

# How to File a Municipality of Anchorage ADA Complaint:

The ADA Complaint procedure is designed to informally resolve conflicts with Municipal agencies involving discrimination in access to municipal government programs, services, and benefits for persons with disabilities under the 1990 Americans with Disabilities Act, as amended.

The Municipality of Anchorage (MOA) has delegated a Municipal ADA Coordinator. Your first point of contact in this procedure is with the Municipal ADA Coordinator.

If you require an accommodation in order to access the complaint form, please contact the Municipal ADA Coordinator. (Contact details below.) Examples of accommodations could be (but are not limited to) requesting the complaint form in braille, requesting the complaint form in large font, or having the complaint form read aloud to complainant. You should also specify any other reasonable accommodation you require in order to effectively communicate your complaint. If you need assistance with filing or writing your complaint, the Municipal ADA Coordinator will locate an advocate or other assistance available to adequately file your complaint.

The complaint form must be filled out completely and filed with the Municipal ADA Coordinator **within 90 days from the date of the alleged discriminatory action or practice**. If you have questions about the complaint form, please contact the Municipal ADA Coordinator.

Once you have completed the ADA Complaint Form, follow the steps listed below for filing your complaint. It is important for you to keep copies of your completed complaint form, any notifications or correspondence you receive regarding your ADA complaint, as well as any other correspondence or documentation that is related to your complaint. Please bring those copies to all meetings, reviews, and appeals related to your complaint.

## **Steps for Filing Your ADA Complaint:**

### **Step 1: Fill Out and Deliver Your Complaint:**

- A. An individual may file an ADA complaint if that individual believes that he or she or a specific class of individuals has been subjected to discrimination by a Municipal agency on the basis of a disability. A complaint may also be filed through an authorized representative.
  
- B. To be considered by the Municipal ADA Coordinator, a complaint must meet the requirements of section (C), see below, and must be filed with the Municipal ADA Coordinator **within 90 days of the date of the alleged discrimination**, unless the time for filing is extended for good cause by the Municipal ADA Coordinator, in writing.
  
- C. A complaint must:
  - 1. Be in writing;
  - 2. Include the name, address, and, if applicable, the phone number of the complainant;
  - 3. Include the name of the Municipal agency in which the alleged discrimination occurred;
  - 4. Include a detailed description of the alleged discriminatory action or practice; and
  - 5. Be signed by the complainant or the complainant's authorized representative.
  
- D. If a disability prevents a complainant from writing, the Municipal ADA Coordinator, at the request of the complainant, shall seek the assistance of an advocate or outside assistance to assist the complainant in writing the complaint.
  
- E. After a complainant has filled out a complaint form, the complainant should hand deliver, mail, or e-mail the complaint to Municipal ADA Coordinator Paul Deery:

#### **Physical Address:**

Municipality of Anchorage  
Paul M. Deery  
Municipal ADA Coordinator  
632 West 6th Avenue, Suite 610  
Anchorage, AK 99501

**Mailing Address:**

Municipality of Anchorage  
Paul M. Deery  
Municipal ADA Coordinator  
PO Box 196650  
Anchorage, AK 99519

**Email Address:** ADA@anchorageak.gov

**Municipal ADA Coordinator Phone Number:** (907) 343-2081

**Step 2: Initial Mediation of Complaint:**

- A. As part of an initial review, the Municipal ADA Coordinator shall meet with the complainant, in person or via telecommunication, to attempt to jointly develop a plan to resolve the complaint; the meeting must occur **within 10 business days after receipt of the complaint** unless the Municipal ADA Coordinator authorizes more time for good cause.
  
- B. During this meeting, the complainant may request that any future correspondence / notifications be sent in a format that makes it more accessible to the complainant.

**Step 3: Notice of Mediation Outcome:**

- A. **Written Agreement of Satisfactory Resolution:**  
If a satisfactory resolution is reached at initial mediation meeting, the Municipal ADA Coordinator shall issue a formal written agreement **within 10 business days of the initial mediation meeting** to be signed by the agency head against which the complaint was filed, the Municipal ADA Coordinator, and the complainant.

