

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 14th Day of December 2023, the following Order was made and entered:

SUBJECT: Order Adopting a Grievance Procedure for Complaints Relating to Alleged Discrimination based on race, color, national origin, sex, age, or disability and the designation of a Civil Rights Coordinator/Non-Discrimination Coordinator effective January 1, 2024

The following Motion was offered by Ben Salango, Commissioner:

The County Commission of Kanawha County, West Virginia, hereby authorizes the President of the Kanawha County Commission to adopt a grievance procedure for complaints relating to alleged discrimination on the basis of race, color, national origin, sex, age, or disability and the designation of a Civil Rights Coordinator/Non-Discrimination Coordinator effective January 1, 2024. The full document is attached to this order.

The adoption of the foregoing Motion having been moved by

Ben Salango,

Commissioner, and duly seconded by

Lance Wheeler,

Commissioner, the vote thereon was as follows:

W. Kent Carper, President

AYE

Ben Salango, Commissioner

AYE


Lance Wheeler, Commissioner

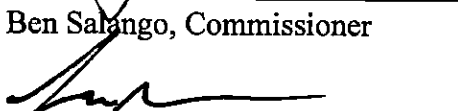
AYE

WHEREUPON, W. Kent Carper, President declared said Motion duly adopted; and it is therefore **ADJUDGED** and **ORDERED** that said motion be, and the same is hereby adopted.



W. Kent Carper, President


Ben Salango, Commissioner


Lance Wheeler, Commissioner

Approved by: 

Marc J. Slotnick, County Attorney

Grievance Procedure for Alleged Complaints Relating to Discrimination based on Race, Color, National Origin, Age, Sex, or Disability and the Designation of Civil Rights Coordinator/Non-Discrimination Coordinator in Kanawha County, West Virginia

Any person (Citizen, Applicant, or Employee) who believes that they have been subjected to discrimination as prohibited by Section 504 of the Rehabilitation Act of 1973 and pursuant to the regulations of 24 CFR Part 8, may personally or by a representative file a complaint with the County Commission of Kanawha County, West Virginia. A person who has not personally been subjected to discrimination may also file a complaint.

When any person (Citizen, Applicant, or Employee) believes they have been adversely affected by services, programs, or activities administrated by the County Commission of Kanawha County, West Virginia, and that such act or decision was based on race, color, national origin, age, sex or disability status, they will have the right to file a complaint or grievance in accordance with the following procedure:

Step One: An aggrieved person must submit a written statement to the Civil Rights Coordinator/Non-Discrimination Coordinator who has been designated as the Deputy County Manager-Melissa Smith, PO Box 3627, Charleston, WV 25336 or melissasmith@kanawha.us, setting forth the nature of the discrimination alleged, and the facts upon which the allegation is based. The Complaint must include your name, address, and telephone number. The complaint must be made within 180 days of the alleged discriminatory act. If you are filing on behalf of another person, include your name, address, telephone number, and your relation to that person. Include the following in the complaint:

- How you believe you were discriminated against.
- The date or dates on which the alleged discriminatory event or events occurred.
- The basis of the complaint (race, color, national origin, sex, age, disability).
- As much background information as possible about the alleged acts of discrimination.
- The names and titles of individuals who do or may have knowledge of the alleged discrimination, if you know them, as well as other relevant information.

Please note the following are examples of submissions that will NOT be taken into the complaint consideration process:

- Anonymous submittals;
- Submittals too vague to reasonably determine the allegations of discriminatory conduct;
- Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination;
- Inquiries seeking advice or information; courtesy copies of court pleadings; newspaper articles;
- Web-based media sources such as YouTube videos, e-mail strings, blog posts, comments strings, or web pages;
- Courtesy copies of internal grievance; and
- Voicemail messages, telephone calls, or in-person conversations.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting a verbal complaint into a written complaint. The complainant, however, must sign the complaint.

Step Two: The Civil Rights Coordinator shall contact the complainant within fifteen (15) days after receiving the written statement to establish an informal meeting to resolve the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement.

Step Three: Within fifteen (15) days of the informal meeting, if no decision has been made by the Civil Rights Coordinator of Kanawha County, or the decision of the Civil Rights Coordinator does not satisfy the complainant, they may request a hearing with the Kanawha County Commission by submitting a written request to the President of the County Commission.

Step Four: In thus discussing the grievance, the complainant may designate any person of their choice to appear with them and participate in the discussion. The Kanawha County Commission shall require the Civil Rights Coordinator to participate in discussing the grievance when it is brought before the County Commission of Kanawha County. The County Commission of Kanawha County shall issue a written decision on the matter within fifteen (15) days, and a decision shall be the final procedure for the complaint at the local level.

A written documentary of the discussion at the hearing shall be prepared and preserved in the records of the County Commission of Kanawha County, West Virginia.

Intimidation and retaliation are prohibited during and after the grievance filing and review process. If intimidation or retaliation occurs, these claims should be promptly reported to the County Manager of Kanawha County, and they will be handled promptly and fairly.

The Civil Rights Coordinator will be responsible for the coordination and oversight of discrimination complaints submitted and administration of these grievance procedures related to federal non-discrimination laws. The preponderance of the evidence standard will be applied during the investigation and analysis of the complaint. The Civil Rights Coordinator will conduct themselves in a manner that demonstrates respect for all parties; represent all parties fairly and impartially; and avoid conflicts of interest.

The Civil Rights Coordinator will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, or assuring a barrier-free location for the proceedings. If you need these services, please contact the Civil Rights Coordinator directly. The Coordinator will ensure the County Commission provides such services free and upon request in accordance with applicable policies and regulations

The grievance procedures and any posted notices will be reviewed annually to determine if revisions are necessary.