DESIGNATION OF AMERICANS WITH DISABILITIES ACT OF 1990

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ADA COORDINATOR AND INTERNAL GRIEVANCE PROCEDURE FOR THE SEVENTEENTH JUDICIAL CIRICUIT

I. AUTHORITY

Federal regulations implementing the Americans with Disabilities Act of 1990 (ADA) requires public entities with 50 or more employees to designate a responsible employee and adopt grievance procedures providing for prompt and equitable resolution of complaints alleging noncompliance or complaints alleging any actions that would be prohibited under title II of the ADA. (28 C.F.R. § 35.107)

II. INTENT AND PURPOSE

It is the intent of the Seventeenth Judicial Circuit to fully comply with the ADA and to assure equity, fairness, and full participation in the judicial system for persons with disabilities.

The purpose of this procedure is to establish a mechanism for resolving complaints without requiring the complainant to resort to federal complaint procedures. However, complainants would not be required to exhaust this grievance procedure before they could file a complaint at the federal level.

It is the intent of the Seventeenth Judicial Circuit that complainants be received and reviewed, and that communications be maintained, at each step of the grievance process. It is further the intent of the Seventeenth Judicial Circuit to engage alternative dispute resolution techniques whenever necessary, and at any point in the grievance process.

III. DEFINITIONS

A. Americans With Disabilities Act (ADA) - Public Law 101-336, the Americans With Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

B. ADA Coordinator – Same as "Responsible Employee."

C. Disability or Persons With Disabilities - With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment as defined in Public Law 101-336 and 28 C.F.R. §35.104

D. Grievance - A formal complaint made by a person, or on behalf of a person, alleging that he or she has been subjected to unlawful discrimination, or inaccessibility to facilities, programs, service's benefits, or activities on the basis of a disability.

E. Office of General Counsel - An operational division of the Office of the State Courts Administrator, Supreme Court of Florida, Tallahassee. In addition, the Office of General Counsel for the Seventeenth Judicial Circuit and the Broward County Attorney's Office.

F. Office of the State Courts Administrator (OSCA) - The administrative office of the Supreme Court of Florida, Tallahassee, which serves as the liaison between the Supreme Court and other court entities and other branches of government.

G. Responsible Employee – An employee designated to coordinate a public entity's efforts to comply with and carry out its responsibilities under Title II of the ADA. These responsibilities include any investigation and/or follow through of any complaint alleging noncompliance or alleging any actions that would be prohibited by Title II of the ADA.

H. State Courts System – All Florida courts at both appellate and trial levels.

I. Title II – The second section of the ADA that prohibits discrimination on the basis of disability in state and local government services.

IV. DESIGNATION OF RESPONSIBLE PERSON

The ADA coordinator for the Seventeenth Judicial Circuit is:

Diana Sobel,
Chief of Personnel Services
Court Administrator's Office
Seventeenth Judicial Circuit
201 S.E. Sixth Street
Fort Lauderdale, Florida 33301
Telephone: (954) 831-7721

V. GRIEVANCES

A complaint shall contain the following minimum information:

A. Name, address, and telephone number of the complainant on whose behalf the complaint is being made.

B. The court facility in which the violation is alleged to have occurred.

C. A complete statement of the grievance and the facts upon which it is based.

D. The desired remedy or solution requested.

E. The names of any witnesses who can provide supportive or relative information.

VI. PROCEDURE FOR GRIEVANCES RELATING TO THE SEVENTEENTH JUDICIAL CIRCUIT.

A. Filing

1. Complaints must be filed with the ADA coordinator no later than one hundred eighty (180) days from the date of the alleged violation.

2. The filing deadline may be extended upon a show of good cause.

B. Assessment and Determination of Team Members

1. The ADA coordinator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities.

2. The ADA coordinator will notify the Chief Judge, Court Administrator, and General Counsel of the complaint.

3. A team consisting of the ADA coordinator, the Trial Court Administrator, and General Counsel or designee shall address the complaint. Individual(s) who are charged in the complaint with alleged discriminatory conduct shall not be a member of the team.

4. The team will involve representatives from Broward County Government entities, including the Broward County Attorney's office, in the resolution of the complaint when the complaint involves a court facility, program, service, benefit, or activity that is under the authority or provided by Broward County government.

C. Fact Finding

1. The team, or a member of the team, will review the complaint with the complainant.
2. The team, or a member of the team, will interview witnesses who can provide supportive or relative information and complete the fact finding.

D. Test of Legal Sufficiency

1. The General Counsel of the Seventeenth Judicial Circuit, will determine the legal sufficiency of the complaint. In making his/her determination, the General Counsel shall consider a consultation with a member of the Office of the State Courts Administrator's General Counsel and/or the Broward County Attorney's office.

E. Action

1. If a complaint is legally deficient, the complaint shall immediately be brought to closure.

2. If a complaint is legally sufficient, the team will establish a course of action to resolve the complaint.

3. To the extent necessary, the court will make reasonable modifications to its programs, services, benefits, and activities, to ensure future compliance with the ADA.

4. When appropriate, and to the extent necessary, the court will work with Broward County government to make reasonable modifications to court facilities, programs, services, benefits, and activities that are under the authority or provided by Broward County government, to ensure future compliance with the ADA.

5. The court may invoke the course of action described in the regulations implementing the ADA (28 C.F.R. §35.164) when modifications would result in a fundamental alteration in the

nature of a service, program, or activity or in undue financial and administrative burdens.

F. Closure, Notification, and Records Retention

1. The ADA coordinator shall communicate the results of the investigation and the chosen course of action to the complainant not later than thirty (30) working days from the date the complaint was filed.

2. In instances where a grievance against the Seventeenth Judicial Circuit is filed via the ADA coordinator of the State Courts System, the ADA coordinator shall also communicate the results of the investigation and the chosen course of action to the ADA coordinator of the State Courts System not later than thirty (30) working days from the date the complaint was filed.

3. A record of the grievance shall be maintained for three (3) years; the record shall be located with the General Counsel of the Seventeenth Judicial Circuit.