



KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2975

A Resolution of the Assembly of the Ketchikan Gateway Borough Adopting an Updated Internal Grievance Procedure in Conformity with the Requirements of the Americans with Disabilities Act

RECITALS

- A. WHEREAS**, the Americans with Disabilities Act of 1990 (ADA) was signed into law on July 26, 1990, by President George H. W. Bush codifying a regime of civil rights outlawing discrimination against disabled individuals and removing barriers to opportunity for individuals with disabilities; and
- B. WHEREAS**, after passage of the ADA, regulations were generated setting forth the specific responsibilities for employers and for municipal governments relative to the rights afforded under the Act; and
- C. WHEREAS**, in conformity with those requirements, the Assembly adopted Resolution 1139 setting forth an internal grievance procedure including identification of an ADA Coordinator, a timeline and process for response to grievances, as well as reconsideration and appeal rights; and
- D. WHEREAS**, in the intervening years, subsequent changes have been made to the best practices related to ADA procedures and it is necessary to revise and update existing Borough procedures to reflect those best practices.

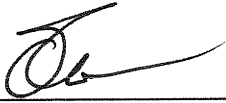
NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. The Borough Assembly hereby adopts a revised ADA Grievance Procedure, a copy of which is attached hereto as Exhibit "A" and made a part hereof. This procedure supersedes the procedure set forth in Resolution 1139.

Section 2. The Borough Assembly hereby approves posting and circulation to all of applicants, participants, beneficiaries, and other interested persons the ADA Notice, a copy of which is attached hereto as Exhibit "B" and made a part hereof.

Section 3. Effective Date. This resolution shall be effective immediately.

ADOPTED this 21st day of November, 2022.



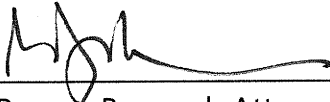
Rodney Dial, Borough Mayor

ATTEST:



Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:



Glenn Brown, Borough Attorney

EXHIBIT A**Grievance Procedures**
Ketchikan Gateway Borough Grievance Procedure Under
The Americans with Disabilities Act

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging violation on the basis of disability in the provision of services, activities, programs or benefits by the Ketchikan Gateway Borough. The Borough's Personnel Policy governs employment-related complaints of violation.

The complaint should be in writing and contain information about the alleged violation such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The following timeline is established in accordance with Chapter 2 ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements under Title II of the ADA. It is the goal of the Ketchikan Gateway Borough to discuss and resolve grievances as quickly as possible.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator/Human Resources
Ketchikan Gateway Borough
1900 First Avenue
Suite 210
Ketchikan, Alaska 99901
907-228-6625
Email: hr@kgbak.us

The ADA Coordinator or designee will meet with the complainant within 15 calendar days after the receipt of the complaint to discuss the non-compliance and possible resolutions.

The ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, within 15 calendar days. The response will explain the position of the Ketchikan Gateway Borough and offer options for substantive resolution of the complaint.

If the response of the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision to the Borough Manager or designee within 15 calendar days after the receipt of the response.

The Borough Manager or designee will meet with the complainant within 15 calendar days of receipt of the appeal to discuss the complaint and resolution.

The Borough Manager or designee will respond in writing, and where appropriate, in a format

accessible to the complainant, within 15 calendar days with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee, appeals to the Borough Manager or designee, and responses from these two offices will be retained by the Ketchikan Gateway Borough for at least three years.

You are under no obligation to use the Ketchikan Gateway Borough Grievance Procedure before filing a formal complaint with the State Commission on Human Rights, the Department of Justice, or the Equal Employment Opportunity Commission (EEOC). The Ketchikan Gateway Borough ADA Grievance Procedure is an informal process designed solely for the purpose of promptly and fairly resolving an ADA complaint with the Borough. You have 180 days to file a complaint with the Department of Justice or EEOC, and 300 days to file with the Alaska Human Rights Commission (AHRC).

EXHIBIT B**Ketchikan Gateway Borough Notice Under the Americans with Disabilities Act**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Ketchikan Gateway Borough will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Ketchikan Gateway Borough does not discriminate 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.

Effective Communication: The Ketchikan Gateway Borough will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Ketchikan Gateway Borough'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, or vision impairments.

Modifications to Policies and Procedures: The Ketchikan Gateway Borough will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in Ketchikan Gateway Borough offices, even when pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Ketchikan Gateway Borough, should contact ADA Coordinator/Human Resources at 907-228-6625 or hr@kgbak.us as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Ketchikan Gateway Borough to take any action that would fundamentally alter the nature of its programs or services or impose undue financial or administrative burden.

Complaints that a program, service, or activity of the Ketchikan Gateway Borough is not accessible to persons with disabilities should be directed to ADA Coordinator/Human Resources at 907-228-6625 or hr@kgbak.us.

The Ketchikan Gateway Borough will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.