**Rush Township Schuylkill County**

 **ADA COMPLAINT PROCEDURE**

**Purpose**

 This Complaint Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), as amended, and various other state and federal legal obligations intended to ensure accessibility for all people with disabilities, including but not limited to 42 U.S.C. §§ 12132. 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 Rush Township Schuylkill County, Pa.

 **Procedure**

 Phase 1: Filing a Complaint An individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by Rush Township may, by himself or herself or by an authorized representative, complete the attached complaint form and submit it to Rush Township Office of Board of Supervisors. Alternative means of filing complaints, including but not limited to personal interviews or a tape or audio recording of the complaint will be made available upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

**ADA Coordinator**

Robert Leibensperger

Rush Township Board of Supervisors 104 Mahanoy Avenue, Tamaqua Pa. 18252-4000 Phone 570-668-2938 Fax 570-668-3129 Website WWW.Rushtownship.org

The complaint form can also be accessed online via the Rush Township website or by contacting the above mentioned ADA Coordinator.

Phase 2: Investigation Within 30 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. The ensuing investigation will determine whether the complaint is supported by the facts.

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Phase 3: Complaint Response within 45 calendar days of the meeting, the ADA Coordinator or his/her designee, in consultation with the Rush Township Legal Office, will respond in writing and where appropriate, in a format accessible to the complainant such as large print, Braille, or audio recording. The complaint response will explain the position of the township and, where it is found that the complaint is supported by the facts, a corrective action plan as well as other options for substantive resolution of the complaint. The complaint response will instruct the complainant that where he/she is dissatisfied with the decision or corrective action plan, they may contact the Rush Township Board of Supervisor’s Office with a formal written appeal (see Phase 4 for details on filing appeals).

Phase 4: Appeal Complaints that are not supported by the facts will be forwarded to the Rush Township Solicitor for review and possible modification. Such decisions will not become final until 20 days after receipt by the solicitor.

In the event that a complainant is dissatisfied with the decision or corrective action plan, they may contact Rush Township Board of Supervisor’s directly with a formal written appeal, to be filed no more than 10 days following receipt of coordinators decision on the complaint. The appeal should be in writing and describe the initial complaint, the coordinators response, and the ways in which the response does not satisfactorily address the complaint. Alternative means of filing appeals, such as personal interviews of a tape or audio recording of the complaint, will be made available upon request. The written appeal should be sent to:

 Rush Township Board of Supervisors 104 Mahanoy Avenue, Tamaqua Pa. 18252-4000

Record Retention

 All complaints received and responses issued as well as appeal documents will be retained by the Township for at least five years

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