

RESOLUTION

At a regular meeting of the Town Board of the Town of Union, Broome County New York, duly called and held at the Town Office Building, 3111 East Main Street, Endwell, New York, on the 15th day of July, 2015 at 7:30 o'clock P.M. of said day, the following were:

PRESENT: Supervisor Rose A. Sotak
Councilman Thomas R. Augostini
Councilman Leonard J. Perfetti
Councilman Frank Bertoni
Councilman Robert Mack

ABSENT: None

The Resolution set forth below was duly offered by Councilperson Bertoni who moved its adoption and was seconded by Councilperson Mack.

A vote was then taken upon the Motion for the adoption of said Resolution, which resulted as follows:

AYES: All

NAYS: None

ABSENT: None

The Resolution was then declared adopted.

Gail L. Springer
Gail L. Springer,
Town Clerk

RESOLUTION:

WHEREAS, it was recommended that the Town Board adopt the Section 504 Policies and Grievance Procedures for the NY Rising CDBG-DR funding as part of the New York Rising Program; and

NOW, THEREFORE, be it

RESOLVED, that the Section 504 Policies and Grievance Procedures for the NY Rising CDBG-DR funding as part of the New York Rising Program is hereby approved; and be it further

RESOLVED, that the Supervisor, Planning Director and such other officials are authorized to take such additional and further action as is necessary to implement this Resolution.

OFFERED BY: F. Bertoni

SECONDED BY: R. Mack

RESOLUTION NO. 115

A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE TOWN OF UNION, NY

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the Town of Union not to discriminate against any individual, person, or group on the basis of disability and the intent of the Town Council to address any complaints that may arise pursuant to Section 504,

NOW, THEREFORE, BE IT RESOLVED that the Town of Union does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that the Town Council does hereby designate the Commissioner of Public Works as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that the Town of Union will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the Town of Union's official newspaper, posting of notices in the Town of Union's offices and facilities, placing notices in Town of Union's publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the Town Hall for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Town of Union's adopted grievance procedures.

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 HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor’s Office of Storm Recovery (GOSR), and under which the Town of Union 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) established 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 (24 CFR) 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 Union not to discriminate on the basis of disability. Towards that end, the Town of Union 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 office of the Town Supervisor. The Commissioner of Public Works for the Town of Union has been designated to coordinate the efforts of the Town with respect to Section 504 compliance. The Coordinator’s office is located at Town Hall, 3111 E. Main St., Endwell, NY 13760. The Section 504 Coordinator can be reached at (607) 786-2950.

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 of Union outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 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 Union relating to such grievances.

- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town Council within 15 days of receiving the Section 504 Coordinator's decision. The Town Council shall issue a written decision in response to the appeal no later than 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 Union 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 Union to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED: 7/15/15