

Americans with Disabilities Act of 1990 Notice of Designation of Responsible Person and Internal Grievance Procedure for the Ninth Judicial Circuit

I. Authority

Federal regulations implementing the Americans with Disabilities Act of 1990 (ADA) require 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 Ninth 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 are not required to exhaust this grievance procedure before they may file a complaint at the federal level.

It is the intent of the Ninth Judicial Circuit that complainants be consulted and advised, and that communications be maintained, at each step of the grievance process. It is further the intent of the Ninth 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. Chief Deputy Trial Court Administrator — 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, services, benefits, or activities on the basis of a disability.

E. Ninth Judicial Circuit — The Circuit Court and County Courts serving Orange and Osceola Counties, Florida, together with the court facilities, programs, services, benefits, and activities administered within the Circuit.

F. Responsible Employee — An employee designated to coordinate the Ninth Judicial Circuit'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.

G. 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 Title II ADA Coordinator for the Ninth Judicial Circuit is:

Chief Deputy Trial Court Administrator

Court Administration

425 N. Orange Avenue, Suite 2130

Orlando, Florida 32801

All ADA grievances arising in the Ninth Judicial Circuit must be sent to the Chief Deputy Trial Court Administrator at the address set forth above or by email to:

OrangeADA@ninthcircuit.org or OsceolaADA@ocnjcc.org.

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 Arising in the Ninth Judicial Circuit

A. Filing

1. Complaints must be filed with the Chief Deputy Trial Court Administrator 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 Chief Deputy Trial Court Administrator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities.
2. The Chief Deputy Trial Court Administrator will notify the Chief Judge, the appropriate administrator(s), and legal counsel for the Ninth Judicial Circuit of the complaint.
3. A team consisting of the Chief Deputy Trial Court Administrator, the appropriate administrator(s), and/or legal counsel for the Ninth Judicial Circuit shall address the complaint. Any individual who is charged in the complaint with alleged discriminatory conduct shall not be a member of the team.

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 team member representing legal counsel for the Ninth Judicial Circuit will determine the legal sufficiency of the complaint.

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. 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 Chief Deputy Trial Court Administrator 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. A record of the grievance shall be maintained for three (3) years; the record shall be located with Court Administration for the Ninth Judicial Circuit.

VII. Right to File a Federal Complaint

Use of this internal grievance procedure is not a prerequisite to, and does not waive, a complainant's right to file a complaint with the appropriate federal agency or to pursue any other remedy available under the ADA. A complainant may file a federal complaint notwithstanding the use of this procedure.