



ADA Request for Service

A procedure to request that a facility within the public right-of-way be made ADA accessible.



WHAT IS A REQUEST FOR SERVICE?

The Americans with Disabilities Act (ADA) states that a public entity is required to apprise the public of the protections against discrimination afforded to them by Title II of the ADA, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. § 35.106]. A public entity is also required to provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of policies and procedures that affect the implementation of an ADA transition plan by submitting comments and making specific recommendations.

A public entity that employs 50 or more persons is required by the ADA to adopt and publish request for service procedures providing for prompt and equitable resolution of requests for service alleging any accessibility issue that would be prohibited by Title II of the ADA. The guardian who represents a minor person with a disability, who believes that they have been the subject of disability-related discrimination on the basis of denial of access to facilities, programs or services covered under Title II, may file a request for service.

GRIEVANCE PROCEDURES AND INSTRUCTIONS

Step 1: File a Request for Service Form

The applicant should fill out the ADA Request for Service Form giving all of the information requested. The ADA Request for Service Form should be filed in writing with the ADA Coordinator within 60 days of the alleged disability-related noncompliance. Upon request, reasonable accommodations will be provided in completing the form, or alternate formats of the form will be provided. The ADA Request for Service Form may be obtained from the City of Milwaukie web site. Send requests to:

City of Milwaukie, ATTN: ADA Coordinator
6101 SE Johnson Creek Blvd. Milwaukie, OR 97206
Phone: 503.786.7606 Fax: 503.774.8236,
Email: ADACoordinator@milwaukieoregon.gov.

Step 2: An Investigation is Conducted

A notice of receipt shall be provided to the applicant within five days of the receipt of the request for service, and the ADA Coordinator or other authorized representative shall perform an investigation into the merits of the request. If necessary, the ADA Coordinator or authorized representative may contact the applicant directly to obtain additional facts or documentation relevant to the request for service. If the applicant alleges misconduct on the part of the ADA Coordinator, another authorized representative may be appointed by the Community Development Director to undertake the investigation if the allegations can be substantiated. If the applicant does not wish to be contacted personally, he/she should indicate it on the ADA Request for Service Form.

Step 3: A Written Decision is Prepared and Forwarded to the Applicant

The ADA Coordinator shall prepare a written decision, after full consideration of the request for service merits, no later than 75 days following the receipt of the request for service. A copy of the written decision shall be mailed to the applicant by registered mail no later than five days after preparation of the written decision.

Step 4: An Applicant May Appeal the Decision

If the applicant is dissatisfied with the written decision, the applicant may file a written appeal with the Community Development Director no later than 30 days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt shall be mailed to the applicant by registered mail within five days of the receipt of the appeal. The appeal reviewers, consisting of the ADA Coordinator and the Community Development Director, shall act upon the appeal no later than 60 days after receipt, and a copy of the appeal reviewers' written decision shall be mailed to the applicant by registered mail no later than five days after preparation of the decision. The decision of the appeal reviewer shall be final.

The ADA Coordinator and the Community Development Director shall maintain the confidentiality of all files and records relating to requests for service filed, unless disclosure is authorized or required by law. Any retaliation, coercion, intimidation, threat, interference or harassment for filing the request for service, or used to restrain an applicant from filing, is prohibited and should be reported immediately to the ADA Coordinator depending on the case.

ADDITIONAL INFORMATION

For more information about the ADA Transition Plan in the Public Right-of-Way, please visit our web page:

www.milwaukieoregon.gov/engineering/ADA

Or contact:

Engineering Department

6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

engineering@milwaukieoregon.gov
503.786.7606

