

Montana Judicial Branch Personnel Policies & Procedures

Subject: Americans With Disabilities Act Complaint Resolution Policy and Form	Policy No.: Section 206
Chapter: 3-1-130, MCA	Pages: 3
Section: Employee Relations	Revision Date: November 11, 2019
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1.0 POLICY

The American With Disabilities Act (ADA) provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that "no qualified individual with a disability will, on the basis of disability, be excluded from participation in, or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

The Judicial Branch has adopted the procedure set out below to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual, including current employees, applicants or members of the public, who believes that she or he or a specific class of individuals with disabilities has been subject to unlawful discrimination on the basis of that disability by the Judicial Branch may, by herself, himself or by an authorized representative, file a complaint with the Human Resources Office.

2.0 PROCEDURE

A complaint must be submitted to the Human Resources Office and must contain:

- a. The name, address and telephone number of the individual or representative filing the complaint;
- b. An explanation of the alleged discrimination or denial of service;
- c. The date the alleged violation(s) occurred;
- d. Corrective action that is sought; and

Complaints may be taken verbally, by email, or over the phone, but contact information for the complainant must be provided.

A standard complaint form is available from the Human Resources Office. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

- a. Human Resources should receive the complaint within 20 calendar days after the alleged violation occurs. This time may be extended for good cause shown as determined by Human Resources.
- b. The Court Services Director or designee will promptly investigate the complaint. Interested parties will be provided an opportunity to submit information relevant to a

complaint. Any necessary corrective action will be initiated by the Human Resources Office.

- c. The complaint form and investigation will be forwarded to the appropriate management authority when the complaint is filed and when the investigation is complete.
- d. The Court Services Director, or a designee, will respond in writing to the person filing the complaint no later than 20 calendar days after the completion of the investigation.
- e. The Human Resources Office will maintain the files and records relating to the complaint and its investigation.

Nothing in this complaint resolution procedure will be construed as preventing an individual from pursuing other remedies including filing a formal complaint with the Montana Human Rights Bureau, any federal agency the individual believes is appropriate, or with the U.S. Department of Justice.

A grievant alleging discrimination is not obligated to utilize or exhaust a Judicial Branch grievance process in order to exercise his/her right to file a complaint with the following:

Office of Civil Rights
U.S. Department of Health and Human Services
Federal Office Building
1961 Stout Street, Room 1426
Denver, CO 80294-3528
Phone Number: (303) 844-2024
TDD Number: (303) 844-3439

Montana Human Rights Bureau
PO Box 1728
Helena, MT 59624-1728
Phone: (800) 542-0807

MONTANA JUDICIAL BRANCH COMPLAINT RESOLUTION FORM

Name: _____

Mailing Address: _____

Telephone Number: _____

Please explain your complaint with as much detail as possible. Be specific, including dates, names, locations, actions or events, witnesses, etc. (You may attach additional pages as needed).

Specific corrective action you are seeking:

Signature

Date

Submit form to: Office of Court Administrator
 Human Resources Office
 P.O. Box 203005
 Helena, MT 59620
 (406) 841-2965