

Introduction

Madison General Ordinance 39.05 (MGO 39.05) prohibits a City department or a recipient of City funds from denying a qualified person with a disability either full access to or full participation in:

1. a service offered by a City of Madison department, or
2. a service subsidized by the City.

An individual may file a complaint under MGO 39.05, if a denial as described above has occurred and the denial is based solely upon the person's having a disability. The complaint procedure provided under MGO 39.05 serves as the City of Madison's complaint procedure as required by Title II of the Americans with Disabilities Act (ADA).

MGO 39.05 **DOES NOT** cover alleged discrimination based on disability occurring during the course of one's employment with the City of Madison. Therefore, complaints relative to City employment should be directed to either the Affirmative Action Specialist, the City's Human Resources Department or the State of Wisconsin's Department of Workforce Development-Equal Rights Division.



Here's how to file a complaint:

- Complete a "Complaint Register" form within 300 days of the alleged violation.
 - Complaint Register forms will be made available in accessible formats upon request and can be obtained from the Disability Rights and Services Program.
- After the submission of a completed Complaint Register form, the Director of the Department of Civil Rights (or his/her designee) shall promptly investigate and provide:
 - A **WRITTEN** decision detailing whether or not there has been a violation of MGO 39.05.
 - If it is determined that there has been a violation of MGO 39.05, a proposal to remedy the violation shall be included along with a timetable for its completion. The proposed remedy must be approved by the Commission on People with Disabilities (CPD) and signed by the Mayor and the recipient, or in the case of a City facility, by the Mayor and the responsible department head.
- Both the determination of noncompliance and the proposal for remedy will either be mailed or given to the City department head or recipient responsible for the facility, program or service, and to the individual(s) making the complaint.
- Both the complaint and the determination are public records available to any person for inspection and copying.

Enforcement Procedures

Enforcement procedures for MGO 39.05 will begin if a City department head or recipient of City funds fails to either:

1. meet the deadline for compliance and remedy,
2. enter into a voluntary compliance agreement, or
3. comply with the terms of a voluntary compliance agreement.

City Facilities, Programs or Services

The Director of the Department of Civil Rights (or his/her designee) shall notify the Commission on People with Disabilities (CPD) and the Mayor, if after receiving a written determination of noncompliance, a City department head fails to comply.

Noncompliance, as described above, shall be reported to the CPD and the CPD shall make a recommendation for action to the Board of Estimates. Subsequently, the Mayor shall convene a special meeting of the Board of Estimates to consider the issue. At the meeting, the Board shall hear testimony from all or any of the following:

- the Department Head,
- other City Officials,
- employees, and/or
- members of the Public.

The Board of Estimates shall submit a recommendation for a resolution to the Common Council for its approval.

Federally Funded City Facilities

The Director of the Department of Civil Rights (or his/her designee) shall notify the federal agency from which federal funding is received if, after receiving a written determination of noncompliance, a City department head fails to comply.

The complaint will then be addressed in accordance with the federal agencies' Rehabilitation Act of 1973 compliant procedures.

Recipients of City Funding

The Director of the Department of Civil Rights shall notify the City Attorney if a recipient fails to comply. The City Attorney shall proceed to terminate and, if he/she deems necessary, to recoup the recipient's financial assistance. The City Attorney may also seek other remedies.

The recipient of City funding may request a hearing. The hearing committee shall consist of three members of the Common Council, three persons designated by the Chair of CPD, and the Chair of the Equal Opportunities Commission (or his/her designee). The Director of the Department of Civil Rights (or his/her designee) shall have the burden of persuading the Committee that the recipient has violated this Ordinance.

Each party shall have the right to appear in person and/or be represented by counsel. They shall also have the right to examine all witnesses and introduce exhibits. The Mayor shall establish any additional rules concerning hearing procedures. The Hearing Committee's decision shall be considered by law. The City Attorney may initiate court action to enforce the Committee's decision.

If you have any questions, please contact: Lucía Nuñez, Director of the Department of Civil Rights or Angela Bennett, Disability Rights and Services Program Coordinator in the City of Madison's Department of Civil Rights at (608) 267-8635, TextNet at (866) 704-2314.

In conformance with the Americans with Disabilities Act, any person requiring a program modification or program access should contact the department delivering the service, program or activity.

If you should have any questions, please call Angela Bennett, Disability Rights and Services Program Coordinator at: (608) 267-8635, TextNet (866) 704-2314.



Grievance and Enforcement Procedure for MGO 39.05, ADA & Other Federal Laws

City of Madison Department of Civil Rights

DCR

Disability Rights and Services Program

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If you need an accommodation in order to access this service or need materials in Braille, large print or an alternate format, please contact our office.