

Subject

COMPLAINT PROCEDURE-AMERICANS WITH DISABILITIES ACT

Subject Matter Expert

DHR

Reference

American with Disabilities Act (ADA), as amended
HRS, Chapter 378 and 489
RCH, Sections 6-1102, 6-1105, and 6-1112

Purpose

The complaint procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA).

I. POLICY

The complaint procedure may be used by any person who wishes to file a complaint alleging discrimination on the basis of disability with regards to services, programs, activities, or benefits of the City and County of Honolulu.

II. FILING A COMPLAINT

A. A complaint should be filed as soon as possible but no later than sixty (60) calendar days after the alleged violation. The complaint should be in writing and contain the following information:

1. Name, address, phone number, and email address of the complainant,
2. Location, date, and description of the alleged discrimination.

B. Complaints may also be filed by completing the ADA Title II Complaint Form. ([Exhibit 1](#)) Alternate means of filing a complaint will be made available to persons with disabilities who are unable to complete the ADA Title II Complaint Form due to their disability.

III. WHERE TO FILE A COMPLAINT

A. Complaints shall be filed directly with:

1. The department/agency associated with the alleged violation. The City department/agency can be found at <http://www.honolulu.gov/>, or
2. City's ADA Program Manager:
City and County of Honolulu

Equal Opportunity Office
925 Dillingham Boulevard, Suite 180
Honolulu, HI 96817
Phone: (808) 768-8599
Email: mona.higa@honolulu.gov

IV. RESPONDING TO THE COMPLAINT

- A. Within thirty (30) days of receipt of a complaint, the assigned department/agency or the ADA Program Manager will communicate with the complainant to acknowledge receipt of the complaint and obtain and/or provide additional information, as applicable. Assessment of the merits of the complaint, relevant information and possible resolution of the complaint may be discussed with the complainant when appropriate.
- B. After review and evaluation of the complaint, the department/agency designee or the ADA Program Manager will notify the complainant of the disposition of the complaint, including an explanation of the reason for determination and offer options for substantive alternative resolution of the complaint, if applicable. This notice of disposition shall be provided to the complainant in writing, or where appropriate, in a format accessible to the complainant, within fifteen (15) days of the department/agency completing their evaluation.

V. APPEALS

- A. If the complainant feels the disposition does not satisfactorily resolve the complaint, an appeal may be filed within thirty (30) days of receipt of the notification to the City's Equal Opportunity Administrator at:

Denise Tsukayama, Equal Opportunity Administrator
Telephone: (808) 768-8505
Facsimile: (808) 768-8490
Email: dsukayama@honolulu.gov

- B. Within thirty (30) days of receipt of the appeal, the City's Equal Opportunity Administrator will contact the complainant to acknowledge receipt of the appeal, discuss the complaint and possible resolutions, as applicable. After review and evaluation of the appeal, the City's Equal Opportunity Administrator will provide the complainant with a final disposition of the complaint in writing, or where appropriate, in a format accessible to the complainant. The final disposition will be provided to the complainant within fifteen (15) days of the Equal Opportunity Administrator completing the evaluation of the appeal.

VI. EXTENSION OF DEADLINES

- A. The City's ADA Program Manager, Equal Opportunity Administrator or designee may extend the timeframes noted herein for cause with notification to the complainant.

VII. RETENTION OF RECORDS

- A. City departments/agencies shall maintain files and records of all complaints filed under this Complaint Procedure for a period of not less than three (3) years following the date of the final determination.

VIII. NON-RETALIATION

- A. Title II of the ADA prohibits retaliation or coercion of any individual with a disability in the exercise of his/her right to file a complaint under the ADA. Retaliation or coercion of any individual for aiding or encouraging an individual with a disability in the exercise of his/her rights under the ADA is also prohibited. Individuals wishing to file a complaint alleging retaliation under Title II of the ADA should also follow the procedure outlined in this policy.

IX. ADDITIONAL INFORMATION

- A. To obtain additional information about disability discrimination, individuals may contact, as applicable:
 - 1. Hawaii Civil Rights Commission
830 Punchbowl Street, Room 411
Honolulu, HI 96813
Telephone : (808) 586-8683
State Toll Free Number: 1 (808) 468-4644. Extension 6-8636
 - 2. U.S. Department of Justice
Civil Rights Division, Disability Rights Section
950 Pennsylvania Avenue, NW
Washington, D. C. 20530
Telephone: (202) 307-0663
Fax: (202) 307-1197
Toll Free ADA Technical Assistance Line: (800) 514-0301 (Voice)
(800) 514-0383 (TTY)