

## **46. Client & Employee Disability-Related Grievance**

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**A.** Section 504 of the Rehabilitation Act prohibits discrimination based on handicap. In accordance with Section 504 Regulation, any client, client representative, prospective client, or Department staff member who has reason to believe that he/she has been mistreated, denied services or discriminated against in any aspect of services or employment because of handicap may file a grievance. In order to implement this policy, the Department has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Health and Human Services regulation (45 CFR Part 84) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified handicapped individual ... shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**B.** The purpose herein is to provide a mechanism whereby any client, client representative, prospective client or staff member who feels he/she has been mistreated or denied services by the Department because of handicap may file a grievance.

**C. Grievance Process:**

1. The grievant shall report a grievance, in writing, which contains the name and address of the person filing the complaint, and a brief description of the action alleged to be prohibited by the regulations.
2. The grievance must be filed in the office of the Section 504 Coordinator within five (5) days after the person filing the grievance becomes aware of the action alleged to be prohibited by the regulations. This time frame may be waived by the Coordinator if extenuating circumstances existed which justify an extension.
  - a. The Home Health Nursing Supervisor shall serve as the Section 504 Coordinator.
3. The Coordinator, or designee, shall conduct such investigation of a grievance as may be appropriate to determine its validity. These rules contemplate thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the grievance.
4. Under Section 504 of the Rehabilitation Act 45 CFR 84. 7(b), the Department need not process complaints from applicants for employment.
5. The Section 504 Coordinator shall issue a written decision determining the validity of the grievance no later than fifteen (15) days after its filing.
6. If the grievance has not been resolved at this point, the Section 504 Coordinator should forward it to the Administrator who shall have an additional ten (10) days to resolve the grievance. The Administrator shall notify the grievant in writing of the decision and list the evidence on which the decision is based.
7. If the complaint is still unresolved, the grievant may request, in writing, that the Administrator submit the grievance to the Board of Health. The Board shall have fifteen (15) days to resolve the grievance. If the grievance is then unresolved, the grievant will be advised, in writing, of the right to file a complaint with the appropriate local, state, and federal civil rights offices and will be provided with the names and addresses of such offices, including: The Office for Civil Rights, U.S. Department of Health and Human Services.