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2.1.1 POLICY OVERVIEW

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. The Aging and Disability Services Division (ADSD) recognizes the importance of establishing this process to meet the requirements of the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973.

ADSD is committed to ensuring people with disabilities can take part in, and benefit from the programs, services, and activities offered by the division. Every reasonable effort will be made to address and resolve access requests and grievances.

2.1.2 DEFINITIONS AND ACRONYMS

Acronym	Term	Definition
ADA	Americans with Disabilities Act	Is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. (28 CFR 35 and 28 CFR 36)
	Assistive Listening Systems	Consists of a microphone, transmitter, receiver and coupling device such as earphones and transmit sound without losing intensity.
AT	Assistive Technology	Any item, piece of equipment, software program, or product system that is used to increase, maintain, or improve the functional capabilities of persons with disabilities.
	Auxiliary Aids and Communication Services	Are mechanisms used to provide effective communication based upon the needs of the individual.
	Captioning	The process of converting audio information into text. Captioning can be either open or closed. Open is when captioning is always visible and can't be turned off and closed is when captioning can be turned on and off by the user.
CART	Communication Access Realtime Translation	Accessibility solution that provides real-time translation of spoken language into text for broadcast (e.g., computers, projectors, monitors, and mobile devices).
	Effective Communication	Means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.

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Acronym	Term	Definition
	Grievant	Is any constituent that is alleging an ADA Title II violation.
HR	Human Resources	
	Interpreter	An individual who has been tested for language skills; trained as an interpreter; and who facilitates the communication from one language to an individual's primary or preferred language.
	Primary Consideration	The honoring of an individual's expressed choice of accommodation when determining when an accommodation can be accepted or denied by the division.
	Speech-to-Speech Transliterators	An individual trained to recognize unclear speech and repeat it clearly.
TTY	Teletypewriter	A communication device used by individuals who are deaf, hard of hearing, or speech impaired. The device includes a keyboard and a screen allowing users to type messages that can be transmitted over a phone line to voice callers.
	Undue Burden	A significant difficulty or expense.
VRI/VIS	Video Remote Interpreting (VRI) or Video Interpreting Services (VIS)	A sign language interpreter that appears on screen (e.g., computer, video conferencing technology) over high-speed internet lines with another individual so that they can see one another while signing.
VRS	Video Relay Services	Enables an individual who uses sign language to communicate with voice telephone users through a relay service using video equipment. VRS provides on demand interpreting for individuals to communicate with one another through a telephone connection.
	Webpage	An internet-based document, usually in HTML format, that can contain a wide variety of information and multimedia content.
	Website	A collection of webpages that is organized around organized around a home page.

2.1.3 ROLES AND RESPONSIBILITIES

A. ADSD EMPLOYEES & CONTRACTORS

The ADSD, directly or through contractual or other arrangements, is committed to providing a safe, flexible, and respectful environment free from all forms of discrimination. All ADSD

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employees and contractors must protect the rights and confidentiality of all ADSD service recipients.

All employees and contractors will receive orientation on this policy and complete required ADA training within 30 calendar days of hire, and scheduled refresher trainings as directed. Any State of Nevada Purchasing contracts and/or ADSD subawards will include specific language delineating the contractor/subaward requirement for ADA policies, grievance process, and facility accessibility.

B. ADA TRAINING OFFICER

The ADA Training Officer is responsible for providing training and technical assistance to ADSD employees and contractors. The ADA Training Officer makes recommendations on the development and maintenance of grievance procedures (to include periodic self-evaluation) and works collaboratively to promote equal access to programs and services for persons served by the division.

C. ADA COORDINATORS

The ADSD Regional Coordinators and/or the Community Engagement Manager serve as the ADA Coordinators for ADSD. There may be more than one designated ADA Coordinator based on need. The ADA Coordinators provide oversight of ADA Title II compliance for ADSD.

This position is responsible for the development and maintenance of the ADA grievance procedures (to include periodic self-evaluation), development and maintenance of ADA notices and postings, and equitable grievance investigation and resolution. This position oversees development and maintenance of an accessibility plan for division approval and implementation. The ADA Coordinators work collaboratively with the ADA Training Officer, ADSD Human Resources (HR), Program Leadership, and additional ADSD employees and contractors to assist with compliance of Title II of the ADA.

