
Chapter 2 Addendum: Title II Checklist (ADA Coordinator, Notice & Grievance Procedure)

PURPOSE OF THIS CHECKLIST: This checklist is designed for use as an assessment of **(1) the requirements and tasks of an ADA Coordinator, (2) the government entity's provision of the ADA notice, and (3) the government entity's ADA grievance procedures.**

MATERIALS AND INFORMATION NEEDED: To assess compliance with these administrative requirements, you will need:

- ✓ a copy of the written position description for an ADA Coordinator, if applicable;
- ✓ information about the procedures followed by the ADA Coordinator to ensure compliance with the ADA, how complaints are processed, and other tasks performed by the ADA Coordinator;
- ✓ a copy of the written notice or notices used by the state or local government; and
- ✓ a copy of the written grievance procedures used by the state or local government.

ADA Coordinator

1. Does the state or local government have an ADA Coordinator? All state and local governments with 50 or more employees are required to designate at least one responsible employee to coordinate ADA compliance.

- Yes, the state or local government has an ADA Coordinator.
- No, the state or local government does not have an ADA Coordinator but an ADA Coordinator is not required because the public entity has fewer than 50 employees, including all part-time and full-time employees.
- No, the state or local government does not have an ADA Coordinator even though it has 50 or more employees.

ACTIONS:

If the local government has fewer than 50 employees, it is not required to have an ADA coordinator. HOWEVER, it is strongly recommended that an ADA coordinator be appointed.

If the state or local government has 50 or more employees, it must have a designated ADA Coordinator. Any state or local government that does not have an ADA coordinator is in violation of federal law. An ADA Coordinator must be designated.

2. Does the ADA Coordinator have the time and expertise necessary to coordinate the government's efforts to comply with and carry out its responsibilities under the ADA?

- Yes
- No

3. Does the ADA coordinator actually carry out these duties?

- Yes
- No

4. Does the ADA Coordinator investigate all complaints communicated to the government alleging that the government does not comply with the ADA?

- Yes
- No

5. Does the government make available to all interested people the name, office address, and telephone number of the ADA Coordinator?

- Yes
- No

ACTIONS:

If you checked “no” for any of the questions above, here are some steps you can take to improve the coordination of your ADA compliance:

- ✓ Ensure that the ADA Coordinator has the time and expertise necessary to coordinate the government’s efforts to comply with and carry out its responsibilities under the ADA.
- ✓ Ensure that the ADA Coordinator actually carries out these duties.
- ✓ Ensure that the ADA Coordinator investigates all complaints communicated to the government alleging that the government does not comply with the ADA.
- ✓ Make available to all interested people the name, office address, and telephone number of the ADA Coordinator.

Notice

1. Does the state or local government make information available to the general public regarding the fact that the ADA applies to the services, programs, and activities of the government?

- Yes
- No

2. Does the state or local government use the Department of Justice’s model “Notice Under the Americans with Disabilities Act” or a similarly comprehensive notice?

- Yes
- No

3. Does the state or local government post this information in public areas or make it available in other ways as deemed necessary by the head of the government entity to inform people of the protections of the ADA?

- Yes
- No

4. Is the ADA notice available in alternate formats – *i.e.*, large print, Braille, audio format, accessible electronic format (*e.g.*, via email, in HTML format on its website)?

- Yes
- No

ACTIONS:

If you checked “no” for any of the questions above, your office may be violating the requirement for providing notice.

- ✓ Make information available to all interested members of the general public regarding the prohibition of discrimination against people with disabilities.
- ✓ Consider using the Department of Justice’s model “Notice Under the Americans with Disabilities Act,” or use a similarly comprehensive notice.
- ✓ Make this information available by posting it in common areas of public buildings, posting it on the government’s website, or otherwise disseminating it as necessary to inform the public of the ADA’s protections.
- ✓ Make the ADA notice available in alternate formats.

Grievance Procedures

1. Does the state or local government have a grievance procedure? All state and local governments with 50 or more employees are required to adopt and publish grievance procedures providing for prompt and fair resolution of complaints of discrimination on the basis of disability.

- Yes, the state or local government has a grievance procedure.
- No, the state or local government has fewer than 50 employees, including all part-time and full-time employees, and is not required to have a grievance procedure.
- No, the state or local government does not have a grievance procedure even though it has 50 or more employees.

2. Does the local government use the Department of Justice's model "Grievance Procedure under the Americans with Disabilities Act" or a similarly comprehensive grievance procedure (*i.e.*, a grievance procedure for complaints made by any member of the public under the ADA related to any program, service, or activity)?

- Yes
- No
- Not applicable, no grievance procedure is required because the public entity has fewer than 50 employees.

3. Is the grievance procedure available in alternate formats?

- Yes
- No

ACTIONS:

If the local government has fewer than 50 employees, it is not required to have a grievance procedure. HOWEVER, it is strongly recommended that a grievance procedure be adopted and published by all localities subject to title II of the ADA.

If the state or local government has 50 or more employees, it must have a published grievance procedure. Any state or local government that does not have a grievance procedure is in violation of federal law. A grievance procedure must be adopted and published.

- ✓ Consider using the Department of Justice's model "Grievance Procedure under the Americans with Disabilities Act," or use a similarly comprehensive grievance procedure.
- ✓ Provide copies of your procedure in alternate formats upon request.