fulfill ADA requirements. The disposition should list proposed County actions along with a realistic timetable.
2. If necessary, the ADA Compliance Coordinator shall request that relevant County staff, including the Human Resources & Risk Manager Director, and/or the grievant assist them in arriving at an appropriate disposition or conciliation of the grievance.
3. A copy of the disposition of the grievance shall be sent to the grievant, the County Manager, and the County staff responsible for implementation of the disposition, as well as the Human Resources & Risk Management Director if the grievance was referred to the Human Resources & Risk Management Director by the ADA Compliance Coordinator. The disposition shall not address disciplinary action, which remains the sole responsibility of the Human Resources & Risk Management Director.
4. Records of the grievance and its disposition will be retained in accordance with the Santa Fe County records retention schedule and federal law, and will be disposed of in accordance with state law.

F. Communications with Grievant

1. The disposition of the grievance, other than disciplinary action, shall be reduced to writing (or where appropriate in a format accessible to the grievant, such as large print, Braille, or audio tape) and communicated, if practical, at a meeting between the grievant and the ADA Compliance Coordinator. The disposition shall additionally inform the grievant that the County Manager or the County Manager's designee will consider an appeal of the disposition, if requested to do so in accordance with Section H below.
2. If the disposition refers to activities that will take place in the future, the ADA Compliance Coordinator will inform the grievant in writing (or where appropriate in a

format accessible to the grievant, such as large print, Braille, or audio tape) at the time the corrective measures have been fully implemented.

G. Time Frames

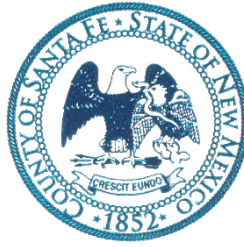
If a timely grievance is submitted, the County shall adhere to the time frames in this grievance procedure unless the ADA Compliance Coordinator extends a deadline due to unusual or unforeseen circumstances. Whenever the times have been extended, the ADA Compliance Coordinator shall notify the grievant.

H. Review by County Manager or Designee

A grievant who disagrees with the disposition of their grievance can appeal that disposition in writing provided the written appeal is post-marked or hand-delivered to the County Manager's Office at 102 Grant Avenue, Santa Fe, New Mexico, 87504 within fifteen business days after the disposition has been sent or given to the grievant. The appeal must set forth each and every factual basis for appealing the disposition and shall contain an address to which the County Manager's decision shall be mailed. Alternative means of filing an appeal (such as personal meetings or a tape recording of the appeal) will be made available for persons with disabilities upon request.

The County Manager or the County Manager's designee will review the disposition of the grievance, if timely requested to do so by the grievant. The County Manager or the County Manager's designee shall also review the information gathered by the ADA Compliance Coordinator and may gather any additional information necessary to resolve the appeal. The County Manager or designee shall either uphold or modify the disposition of the ADA Compliance Coordinator within twenty business days of receipt of an appeal. The County Manager or the County Manager's designee's decision shall be in writing (or where appropriate in a format accessible to the grievant, such as large print, Braille, or audio tape) and shall be mailed to the address provided in the grievance.

Attachment: ADA Title II Grievance Form



ADA TITLE II GRIEVANCE FORM

Name of grievant: _____

Mailing address of grievant: _____

Email address of grievant: _____

Phone Number of grievant: _____

Are you filing this complaint on your own behalf: Yes No

If you answered "no" please enter the name and relationship of the person you are filing the complaint for: _____

Have you have obtained permission of the aggrieved party to file this grievance on their behalf?
Yes No

Date when grievant claims Santa Fe County failed in a program, activity or service to fulfill a requirement of Title II of the ADA: _____.

Location at which grievant claims Santa Fe County failed in a program, activity or service to fulfill a requirement of Title II of the ADA: _____.

Statement of grievance, setting forth a detailed explanation of how Santa Fe County failed in a program, activity or service to fulfill a requirement of Title II of the ADA (to the extent possible include name and contact information of person(s) who discriminated against grievant, as well as the names and contact information of any witnesses):

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Relief Requested or Suggested:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No

If yes, please check and name all that apply:

- Federal Agency: _____
- Federal Court: _____
- State Agency: _____
- State Court: _____
- Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Signature of grievant

Date

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Please submit this form in person or by mail to:

Melinda Jagles-Moquino
Deputy Director
Human Resources & Risk Management Division
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

Alternative means of submitting a grievance can be initiated by contacting the ADA Compliance Coordinator by phone at 505-992-9884 or by e-mail at: mjmoquino@santafecountynm.gov

This portion of the form shall be completed by County staff upon receipt of a complaint:

This complaint was received by _____
at _____ am/pm on _____ 20__.

Print Name

Signature