

Neighborhood Community Engagement Commission

Grievance Committee Report

May 31, 2012

Hearing Participants:

Mr. Peter Rickmyer (2118 25 Avenue North, Minneapolis, MN 55411)

Ms. Lynn Riskedal, Jordan Area Community Council, Board Chair)

Mr. David Rubedor Director, Neighborhood Community Relations Department

NCEC Commissioners Tessa Wetjen, Marcea Mariani and Ed Newman

Re: Appeal of the decision of Neighborhood Community Relations Department (NCR) Director David Rubedor's decision regarding Mr. Peter Rickmyer's grievances dated January 9, 2012

Mr. Peter Rickmyer first asked the JACC to address three grievances on September 12, 2011. Mr. Rickmyer filed an appeal on November 16, 2011 of a decision made by the Jordan Area Community Council (JACC) (sometime after September 12, 2011 and before November 16, 2011.) The three grievances were:

- 1) JACC occupies 2009 James Avenue N., Minneapolis, MN even though it is not compliant with Title II of the Americans with Disabilities Act (ADA);
- 2) JACC occupies 2009 James Avenue N., Minneapolis, MN which has no certificate of occupancy;
- 3) Appearance of Discrimination toward disabled persons in wheelchairs by JACC.

JACC responded (October or early November 2011) in a timely manner to Mr. Rickmyer's grievances that they were trying to find a solution to the ADA issues and would no longer hold public meetings at 2009 James Avenue N., Minneapolis, MN. In June, 2010 and then again in October 2011, the Neighborhood Revitalization Program (NRP) Executive Director and Minneapolis CPED Program Manager informed the JACC that they needed to be ADA Title II compliant providing significant detail on the requirements and offers of assistance. The October 2011 notice provided a forty-five day deadline.

In no case did Mr. Rickmyer present facts related to personal issues or discrimination related to JACC not complying with the requirements of Title II of the ADA. As a member (or eligible for membership) of JACC, Mr. Rickmyer has standing to file a grievance against a neighborhood organization because of the neighborhood organization's community participation contract with the city of Minneapolis.

Under the NCEC Community Participation Guidelines Grievance Process, once a grievance is submitted in writing to the NCR, the NCR Director must report the filing of a grievance to the NCEC at its next meeting and issue a formal response within 45 days from initial receipt. The NCR and its Director met neither requirement. When Director Rubedor did respond (January 9, 2012), he determined that JACC had lived up to its commitment to hold meetings in ADA compliant locations and had arranged to move their office to ADA compliant premises on March 1, 2012. Director Rubedor reiterated the need to be compliant with ADA Title II requirements. Grievance 2, the requirement for a certificate for occupancy was determined to be the Landlord's issue, not the JACC.

NCEC Grievance Committee Findings:

Grievances 1 & 3:

1. While we understand and appreciate Mr. Rickmyer's attention to making sure the neighborhood organization met ADA Title II requirements, we believe the issues noted in the original grievances have been resolved and will be monitored by the NCR.
2. We recognize the time it took to address this ADA issue was longer than appropriate, but do not believe that either NCR or NRP have ignored the ADA Title II requirements and recognize the limitations inherent in volunteer run neighborhood associations.
3. We are concerned with the time that it took to bring this grievance to the attention of the NCEC. We remind Director Rubedor that his office is responsible to report the filing of a grievance to the NCEC at the next meeting following the filing of a written grievance, and to issue a formal response to the grievance within 45 days.

Grievance 2:

We agree with Director Rubedor's original ruling, that the certificate of occupancy concern is an issue with the landlord (of 2009 James Ave N) and not the responsibility of JACC.