

VIRGINIA'S JUDICIAL SYSTEM

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Virginia's Judicial System. The Supreme Court of Virginia's Human Resources Policy governs employment-related complaints of disability discrimination.

It is the policy of the Office of the Executive Secretary of the Supreme Court of Virginia ("OES"), as the administrative office of the courts, to make every reasonable effort within its authority to ensure full and fair access to Virginia's Judicial System for persons with disabilities.

Please note:

- If you have a complaint relating to a pending case, or conduct in a court or clerk's office, you should first contact the relevant clerk concerning your complaint.
- OES does not have authority to direct, review, correct, or reverse any action or decision of Virginia's Judicial System officials with regard to the exercise of authorities vested in them by law, including, for example, a judge's decision in a civil or criminal proceeding.
- OES does not have any authority over clerks of circuit courts, who are constitutional officers elected by popular vote, or members of a circuit court clerk's staff.
- OES does not have direct supervisory authority over district court personnel or personnel of the Court of Appeals or Supreme Court of Virginia other than those employed by OES.
- The ADA does not require that a complaint be filed with OES before pursuing other remedies under that Act.

The grievance should be in writing on the grievance form. Alternative means of filing grievances or complaints, such as personal interviews or tape recording, may be made available for persons with disabilities requiring use of such alternate means upon request.

The complaint should be submitted by the grievant and/or his or her designee as soon as possible, but no later than 60 calendar days after the alleged violation, to:

ADA Coordinator
Department of Human Resources
Office of the Executive Secretary
Supreme Court of Virginia
100 N. 9th Street, 3rd floor
Richmond, Virginia 23219
Fax: 804-786-0109
E-mail: ADACoordinator@courts.state.va.us

Within 21 calendar days after receipt of the complaint, the ADA Coordinator or a designee may meet with the grievant, either in person or by telephone, to discuss the complaint and possible resolutions, if the ADA Coordinator or designee determines such a meeting would be helpful to the determination. Within 21 calendar days after the meeting, or within 30 days after receipt of the complaint if there is no meeting, the ADA Coordinator or the designee will respond in writing, and, where appropriate, in a format accessible to the grievant.

If the response by the ADA Coordinator or the designee does not resolve the issue to the satisfaction of the grievant, the grievant and/or his/her designee may within 30 calendar days of the date of the ADA coordinator's written response, appeal the decision to the Executive Secretary of the Supreme Court of Virginia (Executive Secretary). Any appeal should be in writing. Alternative means of filing an appeal, such as personal interviews or a tape recording of the appeal, may be made available for persons with disabilities requiring use of such alternate means upon request.

Within 21 calendar days after receipt of the appeal, the Executive Secretary or a designee may meet with the grievant, either in person or by telephone, to discuss the complaint and possible resolutions, if the Executive Secretary or designee determines such a meeting would be helpful to the determination. Within 21 calendar days after the meeting, or within 30 days after receipt of the appeal if there is no meeting, the Executive Secretary or the designee will respond in writing, and, where appropriate, in a format accessible to the grievant, with a final resolution of the grievance or complaint.

All written complaints or grievances received by the ADA Coordinator, appeals to the Executive Secretary, and responses from these two offices will be retained by OES for at least three years.