D. ADMINISTRATOR

The ADSD Administrator is responsible for ensuring division compliance of discrimination provisions and designates the ADA Training Officer and ADA Coordinators for the division. This position is the authority to approve ADA process improvements as recommended by the ADA Training Officer and ADA Coordinators. When requested by a grievant, this position is the appeal to the ADA Coordinators and all decisions are final.

E. HUMAN RESOURCES

ADSD HR is responsible for ensuring compliance of discrimination provisions of all ADSD employees. A designated ADSD HR staff member will act as an ADA Coordinator for employee ADA accommodations and employee grievance investigations and resolution. ADSD does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations under Title I of the ADA.

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F. PROGRAM LEADERSHIP

ADSD program leadership is responsible for ensuring compliance with program eligibility and service provisions, employee oversight, and all state laws, federal regulations, and department and division policies and procedures. Program leadership works collaboratively with the ADA Coordinator(s), ADA Training Officer, and ADSD HR.

G. DOCUMENT REMEDIATOR

Identified ADSD employees/contractors responsible for managing the conversion of documents to an accessible format. Document remediators are responsible to complete and maintain all required digital accessibility document trainings (ADA.nv.gov) to ensure compliance with digital accessibility.

H. SAFETY OFFICER

The ADSD Safety Officer oversees all safety related activities of the division and facilitates compliance with [ADSD policy 11.1 Safety Management](#). The ADSD Safety Officer works collaboratively with the ADA Coordinator(s), ADA Training Officer, ADSD HR, Program Leadership, and additional staff to assist with compliance of Title II of the ADA.

2.1.4 REASONABLE ACCOMMODATIONS

ADSD will provide appropriate aids and services, meeting reasonable accommodations, for individuals with disabilities to ensure they can participate equally in ADSD programs, services, and activities.

The ADA does not require ADSD to take any action that would fundamentally alter the nature of their programs, services or activities, or that would impose an undue financial or administrative burden. If so, ADSD must provide another effective aid or service, if possible.

A. REQUEST FOR REASONABLE ACCOMMODATION

ADSD program applicants, participants, and board/committee members who require an accommodation may make a request for an ADA accommodation to ADSD employees/contractors verbally or in writing or utilize the [ADSD ADA Inquiry Form](#) located on the ADSD webpage at ADSD.nv.gov. ADSD may provide individuals with assistance in completing any forms or documenting verbal requests.

ADSD requires reasonable advanced notice for aids and services, based on the length of time to acquire the aid or service (e.g., scheduling interpreters).

B. PROCESSING A REQUEST FOR REASONABLE ACCOMMODATION

All ADA accommodation requests will be reviewed through an interactive process between the requestor and ADSD; respecting an individual's right to privacy and independence.

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ADSD makes all efforts to approve accommodations of a routine nature at the initial request without undergoing further review (e.g., sign language interpreter for public meetings, document remediation, etc.). Other requests may require a more extensive review and/or submission of supporting documentation. ADSD staff will work collaboratively with the ADA Coordinators and the ADA Training Officer to review requests for additional information and/or supporting documentation when necessary.

ADSD must give primary consideration to the individual's choice, unless it can demonstrate that another equally effective means of accommodation is available, or that the use of the means chosen would result in a fundamental alteration or an undue burden.

ADSD will respond to an accommodation request in the mode of communication preferred by the requestor. The response will include information on whether or not the accommodation was approved as requested, in part, or an alternate accommodation has been identified.

Requests may be denied if they result in a direct threat to the health or safety of the requestor or others. Case-specific considerations, such as the timeliness of a request, may also result in the requested accommodation being delayed or denied.

2.1.5 COMMUNICATION REQUIREMENTS

A. OVERVIEW

People who have disabilities that affect hearing, vision, or speech (written or verbal) may use different ways to communicate. ADSD will provide timely, equal access to auxiliary aids and communication services to facilitate effective communication ([ADSD policy 2.7 Language Access](#)).

The type of auxiliary aid or service depends on the length and complexity of the communication as well as the format (e.g., number of individuals involved, meetings, hearings, interviews, service appointments, court proceedings, etc.). Brief or simple interactions may find passing of a note or reading a material out loud as a reasonable solution, where others may require more advanced auxiliary aids.

In addition, the individual's chosen method(s) of communication are key (e.g., sign language interpreters are effective only for those who use sign language). Other methods of communication, such as captioning may be needed for individuals who have lost their hearing and do not use sign language. Some individuals who are deaf, deafblind, or hard of hearing may access more than one accommodation at a time (e.g., sign language interpreter and Communication Access Realtime Translator [CART]). These factors should all be considered to plan for auxiliary aids and services in advance when possible.

