



## LINCOLN COUNTY

### AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Lincoln County has adopted a grievance procedure (the "Procedure") for the prompt and equitable resolution of complaints by members of the public alleging any action prohibited by the United States Department of Justice regulations for the implementation of Title II of the Americans with Disabilities Act (the "ADA"). Title II of the ADA states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, denied the benefits of, or be subject to discrimination..." in programs or activities sponsored by a public entity.

The Procedure for filing and review of a grievance complaint (hereafter "Complaint") is as follows:

1. Complaints must be filed as provided for in the Grievance Complaint Form, as follows:

Mail this completed form to:

Megan H. Gilbert  
Lincoln County ADA Coordinator  
P.O. Box 738  
Lincolnton, NC 28093

Email a completed form to:

[adacoordinator@lincolncounty.org](mailto:adacoordinator@lincolncounty.org)

Deliver in person this completed form to:

Lincoln County Administration Building  
353 N. Generals Blvd.  
Lincolnton, NC 28092

2. A Complaint must be filed in writing, contain the name and address of the person filing the Complaint, the name and address of the person alleged to have been discriminated against if different from the Complainant, and briefly describe the alleged violation of the regulations complained of. *See the Lincoln County Americans with Disabilities Act Grievance Complaint Form.*

3. A Complaint must be filed within sixty (60) calendar days after the alleged violation.

4. For purposes of this Procedure a document is "filed" when it is placed in an envelope, postage pre-paid, and mailed by first-class mail, or other class of mail that is at least as expeditious; or is dispatched to a third-party commercial carrier for delivery to the address designated by this Procedure for service within three (3) days.

5. An investigation, the appropriate scope of which is to be determined by the discretion of the ADA Coordinator, must follow the filing of a Complaint. The investigation must be conducted by the ADA Coordinator or his/her designee. This Procedure contemplates informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the Complaint, for consideration by the ADA Coordinator.

6. As a part of the ADA Coordinator's investigation, a conference shall be scheduled within ten (10) working days, to be held within twenty (20) working days from the date of the filing of the Complaint. The purpose of this conference is to provide the Complainant, or his/her representative, an opportunity to provide supporting evidence. The ADA Coordinator must investigate the substance of the Complaint and give a written resolution ("Resolution") to the Complainant within ten (10) working days of the date of the conference.

7. The Complainant may request a reconsideration of the Resolution of the ADA Coordinator in instances where he/she is dissatisfied with the Resolution ("Request for Reconsideration"). The Request for Reconsideration must be made within ten (10) working days of receipt of the Resolution, and must be filed with the County Manager, Lincoln County Administration, P.O. Box 789, 353 N. Generals Blvd., Lincolnton, NC 28092.

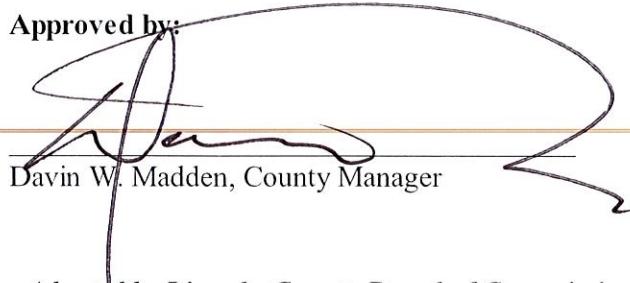
8. Upon receipt of a Request for Reconsideration, the County Manager must render a decision in response to the Complaint within ten (10) working days. The decision of the County Manager ("Final Determination") is final.

9. The ADA Coordinator must maintain the files and records of Lincoln County relating to any Complaints filed, the Resolution offered, any Requests for Reconsideration and any Final Determinations rendered.

10. The right of any person to a prompt and equitable resolution of the Complaint filed hereunder must not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this Procedure is not a prerequisite to the pursuit of other remedies.

11. This Procedure must be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Lincoln County complies with the ADA and all applicable implementing regulations.

Approved by:

  
Davin W. Madden, County Manager

Date:

3/9/2023

*Adopted by Lincoln County Board of Commissioners on the 6<sup>th</sup> day of March, 2023.*