

Chapter 43, DISCRIMINATION AGAINST DISABLED PERSONS

[HISTORY: Adopted by the City Council of the City of Binghamton 11-19-1984 by Ord. No. 156-84 (Ch. 5.5, § 5.5-1, of the 1970 Code). Amended 3-17-10 by Local Law 1-2010]

GENERAL REFERENCES

Fair housing and equal opportunity plan -- See Ch. 64.

§ 43-1. Grievance procedure for resolution of complaints. [Amended 3-17-10 by Local Law 1-2010]

The procedures set forth in this section are established for the purpose of meeting the requirements of 31 CFR 51.55(d) of the Federal Revenue Sharing Regulations as of September 26, 1984:

A. The City of Binghamton hereby adopts an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing (ORS) regulations implementing Section 504 of the Rehabilitation Act of 1983 as amended.

B. Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal finance assistance"

C. Complaints should be addressed to the Affirmative Action Specialist, Department of Personnel & Safety, Binghamton City Hall, Binghamton, New York, (607) 772-7067, who has been designated to coordinate Section 504 compliance efforts.

(1) A complaint should be filed in writing or verbally, containing the name and address of the person filing it, briefly describing the alleged violation of regulations.

(2) A complaint should be filed within 30 days after the complainant becomes aware of the alleged violations.

(3) An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation will be conducted by the affirmative action specialist. These rules contemplate informal, but thorough, investigations affording all interested persons and their representatives, if any, an opportunity to submit evidence relative to a complaint.

(4) A written determination as to the validity of the complaint and description of its resolution, if any, shall be issued by the affirmative action specialist and a copy forwarded to the complainant no later than 30 days after its filing.

(5) The Section 504 coordinator shall maintain the files and records of the City of Binghamton relating to the complaints filed.

(6) The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days.

(7) The right of a person to a prompt and equitable resolution of any complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, United States Department of Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(8) These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Binghamton complies with Section 504 of the Office of Revenue Sharing regulations.