The Municipal ADA Coordinator shall make the written agreement available to the complainant in an accessible format. The formal written agreement must include the following:

1. Description of the complaint;
2. Stipulated facts;
3. Description of the resolution;
4. Timeline to implement the agreement; and

5. Statement that the agency and the complainant agree to comply with the provisions of the agreement.

B. Notice of Non-resolution:

**Within 10 business days after the Municipal ADA Coordinator has determined that a satisfactory resolution cannot be reached** under Step 2, above, the Municipal ADA Coordinator shall issue to the complainant a written notice of non-resolution.

The Municipal ADA Coordinator shall make the notice of nonresolution available to the complainant in an accessible format. A notice of non-resolution must include the following:

1. Description of the complaint;
2. Summary of any proposed plan to resolve the complaint; and
3. Statement of the issues that could not be resolved.

**Step 4: Municipal ADA Coordinator Review of Complaint:**

- A. If a satisfactory resolution is not reached through the initial mediation meeting, the complainant may request that the Municipal ADA Coordinator review and gather additional information on the complaint. The written request for review must be made **within 10 business days from the date on the notice of non-resolution**, with three additional business days added to the deadline to compensate for the mailing of the notice.

The request for a complaint review must be submitted in writing and must include a description of the basis for the complaint review request. The complainant should let the Municipal ADA Coordinator know if they require assistance with putting the request in writing.

- B. The Municipal ADA Coordinator shall conduct this review of an unresolved complaint **within 30 business days after receipt of the request for complaint review** made under (A) of this section, above.
- C. If, after this further review under (B) of this section, above, the Municipal ADA Coordinator finds that the agency's action or inaction does not comply with the ADA, the Municipal ADA Coordinator shall inform that agency's director of the finding. The Municipal ADA Coordinator shall make recommendations to the agency director to facilitate a prompt and equitable resolution to the complaint and will provide the agency director with the

technical assistance needed to bring the agency into compliance.

- D. If, after this further review under (B) of this section, above, the Municipal ADA Coordinator finds that the agency's action or inaction is in compliance with the ADA and the complainant disagrees with that decision, the Municipal ADA Coordinator shall provide the complainant with information on appealing the Municipal ADA Coordinator's findings to the Municipal Manager.

**Step 5: Appeal of Municipal ADA Coordinator Review:**

- A. If the complainant wishes to appeal the Municipal ADA Coordinator's findings, the complainant must file the appeal in writing **within 10 business days from the date the Municipal ADA Coordinator informed the complainant of their right to appeal.**
- B. The appeal must include a copy of complainant's original, completed ADA Complaint Form, as well as documentation of the notice of non-resolution from the Municipal ADA Coordinator. Complainant's request for review must also include the following:
1. Your name;
  2. Mailing address;
  3. Telephone number(s);
  4. Detailed statement of the reason(s) for your request for review of the decision regarding your complaint; and
  5. Your signature and a signature of your representative (if applicable).
- C. The Municipal ADA Coordinator will provide a written response to the Municipal Manager **within 10 business days of receiving the appeal and all necessary documentation.**
- D. The Municipal Manager will provide a written response to the complainant **within 30 calendar days after receiving the Municipal ADA Coordinator's response:**
1. If the Municipal Manager determines that the complaint can be resolved, then the Municipal Manager will direct the Municipal ADA Coordinator and the affected Municipal department to implement the resolution. The Municipal Manger will notify the complainant in writing of the resolution within the time frame allotted in section (D),

above.

2. If the Municipal Manager determines that the complaint cannot be resolved, that the department in question is in compliance with the ADA, or that the department in question has not engaged in discriminatory practice or action against the complainant, then the Municipal Manager will notify the complainant in writing within the time frame allotted in section (D), above. This notice will also include information about filing a complaint with compliance agencies or with the United State Department of Justice.