

## Report to the NRP Policy Board

FROM: David Rubedor  
DATE: October 10, 2012  
SUBJECT: Clarification of the Community Participation Program Guidelines regarding ADA Policy and Grievances, and ADA Support for Neighborhood Organizations

### Action Requested:

Receive and circulate for 45-day review and input by Minneapolis neighborhood organizations

### Background

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The Act mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

In order to better focus the role of the Neighborhood and Community Relations (NCR) Department and the Neighborhood and Community Engagement Commission (NCEC) as a resource to assist neighborhood organizations with ADA efforts and compliance, I am submitting the following items for your review and circulation for 45-day review by Minneapolis neighborhood organizations:

#### 1. Proposed Clarification to the Community Participation Program

The first item is a proposed clarification of the Community Participation Program (CPP) Guidelines under section VII – **GRIEVANCES AGAINST CONTRACTED NEIGHBORHOOD ORGANIZATIONS**.

*A grievance against a neighborhood organization may be filed with the City if the following conditions are met:*

- *The grievance is within the jurisdiction of the City's community participation contract with the neighborhood organization;*

- *The grievance is regarding the process used by the neighborhood organization (but not about decisions or outcomes), or the grievance is regarding the management or use of Community Participation Program funds in a manner that is inconsistent with the program's standards and expectations (see Section II.B Standards and Expectations above);*
- *The person filing the grievance is a member of, or eligible for membership in, the organization, or is otherwise directly affected by the actions of the organization; **and***
- *The person filing the grievance has formally brought the issue to the attention of the neighborhood organization in a timely manner and the grievance has been addressed through the neighborhood organization's grievance procedure, or if the neighborhood organization has failed to respond to the grievance in a timely manner as addressed in the neighborhood organization's bylaws (but not to exceed 120 days); **and**.*

*A grievance must be submitted in writing to the NCR Department. Upon receipt of the grievance, NCR **will review the complaint to determine if it meets the conditions above.***

***If the grievance falls under the Americans with Disabilities Act (ADA) as determined by NCR's Access and Outreach Manager, the NCR Director will forward the complaint to the City of Minneapolis Civil Rights Department for further investigation and resolution of the complaint.***

***For complaints that are not ADA in nature, NCR will undertake an investigation of the complaint and prepare a report of its findings for the NCR Director, and will report the grievance to the NCEC at its next meeting. The NCR Director will issue a formal response to the grievance within 45 days of its initial receipt. This response will include the findings of the investigation and a proposed resolution to the grievance.***

*If the person filing the grievance or the affected neighborhood organization is unsatisfied with the Director's findings or resolution, they may appeal the matter to the NCEC within thirty days of the official response. The NCEC will convene a grievance committee to review the grievance. The decision of this grievance committee will be final and will be reported to the full NCEC.*

The intent of the proposed clarification is to direct those grievances made to the Neighborhood and Community Relations (NCR) Department that fall under the Americans with Disabilities Act (ADA) to the Minneapolis Civil Rights Department for investigation and resolution under its existing processes. Because the Civil Rights Department handles all other City grievances of this nature, and has expertise in the area of ADA, Title II, they are the appropriate agency to handle such grievances. This clarification will also eliminate duplication of effort between two City departments. (NOTE: the Civil Rights Department is also currently reviewing this proposal.)

Under the current Community Participation Program (CPP) Guidelines, the NCR requires neighborhood organizations to adopt a formal ADA policy and encourages good practices by neighborhood organizations to ensure that they not only comply with the law, but also actively

encourage participation by people with disabilities. These elements will remain under the proposed Guidelines clarification.

## 2. NCR Department Capacity Support

Two additional items included for 45-day review and input by Minneapolis neighborhood organizations – a draft NCR resource document, *ADA Guidelines for Neighborhood Organizations*, and a list of resources to be provided by NCR. Staff will distribute a draft of the *Guidelines* document at Tuesday’s meeting.

To help neighborhood organizations increase their ADA awareness and increase participation, NCR will provide technical support and the tools necessary to assist them in their efforts. This support includes:

- ***Providing information and resources about the ADA*** – NCR staff will provide neighborhood organizations and their staff resources and information including guidelines, one-on-one advice and information about assistive technology.
- ***Training*** – NCR will provide training to neighborhood organizations about services to individuals with disability, compliance with the ADA and resources that are available from NCR. Training will be offered twice a year in the spring and fall,
- ***Evaluation and Assessment*** – NCR will also conduct on-site physical and program assessment upon request and make recommendations to neighborhood organizations as needed

While all organizations that receive City funds must comply with ADA, Title II , this proposed clarification of CPP Guidelines, the accompanying draft *ADA Guidelines for Neighborhood Organizations*, and the NCR support listed above are focused on helping NCR and neighborhood organizations be successful in fulfilling our mutual goal of broad-based outreach to and involvement by all segments of the community.

In accordance with NRP policy, I am requesting that the Policy Board circulate these items for 45-day neighborhood review and input so that we can raise the profile of this important law among neighborhood organizations, gather their feedback to ensure that we can provide the support that will be most helpful to them, and identify any areas where organizations may need additional support. I will return to the Policy Board in January with the results of this process and a request for approval of the proposed clarification of the CPP guidelines.

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**RESOLVED, that the NRP Policy Board receive and circulate for 45-day review and input by Minneapolis neighborhood organizations the proposed clarification of the Community Participation Program (CPP) Guidelines and the draft NCR resource document, “ADA Guidelines for Neighborhood Organizations.”**