



OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas
Attorney General of Guam

Department
Operating Policy:
ADA 1

TITLE	RESPONSIBLE PARTY	RESPONSIBLE STAFF
Complaints relative to the Americans with Disabilities Act Amendments Act of 2008	ADA Coordinator	ADA Coordinator

PURPOSE:

This policy provides guidance in the processing of complaints relative to the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), inclusive of the conduct of data collection and investigation, site visit as necessary, appropriate notifications, recommending potential solutions or remedies. Unresolved complaints will be forwarded to DISID and DISID will provide technical assistance in the submission of a formal complaint to the U.S. Department of Justice (DOJ) or the Equal Employment Opportunity Commission (EEOC) as necessary.

SCOPE:

This Policy applies to individuals who may have been or believe that they may have been discriminated in violation of the ADAAA. The procedure described in this policy also applies to allegations of discrimination as reported by other than the affected individual.

DEFINITIONS:

As used in this policy, a complaint is defined as a verbal allegation of a violation of any of the following areas within the ADAAA

1. Title I of the ADAAA "Employment"
2. Title II of the ADAAA "State and Local Government Activities"
3. Title III of the ADAAA "Public Accommodations"
4. Title IV of the ADAAA "Telecommunications"
5. Title V of the ADAAA "Miscellaneous"

PROCEDURES

I. Overall Procedures

- a. All consumers of the Office of the Attorney General are to be notified of their right to complain or file grievance and be given a copy of the Complaint Form (P&P Form 1.10).
- b. Complaints must be filed as soon as possible but no later than sixty (60) calendar days after the alleged violation to:
Carlina Charfauros
Office of the Attorney General ADA Coordinator
287 W. O'Brien Dr.
Hagatna, Guam 96910
Email: ccharfauros@guamattorneygeneral.com
Fax no: (671) 472-2493
Tel no: (671) 475-3324 ext. 712
- c. Unless the Office of the Attorney General has a specified name and contact number or e-mail address or mailing address to respond to, and a brief description of the complaint, no action can be taken relative to the complaint. The specified name does not necessarily have to be the name of the consumer for whom the complaint is being filed.



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d. The burden of proof of a complaint rests on the complainant.

II. Filing of Complaint

A. Contact the Office of the Attorney General

1. Client must first contact the Office of the Attorney General through any of the following means:
 - a. Walk-in or personal visit to the Office of the Attorney General
 - b. United States Postal Services
 - c. Electronic Mail
 - d. Telephone
 - e. Facsimile machine
2. Complaints are filed using Office of the Attorney General Form 1.10.

B. Where to File A Complaint

1. All consumer complaints should be filed with the Office of the Attorney General ADA Coordinator.
2. Complaints may also be filed with any staff of the Office of the Attorney General. Each Division or section of the Office of the Attorney General has to have at least two designated staff within their section or division trained to receive complaints or grievance. It is the duty of the ADA Coordinator to train designated staff on the procedure for receiving consumer complaints or grievance. It is not the duty of said designated staff to address, act on, or process the complaint or grievance. Any ADA-related complaints must be forwarded to the ADA Coordinator.
3. The Office of the Attorney General staff receiving the complaint should promptly forward the complaint directly to the Office of the Attorney General ADA Coordinator or designee, who has responsibility to process all consumer complaints and grievances.

III. Notification of Receipt of a Complaint

A. Notification Process

Upon receipt of notification of complaint or grievance, the Office of the Attorney General ADA Coordinator takes the following initial steps:

1. When the Office of the Attorney General ADA Coordinator receives complaints, the ADA Coordinator or designated complaints officer will review the complaint and make a determination based on the facts presented by the complainant whether to conduct a verification of the alleged violation.
2. The Office of the Attorney General ADA Coordinator, or designee will conduct an investigation of the complaint or grievance within ten (10) days



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of notification of the complaint and summarize the findings as well as recommended remedy using Office of the Attorney General Form 2.10.

3. The report is submitted to the section or division head and the Attorney General at the end of the 10th day.
4. When the complaint is directed at any of the Office of the Attorney General's services or programs, the notification of formal complaint is forwarded to the appropriate Office of the Attorney General section or division head and to the Attorney General.

IV. Complainant Agreeable with the Report and Proposed Remedy

If the complainant is AGREEABLE with the preliminary report and proposed remedy, the Office of the Attorney General ADA Coordinator will issue a reminder to the section or division of the due date of compliance and will re-inspect after that date.

V. Complainant Not Agreeable with Report and Proposed Remedy

If the complainant is NOT AGREEABLE with the preliminary report and proposed remedy, upon appeal, the complainant can file a formal complaint with:

1. Equal Opportunity Commission Hawaii District Office at: EEOC Hawaii District Office, Honolulu Office Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 7-127, Honolulu Hawaii 96850-0501, or at the
2. US Department of Justice, Civil Rights Division Disability Rights Section NYAV 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530.
3. The complainant may contact DISID for further information.

VI. Non-compliance with Remedy Sought

Non-compliance by an Office of the Attorney General Section or Division

1. If remedy is to be provided by an Office of the Attorney General section, division or service contract provider, and full compliance to the remedy is not achieved, the ADA Coordinator will issue a notice of non-compliance.
2. The notice of non-compliance is forwarded to the appropriate higher authority of the section or division, i.e. the Division Head, as well as the Attorney General.
3. The ADA Coordinator will consult with the Attorney General and the Attorney General will determine the course of action to be taken to enforce full and



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immediate compliance by the section or Division involved. Courses of action may include, but not limited to, applicable disciplinary measures or adverse action as defined in the Department of Administration Personnel Rules and Regulations.