

The American with Disabilities Act Complaints

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. The ADA prohibits all state and local governments and some private businesses from discriminating on the basis of disability. The City acknowledges its obligation to ensure compliance with Title II of the ADA in all of its services and programs, whether carried out directly or through a contractor.

In accordance with requirements of 28 Code of Federal Regulations Part 35, the Human Relations Manager is designated as the City ADA Coordinator. The ADA Coordinator will carry out the City's responsibilities under rules governing non-discrimination on the basis of disability in local government services, including investigation of complaints arising out of allegations that local government has failed to comply with the ADA.

Any individual who believes that he or she or a specific class of individuals has been subjected to unlawful discrimination on the basis of disability by the City of Sioux Falls may, by himself or herself or by any authorized representative, file a complaint no later than 180 days from the date of the alleged discrimination. Complaints should be filed with the Human Relations Manager. The Human Relations Manager may extend the time for filing for good cause shown. Information regarding complaint filing may be found at <http://www.siouxfalls.org/en/city-attorney/relations/complaints>.

An individual may also file a complaint with:

1. Any federal agency that he or she believes is the appropriate designated federal agency;
2. Any federal agency that provides funding to the City of Sioux Falls; or
3. The Department of Justice for referral to the appropriate designated federal agency.

A complaint will be treated as filed on the date it is first filed with any federal agency.

The Human Relations Manager shall investigate each complaint, attempt informal resolution, and if the resolution is not achieved, issue to the complainant, the City of Sioux Falls and the Attorney General of the United States a letter of findings that shall include:

1. Findings of fact and conclusions of law.
2. A description of a remedy for each violation found.
3. Notice of the rights available to both the City and the complainant, including the complainant's right to file a private suit.

If the Human Relations Manager finds non-compliance, the City will enter into voluntary compliance negotiations, or if negotiations are unsuccessful, the Human Relations Manager shall refer the matter to the Attorney General of the United States.

Where voluntary compliance is obtained, a compliance agreement shall (1) be in writing and signed by the parties; (2) address each cited violation; (3) specify the corrective or remedial action to be taken by the City of Sioux Falls within a stated period of time; (4) establish a compliance schedule for the corrective or remedial action; (5) provide assurance that discrimination will not recur; and (6) provide for enforcement by the Attorney General of the United States.