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B. COMMUNICATION AUXILIARY AIDS AND SERVICES

1. Assistive Technology and Telecommunications Equipment

Assistive technology and telecommunications equipment includes distribution and training to assist individuals with communication disabilities. Equipment and services (not all inclusive):

- a. assistive listening systems and devices
- b. audio recordings or qualified readers
- c. braille or large print
- d. hearing aid-compatible phones
- e. open and closed captioning
- f. relay services (Internal Protocol, CAPTEL, or Video)
- g. screen reader or magnification software
- h. speech-to-speech transliterator
- i. telephone handset amplifiers
- j. text telephone (TTY)
- k. video text displays

2. Communication Access Realtime Translation Services

Communication access Realtime Translation (CART) service is provided by a qualified and registered provider ([ADSD policy 2.7 Language Access](#)) that translates spoken language (English) into written text in real time. CART can be used in any situation, but most often used in group settings (public meetings, hearings, etc.) where captioning of verbatim communication is critical. In addition, CART supports communication access for individuals who may otherwise not use sign language.

ADSD will schedule CART through the State's Master Service Agreement ([Purchasing.nv.gov](#)), providing as much advanced notice as possible. When scheduling, the following information will be needed:

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CART Scheduling Checklist	
✓	Date of event
✓	Start and end time of the event
✓	Event title and description of the event (e.g., staff training, client intake meeting, board/commission meeting). Include as much information about the event as possible.
✓	Event location <ul style="list-style-type: none"> • In person: address including building or room number • Remote: platform used (e.g., Zoom, Microsoft Teams) and a link to the event to include any password needed to access the event.
✓	Consumer's preferred list of CART providers (if available).
✓	Provide a copy of all materials (e.g., handouts, power point presentations, agenda, etc.) in advance of the event to ensure the CART provider dictionary is up to date for proper captioning.

3. Sign Language Interpreters

Sign language interpreting is provided by qualified and registered providers ([ADSD policy 2.7 Language Access](#)) that interpret (receptively and expressively) spoken language into signed or manual language effectively, accurately, and impartially using specialized vocabulary.

ADSD will schedule sign language interpreters through the State's Master Service Agreement ([Purchasing.nv.gov](#)), providing as much advanced notice as possible. When scheduling, consider the following items needed the following information will be needed:

Sign Language Interpreter Scheduling Checklist	
✓	Date of event
✓	Start and end time of the event
✓	Event title and description of the event (e.g., staff training, client intake meeting, board/commission meeting). Include as much information about the event as possible.
✓	Event location <ul style="list-style-type: none"> • In person: address including building or room number. • Remote: platform used (e.g., Zoom, Microsoft Teams) and a link to the event to include any password needed to access the event.
✓	Number of sign language interpreters needed <ul style="list-style-type: none"> • Two (2) interpreters for meetings more than one (1) hour in length. • Two (2) interpreters for meetings of complex/sensitive topics, multiple presenters, presentations that contain a lot of program jargon, etc.
✓	Consumer's preferred list of sign language interpreters (if available). For events with multiple consumers, considerations need to be made to ensure access for all participants.
✓	Provide a copy of all materials (e.g., handouts, power point presentations, agenda, etc.) in advance of the event to ensure the sign language interpreter can adequately prepare.

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4. Video Remote Interpreting (VRI) or Video Interpreting Services (VIS)

VRI/VIS provides remote access to off-site qualified sign language interpreters as a method to provide effective access to interpreting services. VRI/VIS can be used in a variety of settings and situations (e.g., virtual meetings, rural access, medical appointments, emergencies). When VRI/VIS is used, the following required performance standards should be met:

VRI/VIS Use and Scheduling Checklist	
Required Performance Standards	
✓	Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication.
✓	A sharply delineated image that is large enough to display the interpreter’s face, arms, hands, and fingers, and the face, arms, hands, and fingers of the individual using sign language, regardless of body position.
✓	A clear, audible transmission of voices.
✓	Adequate staff training to ensure quick set-up and proper operation.
✓	On-site interpreter services may still be required in those situations where the use of VRS/VRI is otherwise not feasible or does not result in effective communication.

