NEW YORK STATE OF OPPORTUNITY. | Office for People With Developmental Disabilities

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the NYS Office for People with Developmental Disabilities (OPWDD). Employment-related complaints of disability discrimination are covered elsewhere, in policies available from the NYS Equal Employment Opportunity in New York State Rights & Responsibilities Handbook.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his or her designee as soon as possible but no later than 60 calendar days after the alleged violation to:
Dana K. Scalere
ADDRESS: NYS Office for People with Developmental Disabilities
44 Holland Avenue
Albany, NY 12229-0001

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his or her designee will meet with the complainant via telephone or in person to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the NYS Office of People with Developmental Disabilities and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his or her designee does not satisfactorily resolve the issue, the complainant and/or his or her designee may appeal the decision within 15 calendar days after receipt of the response to the Commissioner of NYS OPWDD or her designee.

Within 15 calendar days after receipt of the appeal, the Commissioner or his or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further action is indicated, the complainant will be contacted within 15 days from the written response.

All written complaints received by the ADA Coordinator or his or her designee, appeals to the Commissioner or his or her designee, and responses from these two offices will be retained by the NYS office of People with Developmental Disabilities for at least three years.