

RESOLUTION NO. 849 CMS

A RESOLUTION ESTABLISHING A SECTION 504 GRIEVANCE PROCEDURE  
FOR THE CITY OF OBERLIN PURSUANT TO FEDERAL REVENUE SHARING REGULATIONS  
AND DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain,  
State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. The City of Oberlin, Ohio, hereby adopts the following  
grievance procedure for Section 504 Grievances in accordance with the  
regulations established pursuant to the Federal Revenue Sharing Program:

- (a) The City of Oberlin, Ohio, is hereby adopting an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) Regulations (31 C.F.R. 51.55) (d) (2) implementing Section 504 of the Rehabilitation Act of 1983 as amended (29 U.S.C. 794). Section 504 states in part that no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance.
- (1) Any complaint should be addressed to the E.E.O./Contract Compliance Officer, City Hall, 85 South Main Street, Oberlin, Ohio, 44074, telephone (216) 775-1531, who has been designated to coordinate Section 504 compliance efforts.
  - (2) The complaint shall be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulation.
  - (3) The complaint shall be filed within fourteen (14) days after complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
  - (4) An investigation, as may be appropriate, shall follow the filing of the complaint. The investigation will be conducted by the E.E.O./Contract Compliance Officer. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relative to a complaint. Under 31 C.F.R. 51.55 (d) (2), the City of Oberlin, Ohio, need not process complaints from applicants for employment or from applicants for admission to post secondary educational institutions.

- (5) A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the E.E.O./Contract Compliance Officer and a copy forwarded to the complainant no later than fifteen (15) days after its filing.
- (6) The Section 504 coordinator shall maintain the files and records of the City of Oberlin, Ohio, relating to the complaints filed.
- (7) 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 fifteen (15) days to the City Manager.
- (8) The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is a prerequisite to the pursuit of other remedies.
- (9) These rules shall be considered to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City of Oberlin, Ohio, complies with Section 504 and ORS regulations.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to-wit:

"to implement a Section 504 Grievance Procedure at the earliest possible date"

and shall take effect immediately upon passage.

PASSED: 1st Reading - October 15, 1984 (EMERGENCY)  
2nd Reading -  
3rd Reading -

ATTEST:

Julie A. Simonson  
Clerk of Council

Harriet A. Arnold  
Chairman of Council

POSTED: October 16, 1984