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# STATE OF COLORADO

## EXECUTIVE CHAMBERS

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Roy Romer  
Governor

## EXECUTIVE ORDER

### POLICY REGARDING PROCEDURES FOR HANDLING COMPLAINTS OF DISCRIMINATION ON THE BASIS OF DISABILITY IN CONDUCT OF GOVERNMENT SERVICES

WHEREAS, the Americans with Disabilities Act (42 U.S.C. section 12101 et seq. ("ACT")) was signed into law on July 26, 1990; and

WHEREAS, persons with disabilities are entitled to all the rights, benefits and privileges offered by the State of Colorado to residents, including equal access to its programs and services; and

WHEREAS, the state seeks to integrate persons with disabilities into full participation into the life of the community by providing equal opportunity and equal access to all governmental programs, services and activities; and

WHEREAS, the state recognizes the importance of giving prompt attention to complaints from members of the public who feel that they may have been discriminated against on the basis of disability in the provisions of programs, services and activities by the state; and

WHEREAS, the state seeks to reach a resolution of such complaints through a process that is accessible, understandable, speedy and just;

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me by the Constitution and the laws of the State of Colorado, DO HEREBY ORDER THAT:

1. Complaints from the public which allege discrimination on the basis of disability in the provision of programs, services and conduct of its activities will be processed by each department in accordance with the procedures attached hereto.

2. If for any reason any department believes that the attached procedures are impractical in the context of their operation or any part thereof, it may adopt its own grievance procedure but only through the rule-making process as provided in the Administrative Procedure Act (C.R.S. section 24-4-101, et seq.). In such event, the procedure adopted by that department shall not establish a lesser standard of accessibility than that of the attached procedures.
  
3. For those citizens who have a complaint of discrimination in violation of the Act but do not know to whom their complaint should be directed, the Citizens' Advocate Office will be responsible for the direction of those complaints to the appropriate department.



GIVEN under my hand and the Executive Seal of the State of Colorado this 9 day of February, 1993.

A handwritten signature in cursive script, appearing to read "Roy Romer".

Roy Romer  
Governor

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PROCEDURE FOR COMPLAINTS BY THE PUBLIC AL-  
LEGING DISCRIMINATION ON THE BASIS OF DISA-  
BILITY IN THE PROVISION OF SERVICES AND  
PROGRAMS

Purpose: In order to provide for the fair, speedy, and efficient resolution of complaints by members of the public that allege discrimination on the basis of disability in violation of the Americans With Disabilities Act of 1990, the Department has established the following grievance procedure.

A. APPLICATION

This grievance procedure applies to all complaints alleging discrimination on the basis of disability in violation of the Americans With Disabilities Act in the conduct of any program, or the performance of any service or activity by the Department, except those arising out of the employment setting and applications for employment. All time periods set forth here may be extended by the Department for good cause. The grievant may be assisted or represented by another of his choosing throughout the process.

B. INFORMAL RESOLUTION

In order to resolve any complaints alleging discrimination on the basis of disability as quickly and efficiently as possible, it is recommended that the grievant initially contact the supervisor responsible for the particular service or program concerned to explain the perceived problem and propose its solutions. In order to assist the grievant, a copy of an instruction sheet, in appropriate format, should be given to the individual when any staff member becomes aware of the complaint. If the supervisor is unable to resolve the complaint, the supervisor shall refer the grievant to that person within the agency at the lowest level capable of granting the relief to the complaint. In any event, the supervisor shall explain the situation to his/her supervisor/manager and the department ADA coordinator. The staff and supervisor of that area involved shall make every effort to assist the individual during the preparation of the complaint.

C. FILING A WRITTEN COMPLAINT

If the grievant does not wish to use the method of resolution described in the previous step, or if the informal discussion does not resolve the matter to their satisfaction, that grievant may submit a written complaint with the Office of the

ADA Coordinator for the Department.

The complaint should contain information concerning the alleged discrimination including the name, address, and phone number of the grievant and location, date, and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

The complaint should be submitted by the grievant and/or his or her designee as soon as possible but no later than 30 days after the alleged violation to:

Office of the ADA Coordinator  
(address)  
(phone number)

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will conduct an investigation of the circumstances involved and meet with the grievant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing or where appropriate, in a format accessible to the grievant. The response will explain the position of the Department including any findings of fact and conclusions regarding responsibility, and offer options for a resolution of the complaint. The response will also inform the grievant of his/her right to appeal this decision to the Executive Director.

#### D. APPEAL

If the response of the ADA Coordinator does not satisfactorily resolve the issue, the grievant and/or his or her designee may appeal the decision of the ADA coordinator, in writing, within 15 calendar days of receipt of the response to the Department's Executive Director.

Within 15 calendar days after receipt of the written appeal, the Executive Director or his designee (other than the ADA Coordinator) will meet with the grievant to discuss the complaint and possible resolutions. Within 15 calendar days after that meeting, the Executive Director or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. The decision of the Director or his designee will include notice to the grievant of his/her other options under state and federal law.

E. RECORD KEEPING

All complaints received by the ADA Coordinator, appeals to the Executive Director or his designee, and responses from the ADA Coordinator and the Director or his designee will be kept by the Department for at least three years.

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