

WEST VALLEY HOUSING AUTHORITY SECTION 504 GRIEVANCE PROCEDURES

INTRODUCTION

West Valley Housing Authority (WVHA) does not discriminate on the basis of handicap in violation of 24 CFR Part 8 in admission or access to, or treatment or employment in, its federally assisted programs and activities. The purpose of these procedures is to settle any and all grievances which may be raised by employees or residents, who qualify as an individual with handicaps (defined in 24 CFR 8.3). These procedures are designed to meet the requirements for grievance procedures as set forth in 24 CFR 8.53 (b). For the purposes of these procedures, referencing disabled persons means those which qualify as an individual with handicaps as defined in 24 CFR 8.3.

This grievance procedure may be used to file a complaint alleging violations of *Section 504 of the Rehabilitation Act of 1973*, as amended.

INFORMAL SETTLEMENT OF GRIEVANCE

It is the goal of West Valley Housing Authority to settle any and all grievance matters with disabled employees or residents in an informal way. Upon receipt of a written grievance by any disabled employee or resident with a grievance involving a disability issue, the grievance will be submitted for review to the appropriate supervisor. This supervisor will then meet with the person complaining (hereinafter "grievant") at a time, date and place convenient to both parties. The supervisor hearing the grievance must always be someone other than the person who took the action resulting in the grievance. At the informal settlement, both parties shall present any and all evidence and statements pertaining to the current grievance. All statements and evidence shall be held in strictest confidence by both parties. After the meeting for informal settlement, the appropriate supervisor will issue a decision within 10 working days in writing. Within the written decision of the informal settlement, the grievant will also be advised that he/she may request a commencement of formal grievance proceeding upon request.

PROCEDURES TO COMMENCE A FORMAL GRIEVANCE HEARING

If the informal procedures fail to satisfy the dispute, the formal hearing process becomes available to all disabled employees or residents who have a grievance concerning a disability issue that may also be the subject of a complaint under *Section 504 of the Rehabilitation Act of 1973*, as amended. The following are the steps to be followed under the formal grievance procedure:

1. **REQUEST FOR A HEARING:** Within thirty (30) days of receipt of the results of the informal settlement, the person or persons seeking relief from West Valley Housing Authority may file a written grievance. The letter should state the nature of the grievance and the action or relief sought or the person may use a WVHA-provided Section 504 grievance form.

2. **SELECTION OF A HEARING OFFICER:** West Valley Housing Authority's 504 Coordinator will serve as the hearing officer for the dispute unless the grievant requests that the hearing office be an outside third party. In that case, a third party will be jointly selected and the criteria for the third party will be:

- A current or former employee of a neighboring housing authority, non-profit housing agency, or local government who has a strong knowledge in the area of *Section 504 of the Rehabilitation Act of 1973*, as amended or who has a strong knowledge in the particular disability-related issue in question.
- Anyone selected may not have any prior knowledge of this particular grievance.

3. **FAILURE TO REQUEST A HEARING:** Anyone who is covered under this policy waives his or her right to a hearing if he/she has not requested a hearing within the noted time frames in #1. Other rights to file a complaint under the relief granted by the terms of the *1988 Amendments of Fair Housing Act* or *Section 504 of the Rehabilitation Act of 1973*, as amended, are not waived.

4. **HEARING PREREQUISITE:** In order to qualify for a formal 504 Grievance Hearing, the grievant must waive an informal hearing or have participated in the informal settlement procedure outlined above. If the grievant can show just cause why he/she did not participate or request informal settlement under the provisions above, then the Hearing Officer may waive this requirement.

5. **LOCATION AND TIME OF HEARING:** The location and time of the hearing shall be jointly agreed upon by all parties involved. Every effort shall be made to locate the hearing in a fully accessible location. If the grievant seeking relief under this policy needs signers or special accommodations, such services will be provided free of charge by West Valley Housing Authority upon ten (10) days prior notice.

6. PROCEDURES GOVERNING THE GRIEVANCE

HEARING: The hearing procedures will comply with the elements of due process. The hearing will be held before the Hearing Officer. The grievant or his/her representative shall have the opportunity to examine before the start of proceedings all relevant materials. The grievant shall have the right to secure aid in representation whether of a professional nature or otherwise. This would include, but not be limited to, attorneys, health professionals, or any other person beneficial to the presentation of the case. These hearings shall be held in private unless the grievant requests a public hearing. The grievant has the right to present any and all pertinent evidence and cross-examine any and all witnesses. The decision of any and all hearings shall only be based on facts presented at the time of the grievance hearing and considered to be a decision on the merits.

7. FAILURE TO SHOW UP FOR THE HEARING: In the event that West Valley Housing Authority or its representatives fail to show or if the grievant does not show, the Hearing Officer may postpone the hearing for up to five (5) days or find against the party who failed to show. This determination does not affect the rights to pursue any other legal rights available to the grievant.

8. RECORDS OF PROCEDURES OR TRANSCRIPTS:

West Valley Housing Authority or the grievant may arrange for a transcript of the hearing in advance at the expense of the party requesting the transcript.

9. DECISION OF THE HEARING OFFICER: The hearing officer must issue a written decision within ten (10) working days and furnish a copy to all parties. A copy must be kept on file with West Valley Housing Authority. A copy of the decision with all names deleted shall be kept on file for future reference by any other party filing a grievance.

10. GRIEVANT RIGHTS TO FILE COMPLAINTS WITH STATE OR FEDERAL AGENCIES:

Nothing in this 504 Grievance Procedure precludes persons from filing a complaint with any of the appropriate agencies at the State of Oregon or the U.S. Government. WVHA's grievance procedure is not mandatory. The grievant is not precluded from filing formal complaints at any time before, during, after, or in lieu of WVHA's grievance process.