

Section 504 Grievance Procedure

It is the policy of the Department of Employment & Social Services not to discriminate on the basis of disability. The Department of Employment & Social Services has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act.

Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of the **Department of Employment & Social Services' Compliance Coordinator at (530) 538-7572** who has been designated to coordinate the efforts of the Department of Employment & Social Services to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Department of Employment & Social Services to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504 Coordinator within fifteen (15) days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence

relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Department of Employment & Social Services relating to such grievances.

- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the County of Butte's Civil Rights Compliance Officer within 15 days of receiving the Section 504 Coordinator's decision. The Civil Rights Compliance Officer shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Department of Employment & Social Services will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.



Department of Employment & Social Services

Administration:
Department Compliance Coordinator
202 Mira Loma Drive
Oroville, CA 95965



DEPARTMENT OF EMPLOYMENT & SOCIAL SERVICES

County of Butte

Your Rights Under Section 504 of the Rehabilitation Act



202 Mira Loma Drive, Oroville, CA 95965

Tel: (530) 538-7572

Section 504

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs.



Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program bene-

fits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Who is Protected from Discrimination?

Section 504 protects **qualified individuals with disabilities**. Under this law, **individuals with disabilities** are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism,

blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, heart disease, and mental illness.

In addition to meeting the above definition, for purposes of receiving services, education or training, **qualified individuals with disabilities** are persons who meet normal and essential eligibility requirements.

For purposes of employment, **qualified individuals with disabilities** are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform. (Complaints alleging employment discrimination on the basis of disability against a single individual will be referred to the U. S. Equal Employment Opportunity Commission for processing.) **Reasonable accommodation** means an employer is required to take reasonable steps to accommodate your disability unless it would cause the employer undue hardship.

Prohibited Discriminatory Acts

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified.

These and other prohibitions against discrimination based on disability can be found in the DHHS Section 504 regulation at 45 CFR Part 84.

How to File a Complaint of Discrimination

The Department of Employment & Social Services has adopted a Section 504 Grievance Procedure (please see the reverse side of this brochure) which may be used to file a complaint of discrimination.

In addition, you may also contact the Office for Civil Rights with the U.S. Department of Health and Human Services to file a complaint of discrimination, or to obtain information of a civil rights nature. The Office for Civil Rights can be contacted at:

**Hotlines: 1-800-368-1019 (Voice)
1-800-537-7697 (TDD)**

E-Mail: ocrmail@hhs.gov

Website: <http://www.hhs.gov/ocr>

Department of Employment & Social Services

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