5. Communication Best Practice

To promote effective communication when using CART, sign language interpreters, or VRI/VIS, ADSD shall apply the following best practices:

Communication Best Practices	
✓	<p>The role of the CART provider and interpreter is to convey communication between individuals, they are not part of the conversation. When communicating with the individual:</p> <ul style="list-style-type: none"> • Look and talk directly to the individual not the provider. • Speak in the first person, avoid such phrases as “tell them” or “explain to them”. • Speak in a normal tone and normal pace. The CART provider/interpreter will ask the speaker to pause, slow down, or repeat when needed. • Turn taking is encouraged. Avoid talking over people or side conversations. The interpreter can only interpret for one person at a time.
✓	<p>Positioning and background is important for non-verbal cues and clear visibility of signing:</p> <ul style="list-style-type: none"> • The CART provider/interpreter should position themselves next to the speaker, so the individual has both the speaker and CART provider/interpreter in their line of sight. • Backgrounds (screens or walls) should provide contrast and be solid. • Lighting should be adjusted for good visibility.

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Communication Best Practices Cont'd	
✓	Follow section 2.5.B.3 Sign Language Interpreters Scheduling Checklist when scheduling interpreters for VRI/VIS.
✓	<p>Schedule interpreters 15 minutes prior to the event start time. This will allow time for proper set up and addressing any technical issues prior to the start of the event.</p> <ul style="list-style-type: none"> • The event host (or proxy) must also join at this time. • Interpreters should rename their title on the screen to include “ASL Interpreter, First Name”. This will allow participants to easily locate the interpreter and “pin” them on screen.
✓	Speakers should have their camera on and state their name to support participants with identifying the speaker and picking up non-verbal cues.
✓	<p>Be mindful of the platform (e.g., Zoom, Microsoft Teams, etc.) limitations or features that support accessibility.</p> <ul style="list-style-type: none"> • When screen sharing, ensure the interpreters are positioned to remain on screen and in a large enough window where all signs can be cleanly viewed. • At the start of the meeting take a few minutes to go over the tools and functions for pinning, captioning, etc.

2.1.6 WEBSITE REQUIREMENTS

ADSD will ensure its website is accessible in accordance with current federal requirements and recognize that people differ in how they access website information. ADSD documents must be developed following plain language and accessibility standards from the Nevada Office of the Chief Information Officer, Policy 101 ADA Technology Accessibility Guidelines found on the ADA.nv.gov.

All ADSD documents advertising public meetings or events must include an accessibility statement for accommodation requests. This statement must provide the ADSD contact information and a reasonable timeframe for an individual to make a request for accommodation for the meeting.

Alternative ways to access the information and services on the website will be provided upon request.

2.1.7 FACILITY REQUIREMENTS

ADSD offices and facilities are required to meet the internal and external accessibility requirements of the ADA, unless otherwise determined by the Administrator.

The ADSD Safety Coordinators will conduct an initial accessibility assessment of current offices and facilities using a nationally recognized ADA Facility Accessibility tool to determine the need for any modifications of existing ADSD locations.

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The ADA Coordinators or designee will provide training for Safety Coordinators on conducting accessibility assessments and coordinate with the Division of Public Works regarding accessibility for building modifications or new office locations.

2.1.8 ADA TITLE II GRIEVANCE & RESOLUTION PROCEDURES

This grievance procedure is established to meet the requirements of the ADA Title II. It is designed to ensure that individuals feel seen, heard, and treated with respect and care. Anyone who wishes to file a grievance alleging ADSD violation of ADA Title II requirements on the basis of disability may use this procedure. Grievances may be submitted verbally or in writing as soon as possible, but no later than 30 calendar days after the alleged violation.

A. FILING A GRIEVANCE

Grievances can be submitted directly to ADSD by completing the [ADSD ADA Inquiry Form](#) located on the ADSD website at ADSD.nv.gov, or to the ADSD ADA Coordinator(s) verbally or in writing.

1. Grievance Information

The grievance should contain the following information:

- a. The grievant's name, address, phone number, and email address. If the grievance is filed on behalf of another individual, the grievance should also include their contact information.
- b. Name of the program and location of the alleged grievance.
- c. Description of the allegations to include the date of the allegation and the date the grievance is being filed.

