

Bernalillo County Metropolitan Court

Notice of Grievance Procedures under the ADA and Federal Civil Rights Laws

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”) and other applicable Federal Civil Rights Laws. It may be used by anyone who wishes to file a complaint alleging unlawful discrimination on the basis of age, race, religion, color, sex (including pregnancy), national origin, ancestry, genetic information, physical or mental handicap, disability, serious medical condition, veteran’s status, sexual orientation, gender identity, spousal affiliation, socioeconomic status, or political affiliation in the provision of services, activities, or programs by the Bernalillo County Metropolitan Court (“Court”). The New Mexico Judicial Branch’s Personnel Rules govern employment-related complaints of disability or other unlawful discrimination.

Complaint: The Complaint should be in writing and contain information about the alleged discrimination such as the name, address, e-mail address (if any), and phone number of the Complainant, and the location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews of the Complainant, will be made available for persons with disabilities upon request.

Complaint Submitted to ADA/Civil Rights Compliance Coordinator: The Complaint should be submitted by the Complainant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to: ADA/Civil Rights Compliance Coordinator, Bernalillo County Metropolitan Court, P.O. Box 133, Albuquerque, NM 87103. If Court Staff should receive a Complaint of alleged discrimination, Staff shall forward the Complaint to the ADA/Civil Rights Compliance Coordinator. Complaints also may be submitted to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street N.W., Washington, DC 20531.

Investigation of Complaint: Within five (5) business days after receipt of the complaint, the ADA/Civil Rights Compliance Coordinator will begin conducting an internal investigation of the Complaint. Consistent with the New Mexico Judicial Branch Personnel Rules and the Court’s Human Resources Standard Operating Procedures, employment-related Complaints of alleged discrimination shall be referred by the ADA/Civil Rights Compliance Coordinator to the Court’s Human Resources Director for investigation or for further referral to the Administrative Office of the Courts for investigation.

Discussion with Complainant: Within fifteen (15) calendar days after receipt of the complaint, the ADA/Civil Rights Compliance Coordinator or his/her designee will speak with the Complainant to discuss the alleged Complaint and possible resolutions.

Response to the Complaint: Within fifteen (15) calendar days after the discussion/meeting, the ADA/Civil Rights Compliance Coordinator or his/her designee will respond in writing and, where appropriate, in a format accessible to the Complainant, such as large print or an audio disk. The response will explain the position of the Court and offer options for substantive resolution of the Complaint.

Appeal: If the Complainant is not satisfied with the response by the ADA/Civil Rights Compliance Coordinator or his/her designee, the Complainant and/or his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response by sending a written notice of the appeal to: Court Executive Officer, Bernalillo County Metropolitan Court, P.O. Box 133, Albuquerque, NM 87103

Response to Appeal: Within fifteen (15) calendar days after receipt of the appeal, the Court Executive Officer will meet with the complainant to discuss the complaint and possible resolutions.

Within fifteen (15) calendar days after the meeting, the Court Executive Officer will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Notice to Subrecipients of Federal Grant: In September of 2013, the Metropolitan Court was awarded nearly \$1.3 million in federal funding to enhance two of the Court's successful specialty court programs, the DWI Drug Court and Mental Health Court. The grant is from the Department of Justice's Bureau of Justice Assistance and Substance Abuse and Mental Health Services. In all contracts with Contractors providing services to the Court under the Grant, the Court has notified those Contractors of prohibited acts of discrimination and of the requirements for having grievance procedures for filing any Complaints of alleged discrimination. Compliance with these requirements and notifying the Court of any such claims are material terms of those contracts.

Training: The Court provides training on unlawful discrimination for all incoming employees and periodic training for all existing employees. Copies of this Notice of Grievance Procedures under the ADA and Federal Civil Rights Laws, as well as the corresponding Notice of Non-Discrimination under the ADA and Federal Civil Rights Laws are provided to all Judges and employees of the Court and are posted on the Court's External and Internal Websites.

Records Retention: All written complaints received by the ADA/Civil Rights Compliance Coordinator, appeals to the Court Executive Officer, and responses from the same will be retained by the Court for at least three (3) years.