Appendix A

Grievance Procedure

Grievance Procedure for ADA Complaints regarding the
Public Right-of-Way

This Grievance Procedure is established pursuant to Title II of the Americans with Disabilities Act of 1990 (ADA) and its requirements for public right-of-way (streets and sidewalks, generally) Transition Plans. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of transportation services, programs, or benefits by the City of Harrisonburg, excluding those related to public transit. Please contact Cheryl Spain, Assistant Director of the Harrisonburg Department of Public Transportation for public transit ADA complaints at (540) 432-0492 or cheryl.spain@harrisonburgva.gov.

Procedure:

a) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date, description of the problem location and facility, and a proposed resolution or accommodation. A complaint form is available at www.harrisonburgva.gov/ADA-transition-plan and may be completed to submit this information. Alternative means of filing a complaint, such as a personal interview or oral recording of the complaint, will be made available for persons with disabilities upon request.

   The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 90 calendar days after the alleged violation to:

Jakob zumFelde, AICP
Public Works Planning Manager
Jakob.zumfelde@harrisonburgva.gov
540-434-5928
320 E. Mosby Road Harrisonburg, VA 22801

b) Within 15 working days after receipt of the complaint, the Public Works representative listed above, or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 working days after the meeting, the Public Works representative listed above, or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Harrisonburg and offer options for substantive resolution of the complaint.

c) If the response by the Public Works representative listed above, or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 working days after receipt of the response to the City Manager or his designee.

Ande Banks
Harrisonburg City Manager
ande.banks@harrisonburgva.gov
540-432-7701
City Hall, 409 S Main St, Harrisonburg, VA 22801

d) Within 15 calendar days after receipt of the appeal, the City Manager or their designee will notify

the complainant in writing (or via another mutually agreed upon format) that the complaint has been received and is under review. Within 30 working days of receipt of the complaint the City Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 working days after the meeting, the City Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

The above timelines may be adjusted by mutual consent of the parties reduced to a written acknowledgement.

All written complaints received by the Public Works representative listed above or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City of Harrisonburg for at least three (3) years.