

RESOLUTION 251-2020

Resolved to appoint Councilor Walbridge as the Section 504 Grievance Coordinator and approve the Section 504 Grievance Procedure.

TOWN OF MALONE SECTION 504 GRIEVANCE PROCEDURE

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 the U.S. Department of Housing and Urban Development (HUD) or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant Program (CDBG) funded by HUD, and under which the Town of Malone 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) establishes 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 (24CFR) 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 Town of Malone not to discriminate on the basis of disability. Towards that end, the Town of Malone 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 Town Clerk's Office. Councilor Paul Walbridge for the Town of Malone has been designated to coordinate the efforts of the Town of Malone with respect to Section 504 compliance. This information can also be accessed on the World-wide Web at the following address: <http://www.ada.gov/taman2.html#11-8.2000>. Councilor Walbridge is located at 27 Airport Road, Malone, New York. The Section 504 coordinator can be reached at (518) 569-5677.

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 Town outlined below.

- Grievances must be submitted to the Section 504 Coordinator within thirty (30) 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.
- 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 Town of Malone relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than thirty (30) days after its filing.

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- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Malone Town Board within fifteen (15) days of receiving the Section 504 Coordinator's decision. The Town Board shall issue a written decision in response to the appeal no later than thirty (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 Town of Malone 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 Town of Malone to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Motion offered by: Supervisor Stewart
Second by: Councilor Johnston

**CARRIED (4-0) – Supervisor Stewart – Aye, Deputy Supervisor Maguire - Aye,
Councilor Johnston - Aye, Councilor Walbridge – Aye.**

STATE OF NEW YORK
COUNTY OF FRANKLIN

I, Jean Marlow, Town Clerk of the Town of Malone, New York, do hereby certify that the foregoing resolution, #251-2020, was duly adopted at a Regular Meeting of the Malone Town Board, held on October 28, 2020; and the same is a true and complete copy of the record on file in the Office of the Town Clerk and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 6th day of November, 2020.



