

Department of Behavioral Health
TRANSMITTAL LETTER

SUBJECT DBH Americans with Disabilities Act and Human Rights Act Grievance Procedure for Employees and Applicants		
POLICY NUMBER DBH Policy 760.1	DATE DEC 17 2013	TL# 216

Purpose. To meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and the District of Columbia Human Rights Act (DCHRA).

This revision adopts the policy from the former Department of Behavioral Health, now merged into the new Department of Behavioral Health, in accordance with the DBH Establishment Act of 2013.

Applicability. Applies to any applicant or employee of the Department of Behavioral Health (DBH) who believes he or she has been discriminated against on the basis of disability in employment practices and policies.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices.

Implementation Plans. Specific staff whose roles are relevant to the implementation of this policy should be trained, as needed. Program managers are responsible for following through to ensure compliance.

Policy Dissemination and Filing Instructions. Managers/supervisors of DBH must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must promptly file this policy in the DBH Policy and Procedures Manual.

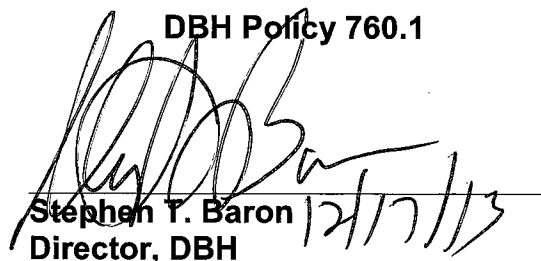
ACTION


REMOVE AND DESTROY

DMH Policy 760.1

INSERT

DBH Policy 760.1


Stephen T. Baron
Director, DBH 12/17/13

<p>GOVERNMENT OF THE DISTRICT OF COLUMBIA</p>  <p>DEPARTMENT OF BEHAVIORAL HEALTH</p>	<p>Policy No. 760.1</p>	<p>Date DEC 17 2013</p>	<p>Page 1</p>
<p>Supersedes DMH Policy 760.1A, DBH, same subject, dated May 28, 2009.</p>			
<p>Subject: DBH Americans with Disabilities Act and Human Rights Act Grievance Procedure for Employees and Applicants</p>			

1. **Purpose.** To meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and the District of Columbia Human Rights Act (DCHRA).
2. **Applicability.** Applies to any applicant or employee of the Department of Behavioral Health (DBH) who believes he or she has been discriminated against on the basis of disability in employment practices and policies.
3. **Authority.** The Americans with Disabilities Act of 1990, 42 USC §12101, *et seq.*; DC Human Rights Act, DC Official Code § 2-1401 *et seq.*
4. **Background.** The ADA and the DCHRA prohibit discrimination against a qualified applicant or employee with a disability on the basis of disability in all employment practices including, but not limited to, recruitment, firing, promotion, job assignments, pay, and benefits.
5. **Policy.** Any applicant or employee who believes that he or she has been discriminated against on the basis of disability in violation of the ADA or the DCHRA while employed or being considered for employment by DBH may file a complaint with DBH, the D.C. Office of Human Rights (OHR), the D.C. Office of Disability Rights (ODR), or the Equal Employment Opportunity Commission (EEOC).
6. **Grievance Procedure for Complaints filed with DBH.**

6a. **Complainant and/or Representative.** A DBH applicant or employee who believes that they have been discriminated against on the basis of disability in violation of the ADA or DCHRA may file an ADA complaint by:

- (1) Submitting a complaint in writing or orally as soon as possible, but no later than sixty (60) calendar days after the alleged violation or discovery of the alleged violation giving him or her cause to believe that he or she has been discriminated against to the ADA Coordinator or the EEO Manager at the following addresses:

ADA Coordinator
Department of Behavioral Health
64 New York Avenue NE, 3rd Floor
Washington, D.C. 20002
Phone: (202) 673-7690
Fax: (202) 673-1930

EEO Manager
Department of Behavioral Health
64 New York Avenue, NE, 3rd Floor
Washington, DC 20002
Phone: (202) 671-4072
Fax: (202) 673-4386

(2) The complaint shall include the following information about the alleged discrimination:

- Name of the complainant;
- Address;
- Phone number; and
- Date, location, and description of the complaint.

(3) Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, will be made available upon request for persons with disabilities requiring such alternative means.

(4) A complainant shall be free from restraint, interference, coercion, discrimination, and reprisal.

(5) Instead of filing a complaint with the DBH ADA Coordinator or EEO Manager, a complainant may file with one of the following agencies:

- DC Office of Disability Rights (ODR);
- DC Office of Human Rights (OHR); or
- U.S. Equal Employment Opportunity Commission (EEOC).

6b. **DBH ADA Coordinator/EEO Manager.** After receiving an oral or written complaint, the DBH ADA Coordinator or EEO Manager shall:

- (1) Notify the ODR;
- (2) Meet with the complainant and/or representative to discuss the complaint and possible resolutions thereof within fifteen (15) calendar days after receipt of the complaint;
- (3) Conduct an inquiry to include whether the procedures set forth in DBH Policy 760.2 were utilized to determine if the individual is a qualified individual with a disability, and review the allegations; and
- (4) Respond in writing within fifteen (15) calendar days after the meeting, and where appropriate, in a format accessible to the complainant, for example, large print, Braille, or audiotape. The response will explain the position of DBH and offer options for resolving the complaint.

7. **Appeal Process.**

7a. **Complainant and/or Representative.**

If the response by the DBH ADA Coordinator/EEO Manager does not resolve the issue to the complainant's satisfaction, the complainant may appeal to the DBH Director/designee within fifteen (15) calendar days after receipt of the response.

7b. **DBH Director/Designee**. When the Director receives an ADA/DCHRA appeal, he or she shall:

Review the complaint and respond in writing, and in a format accessible to the complainant where appropriate, with a final resolution of the complaint within fifteen (15) calendar days after receipt of the appeal.

7c. If the complainant and/or representative is not satisfied with the DBH Director's final resolution of the complaint, he or she may seek assistance from the OHR, ODR, EEOC, or may contest the decision in accordance with federal or local law.

8. **Access to Records**. Medical and disability information received by the ADA Coordinator/EEO Manager will be kept confidential and will only be shared with individuals who need to know in order to investigate and pursue resolution of the complaint.

9. **Maintenance of Records**. The DBH ADA Coordinator shall maintain the following records for at least three (3) years:

- All complaints received by the ADA Coordinator or EEO Manager;
- Appeals to the DBH Director; and
- DBH responses to any such complaints or appeals.

10. **Dissemination of ADA Information**. Managers and supervisors will be required to disseminate publications and other materials issued by DBH that describe ADA and DCHRA requirements.

11. **Related References**.

DBH Policy 760.2, Provision of Reasonable Accommodations in the Workplace Under the Americans with Disabilities Act (ADA) for Employees and Applicants

Approved By:

Stephen T. Baron
Director, DBH

(Signature)

12/17/13 (Date)