

**PUBLIC GRIEVANCE PROCEDURE:
AMERICANS WITH DISABILITIES ACT and
DISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

I. Policy

It is the intent and practice of the Southwest Florida Water Management District (District) to provide prompt and equitable resolution of grievances alleging that the District has violated any provision of the Americans with Disabilities Act (ADA) or the Rehabilitation Act of 1973, or otherwise discriminated in, or denied access to, District programs and activities.

II. Procedure

A. **Who May File.** An individual who believes that he or she or a specific class of individuals has been subjected to discrimination by the District on the basis of their disability status may, by himself or herself or by an authorized representative, file a written grievance.

B. **Time For Filing.** A grievance must be filed within 30 days of the date of the alleged discrimination. A grievance is deemed filed upon receipt of a written complaint containing the information as required in Section E of this procedure.

C. **Where to File.** A grievance may be filed at:

Southwest Florida Water Management District
District Headquarters Office
2379 Broad Street
Brooksville, Florida 34609-6899
Email to: ADACoordinator@swfwmd.state.fl.us

D. **Compliance Coordinator.** The District's Human Resources Director is designated as the District's ADA Compliance Coordinator and is responsible for

investigating all complaints under this Procedure. The District's Human Resources Director may be reached at the District's Brooksville Headquarters Office, 2379 Broad Street, Brooksville, Florida 34609-6899, telephone (352) 796-7211, Extension 4702, or by email to ADACoordinator@swfwmd.state.fl.us.

E. **Content of Grievance.** All grievances filed under this procedure shall contain the following information:

1. The name, address, and telephone number if available, of the individual lodging the complaint.
2. The name, address, and telephone number if available, of the individual on whose behalf the grievance is being lodged (if different from the information listed in 1).
3. An explanation of how the District allegedly violated the provisions of the ADA, the Rehabilitation Act of 1973, or other federal statute governing access to, or participation in, the District's programs or activities, including the location of the alleged occurrence as well as the name of any District employee involved, associated or with knowledge of the incident.
4. A statement of when the alleged violation occurred.
5. A statement of a suggested course of action by the District the Complainant believes would resolve the situation.
6. Any other material information the Complainant contends is relevant.

F. **Grievance Process.**

1. Once a completed grievance is filed with the District, an investigation shall commence. The investigation should include discussion or discussions with the Complainant(s) and any other interested persons, which may include interested groups, to determine what the Complainant(s) and other interested persons propose to address the discrimination or equal access issues involved, and to allow the Complainant(s) to present any and all information they may wish to present that is relevant to the Complaint.

2. After the investigation and consultation with the Complainant(s) and potential interested persons has been completed, the ADA Compliance Coordinator will render a Determination. The ADA Compliance Coordinator should include the following in his or her determination:

- a. A determination of whether or not the act, policy or practice complained about did occur or currently exists.
- b. A determination of whether such act is a singular, discrete event or it is a practice or policy regularly engaged in by the District.
- c. A determination of whether the act has some type of impact on an individual or group of individuals that may be prohibited.
- d. A determination of what, if any, reasonable actions can be taken or reasonable accommodations can be made by the District to address any discrimination or unequal access that may be found.

3. The ADA Compliance Coordinator will render such a determination as it relates to all subject areas except for:

a. Grievances involving the District's compliance with structural requirements of the ADA.

b. Grievances involving the District's compliance with notice requirements of the ADA.

Decisions involving the two subject matters listed above will be rendered by the Executive Director, who may delegate the decision to the Deputy Executive Director of Management Services.

4. A District decision regarding a Grievance shall not be considered an agency action pursuant to Chapter 120 of the Florida Statutes.