

ADA Grievance Policy

Updated December 2025

I. PURPOSE

This policy has been created to assist the City of Pismo Beach, hereinafter referred to as "Agency" to comply with the ADA, 28 CFR Part 35.107(b). The policy provides a procedure to be followed to respond to individuals, or a specific class of individuals, who wish to communicate a complaint alleging that they have been subject to discrimination based on disability by the Agency.

II. DEFINITIONS

A. ADA: Americans with Disability Act of 1990.

B. ADA Coordinator: Responsible employee with a working knowledge of the requirements of ADA and designated to coordinate the Agency's efforts to comply with and carry out the Agency's ADA responsibilities.

C. CFR: Code of Federal Regulations.

D. TDD: Telecommunications Device for the Deaf.

III. CONFIDENTIALITY

The ADA Coordinator maintains confidentiality regarding complaints, consultations and mediations, unless disclosure is due to the requirements of litigation and court proceedings. If the disclosure of information to another person is necessary to proceed with an investigation, the complainant will be advised first and consulted on whether and/or how to proceed.

IV. RETALIATION

Retaliation against a person who files a complaint of discrimination or harassment, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited by Federal and California law and Agency policy. Anyone who believes she or he has been retaliated against for filing a complaint of discrimination or harassment is encouraged to report the retaliatory actions to the ADA Coordinator.

V. PROCEDURE

This procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. This procedure shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards, and to assure compliance with the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits by the Agency. The Agency's personnel policy governs employment-related complaints of disability discrimination, and such complaints are not covered under this policy.

The complaint should be in writing and contain information about the alleged discrimination, such as the name, address, and phone number of the complainant, and location, date, and description of the problem. Alternative means of filing a complaint, such as a personal interview, use of a TDD, or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Michael Stoker, CASp, ADA Coordinator
City of Pismo Beach
760 Mattie Rd.
Pismo Beach, CA 93449

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of that meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, braille, or audio tape. The response will explain the position of the Agency and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or designee. If no response is received from the ADA Coordinator, the complainant may submit the original complaint to the City Manager or designee within 20 days after the ADA Coordinator's response would have been due under this policy.

Within 15 calendar days after receipt of the appeal, the City Manager or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after that meeting, the City Manager or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee, appeals to the City Manager or designee, and responses from either of those offices will be retained by the Agency for at least three years.