Grievances in writing should be submitted directly to ADSD at:

ADA Coordinator
Aging and Disability Services Division
3208 Goni Road, Suite I-181
Carson City, NV 89706
adsd@adsd.nv.gov
775-687-4210

Alternative means of filing grievances and format, such as personal interviews or an audio recording of the grievance, will be made available for persons with disabilities upon request. An individual may also file a grievance or seek ADA assistance through any of the following (not all inclusive):

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Resource	Contact
Nevada ADA Assistance	https://ada.nv.gov/ Online grievance forms will be forwarded to the proper state agency for review.
Nevada Disability Advocacy & Law Center	https://ndalc.org/ Las Vegas: 1-888-349-3843 Reno: 1-800-992-5715 Elko: 1-800-992-5715
U.S. Office of Civil Rights, Department of Health and Human Services	90 7 th Street Suite 4-100 San Francisco, CA 94103 1-800-368-1019 TDD: 1-800-537-7697 ocrmail@hhs.gov
U.S. Department of Justice Civil Rights Division	https://civilrights.justice.gov/#report-a-violation 950 Pennsylvania Ave., NW Washington, D.C. 20530-0001 Toll free: 1-855-856-1247 TTY: 202-514-0716

C. GRIEVANCE RESOLUTION

All grievances will be reviewed thoroughly to determine the appropriate path and outcome. Grievances regarding denial of eligibility or program services will be directed to the appropriate program manager or agency of authority (e.g., Division of Welfare and Supportive Services, Division of Health Care Financing and Policy (Medicaid), etc.) for resolution following the program appeals process when applicable.

Upon receipt of an ADA grievance, the assigned ADA Coordinators will be the main point of contact and:

- a. Contact the grievant to review and discuss the grievance and possible resolution. Initial contact must occur within 15 business days from the date of the grievance (unless otherwise negotiated) and must be documented. A failure to respond to a request for information may be deemed an abandonment of the grievance.
- b. Review the grievance, identify key individuals involved, and conduct an investigation as necessary to gather information. This step may also include discussion with the grievant through an interactive process toward resolution.
- c. Identify a possible resolution with recommendations. May work with the program leadership and/or ADA Training Officer to review the recommendations before finalizing a response.

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- d. Provide a formal response describing the position of ADSD and substantive resolution to the grievant in a format accessible to the grievant (e.g., large print, Braille, audio recording, verbally, etc.).

D. GRIEVANCE APPEAL

1. Appeal Process

The grievant maintains the right to appeal the decision made by the ADA Coordinators. To file an appeal, the grievant must file the appeal verbally or in writing within 15 business days after the receipt of the formal written decision from the ADA Coordinators. Appeals in writing should be submitted directly to ADSD at:

ADSD Administrator
Aging and Disability Services Division
3208 Goni Road, Suite I-181
Carson City, NV 89706
adsd@adsd.nv.gov
775-687-4210

2. Administrator Review

Upon receipt of the appeal, the Administrator or designee will:

- a. Contact the grievant to review and discuss the grievance and possible resolution. Initial contact must occur within 15 business days from the date of the appeal (unless otherwise negotiated) and must be documented.
- b. Review the appeal, original grievance, and resolution provided by the ADA Coordinators.
- c. Investigate as necessary to gather information on the appeal. This step may also include discussion with the grievant through an interactive process toward resolution.
- d. Identify a possible resolution with recommendations. May work with the ADA Coordinators and/or the ADA Training Officer to review the recommendations before finalizing a response.
- e. Provide the grievant with a formal response to include the position of ADSD and substantive resolution. The response must be provided to the grievant in a format accessible to the grievant (e.g., large print, Braille, audio recording, etc.).

E. EMPLOYEE GRIEVANCE

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When an ADA grievance is made by an employee regarding any matter that is ADA employee related these grievances will be forwarded to the HR ADA Coordinator(s) for review and resolution following [ADSD policy 1.5 Nondiscrimination Practices](#).

2.1.9 NOTICES

To ensure compliance with ADA Notice Requirements ([28 CFR 35.106](#)), the ADA Coordinators will develop, maintain, and post ADA notices in public spaces and on the ADSD website providing information on:

- a. Protections against disability discrimination applicable to programs, services, or activities offered by ADSD;
- b. How to request a reasonable accommodation;
- c. ADA Coordinators contact information; and
- d. The ADA grievance process.

2.1.10 DOCUMENT RETENTION

All discrimination grievances and appeals along with the resolution must be documented and retained in accordance with the Division Retention Schedule, but no less than three (3) years.