

## CITY OF BISMARCK

### SECTION 504: GRIEVANCE PROCEDURES

#### GENERAL INFORMATION

It is the policy of the City of Bismarck's not to discriminate on the basis of disability. The City of Bismarck 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.

Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. eg. CBDG funded programs.

The Law and Regulations may be examined at the Human Resources office which has been designated to coordinate the efforts of the City of Bismarck's compliance with Section 504 Grievance Process. These regulations can also be examined at [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C 794\)](#)

#### THE PROCEDURE

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. 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/her designee as soon as possible but no **later than 180 calendar** days after the alleged violation to:

Section 504 Coordinator, Leanne Schmidt  
Human Resource Department  
221 N 5<sup>th</sup> Street,  
Bismarck ND 58506-5503  
Email: [lschmidt@bismarcknd.gov](mailto:lschmidt@bismarcknd.gov)  
Phone: 701-355-1332

The City of Bismarck will begin an investigation and will contact the complainant in writing no later than 15 calendar days after receipt of the complaint and five (5) days after receipt of Section 504 complaint. The complainant will be notified within 30 days if additional information is required to investigate the complaint. If the complainant fails to provide the requested information in a timely basis, City of Bismarck may administratively close the complaint.

The City of Bismarck will use its best effort to complete the investigation of Section 504 complaints within (60) calendar days of receipt of the complaint. The Section 504 Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. A written investigation report will be prepared by the investigator and sent to the complainant. The report shall include a summary of the incident, findings, and recommendations for disposition. The response will explain the position of the City of Bismarck and offer options for substantive resolution of the complaint.

If the response by Section 504 Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within (15) calendar days after receipt of the report to the Section 504 Coordinator or his/her designee.

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Within (15) calendar days after receipt of the appeal, the Section 504 Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within (15) calendar days after the meeting, the City Administrator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

If the response by the Section 504 Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within (15) calendar days after receipt of the response to the City Commission by filing an appeal in writing with the City Administration Office.

In due course, the City Administration Office will place the appeal on the agenda for hearing and final determination before the City Commission. The City Commission will adopt a final resolution which will be put into writing, and where appropriate, in a format accessible to the complainant, for the final resolution of the complaint.

All written complaints received by the Section 504 Coordinator or his/her designee, appeals to the Section 504 Coordinator or his/her designee or appeals to the City Commission and responses from these offices will be retained by the City of Bismarck for at least three years.