



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: July 8, 2015

Sponsored by Council Members: Webb, Mihalko, Motsavage, Matzo, Berg, Papastrat

Introduced by Committee: Planning and Community Development

RESOLUTION

entitled

A RESOLUTION ADOPTING SECTION 504
POLICIES AND GRIEVANCE PROCEDURES
REQUIRED UNDER THE NYS COMMUNITY
DEVELOPMENT BLOCK GRANT DISASTER
RECOVERY PROGRAM

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD; and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures; and

WHEREAS, it is the policy of the *City of Binghamton* not to discriminate against any individual, person, or group on the basis of disability and the intent of the *City of Binghamton* to address any complaints that may arise pursuant to Section 504.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that the *City of Binghamton* does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act; and be it further

RESOLVED, that the *City of Binghamton* does hereby designate the Director of Personnel & Employee Safety as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto; and be it further

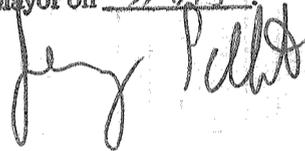
RESOLVED, that the *City of Binghamton* will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain

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actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the *City of Binghamton's* official newspaper, posting of notices in the *City of Binghamton's* offices and facilities, placing notices in *the City of Binghamton's* publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Office of Personnel & Employee Safety for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the *City of Binghamton* adopted grievance procedures.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 7/8/15. Approved by the
Mayor on 7/9/15.



Introductory No. R15-70

Permanent No. R15-70

Sponsored by City Council Members:
Webb, Mihalko, Motsavage, Matzo, Berg, Papastrat

A RESOLUTION ADOPTING SECTION 504 POLICIES
AND GRIEVANCE PROCEDURES REQUIRED UNDER
THE NYS COMMUNITY DEVELOPMENT BLOCK
GRANT DISASTER RECOVERY PROGRAM

The within Resolution was adopted by the Council of
the City of Binghamton.

Date July 8, 2015

City Clerk Joy Kelly

Date Presented to Mayor July 9, 2015

Date Approved 7/9/15

Mayor Michael J. D'Amico

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia				✓
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

OFFERED BY:

SECONDED BY:

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND
GRIEVANCE PROCEDURES FOR THE CITY OF BINGHAMTON**

SECTION 504 RESOLUTION/CITY OF BINGHAMTON

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the *City of Binghamton* not to discriminate against any individual, person, or group on the basis of disability and the intent of the *City of Binghamton* to address any complaints that may arise pursuant to Section 504,

NOW, THEREFORE, BE IT RESOLVED that the *City of Binghamton* does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that the *City of Binghamton* does hereby designate the Director of Personnel & Employee Safety as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that the *City of Binghamton* will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the *City of Binghamton's* official newspaper, posting of notices in the *City of Binghamton's* offices and facilities, placing notices in *the City of Binghamton's* publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Office of Personnel & Employee Safety for review and dissemination, and (4) adding language to

This document is a sample adopting resolution and is not intended to be and should not be construed in any way as legal advice by the Governor's Office of Storm Recovery (GOSR). All sample or template documents provided by GOSR should be reviewed by an attorney prior to adoption.

5/11/2015

federal program brochures to insure all potential program beneficiaries are aware of the *City of Binghamton* adopted grievance procedures.

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the "Act") as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor's Office of Storm Recovery (GOSR), and under which the *City of Binghamton* has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the *City of Binghamton* not to discriminate on the basis of disability. Towards that end, the *City of Binghamton* has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the Office of Personnel & Employee Safety. The Director of Personnel & Employee Safety for the *City of Binghamton* has been designated to coordinate the efforts of the *City of Binghamton* with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address: www.binghamton-ny.gov. The Office of Personnel & Employee Safety 38 Hawley Street Binghamton, NY 13901, New York. The Section 504 Coordinator can be reached at 607-772-7067.

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the *City of Binghamton* outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

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- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the *City of Binghamton* relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the *City of Binghamton (Board, Council, etc.)* within 15 days of receiving the Section 504 Coordinator's decision. The *City of Binghamton (Board, Council, etc.)* shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The *City of Binghamton* will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the *City of Binghamton* to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED: 7/8/15

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