

State of California - The Resources Agency CALIFORNIA STATE PARKS		MANUAL
DEPARTMENTAL NOTICE		Administration
No. 2001-07		
SUBJECT		CHAPTER
ACCESSIBILITY COMMENT/COMPLAINT POLICY		1400, Human Rights
ISSUED	EXPIRES	REFERENCE
March 28, 2001	When Incorporated	DAM 1400

DPR 375 (Rev. 11/97)(Word, 12/3/97)

WHEN APPLICABLE, ENTER THE NUMBER AND DATE OF THIS DEPARTMENTAL NOTICE IN THE MARGIN OF THE MANUAL PAGE, ADJACENT TO THE SECTION(S) AFFECTED BY IT.

This Departmental Notice has been re-created for transmittal in electronic format. The original notice was signed by Denzil Verardo, Chief Deputy Director, Administrative Services.

The purpose of this Departmental Notice is to inform all park and district offices of the Department's procedures for park visitors to submit comments or file complaints regarding access to State Parks for persons with disabilities or for those who feel they have been discriminated against based on their disability.

LEGAL AUTHORITY

Title II of the Americans with Disability Act (ADA) prohibits state and local governments from discriminating against persons with disabilities or from excluding participation or denying benefits of programs, services or activities to persons with disabilities.

ACCESSIBILITY COMMENT/COMPLAINT POLICY

The policy of the Department of Parks and Recreation is to provide the opportunity for all people to visit California's State Parks, including persons with disabilities, by creating an accessible environment to learn, understand, and appreciate the State's cultural, historical and natural heritage sites and also to be able to have access to park facilities and participate in park programs.

To ensure that people with disabilities are treated with dignity and respect and are free from discrimination while visiting California State Parks, the Department has established procedures to give persons with disabilities the opportunity to make comments or file discriminatory complaints against State Park System units that have not complied with ADA.

FILING A COMMENT/COMPLAINT

The procedure for any park visitor who wants to make a comment or file a complaint regarding access to any unit within the California State Park System or who feels discriminated against based on their disability is outlined below:

PROCEDURE FOR FILING A COMMENT/COMPLAINT

RESPONSIBILITY	ACTION
PARK VISITOR	<p>Complete a DPR 983, Accessibility Comment/Complaint form. DPR 983 forms should be available in every park office, district office, the Human Rights Office (HRO), the Warehouse and on the WAN.</p> <p>Submit the completed DPR 983, Accessibility Comment/Complaint form to any of the following:</p> <ul style="list-style-type: none"> • District Superintendent of the park unit , <u>or</u> • Director of California State Parks at: P.O. Box 942896 Sacramento, CA 94296-0001, <u>or</u> • Chief of the Human Rights Office at: P.O. Box 942896 Sacramento, CA 94296-0001

RESOLVING A COMPLAINT INFORMALLY

RESPONSIBILITY	ACTION
DISTRICT SUPERINTENDENT	<p>Upon receipt of a DPR 983, Accessibility Comment/Complaint form, the District Superintendent has 30-calendar days to resolve the complaint informally. The District Superintendent may request the assistance of the Accessibility Program Office and/or the HRO to resolve the issue.</p> <ul style="list-style-type: none"> • COMPLAINT RESOLVED If the District Superintendent is able to resolve the complaint to the complainant's satisfaction, the District Superintendent shall provide the complainant with a written response indicating the corrective action that was taken or will be taken. The District Superintendent shall fax or mail a copy of the DPR 983, Accessibility Comment/Complaint form and the written response to the HRO. • COMPLAINT UNRESOLVED If the District Superintendent is unable to resolve the complaint to the complainant's satisfaction within 30 days of receipt, or if the complaint is not one that is amenable to informal resolution, the District Superintendent shall notify the complainant in writing that the complaint is being referred to the HRO for handling.

DISTRICT SUPERINTENDENT (cont.)	The District Superintendent shall fax or mail a copy of the DPR 983, Accessibility Comment/Complaint form and the written response to the HRO.
HUMAN RIGHTS OFFICE (HRO)	<p>Upon receipt of a DPR 983, the HRO has 90-calendar days to resolve the complaint. The HRO may conduct an informal inquiry or request a formal investigation.</p> <p>If the HRO is able to resolve the complaint informally, to the complainant's satisfaction, the HRO shall provide the complainant with a written response indicating the corrective action that was taken or will be taken.</p> <p>A copy of the DPR 983, Accessibility Comment/Complaint form and the written response will be mailed to the District Superintendent.</p>
DIRECTOR	If the DPR 983 is received, the Director will forward the complaint to the HRO.

RESOLVING A COMPLAINT FORMALLY

RESPONSIBILITY	ACTION
HUMAN RIGHTS OFFICE (HRO)	<p>If unable to resolve a complaint informally, to the complainant's satisfaction, the HRO will refer the complaint to an Equal Employment Opportunity (EEO) investigator for a formal investigation. Based on the results of the formal investigation, the HRO will determine if any discrimination has occurred within the park unit.</p> <ul style="list-style-type: none"> • <u>If discrimination is not found</u>, the HRO will notify the complainant, in writing, of their findings and a copy of the letter will be sent to the District Superintendent. • <u>If discrimination is found</u>, the HRO will notify the District Superintendent of their findings, including recommendations for corrective action.
DISTRICT SUPERINTENDENT	Upon receipt of the notification and recommendations from the HRO, the District Superintendent has 10-working days to provide the HRO with a written response, identifying the corrective action that will be taken to eliminate the discrimination in the Superintendent's district.
HUMAN RIGHTS OFFICE	Upon receipt of the District Superintendent's written response, the HRO will notify the complainant, in writing, of their findings and the corrective action that has been taken or will be taken.

APPEAL PROCESS

RESPONSIBILITY	ACTION
PARK VISITOR	If dissatisfied with the results of the formal complaint process, the park visitor may appeal to the Director within 30-calendar days of receipt of the written decision.
DIRECTOR	The Director shall provide a written response to the park visitor within 30-calendar days of receipt of the appeal.
PARK VISITOR	The park visitor may also file a discrimination complaint with the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, or pursue appropriate civil action.

REQUIREMENTS FOR POSTING PUBLIC INFORMATION

Accessibility Comment/Complaint Posters

Accessibility Comment/Complaint posters shall be posted in each park office, district office, and in appropriate places where they will be visible to park visitors; i.e., park kiosks, visitor centers, bulletin boards, etc. Posters can be obtained from the HRO and the Warehouse.

Accessibility Comment/Complaint Procedure Brochures

Accessibility Comment/Complaint Procedure brochures shall be available to park visitors in each park office and district office. Brochures can be obtained from the HRO and the Department's warehouse. Brochures are also available from the HRO in alternate formats; e.g., Braille and large print.

Forms

A supply of DPR 983, Accessibility Comment/Complaint forms can be obtained from the HRO, the Department's warehouse and WAN. Large print Comment/Complaint forms can also be obtained from the HRO.

If you have any questions regarding this notice, contact the Human Rights Office at (916) 653-8148 or CALNET 453-8148.

original signed by

Denzil Verardo
Chief Deputy Director
Administrative Services

Attachment