

1. A grievance may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related grievances, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A grievance should be filed promptly within 30 calendar days after the grievant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a grievance. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

4. In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the grievances filed.

6. The right of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

Amended by R.2008 d.190, effective July 21, 2008.
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).
In paragraph 2, inserted "calendar".

Case Notes

Inmates' ability to challenge statutory imposition of co-payments for medical care, via disability discrimination grievance procedures, adequately protected inmates' due process rights. *Mourning v. Correctional Medical Services, (CMS) of St. Louis, Missouri*, 300 N.J.Super. 213, 692 A.2d 529 (A.D.1997).

10A:1-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All grievances alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 10A:1-3.5 through 3.8.

10A:1-3.5 Grievance procedure

A grievance alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 10A:1-3.4 within 30 calendar days of the grievant becoming aware of the alleged violation. A grievance alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

Amended by R.2008 d.190, effective July 21, 2008.
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).
Inserted "calendar".

10A:1-3.6 Grievance contents

(a) A grievance submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 10A:1-3.7.

(b) A grievance submitted pursuant to this subchapter shall include the following information:

- 1. The name of the grievant, and/or any alternate contact person designated by the grievant to receive communication or provide information for the grievant;
- 2. The address and telephone number of the grievant or alternate contact person; and
- 3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

10A:1-3.7 Americans with Disabilities Act Grievance Form 100

The following Americans with Disabilities Act Grievance Form 100 may be utilized for the submission of a grievance pursuant to this subchapter:

Americans with Disabilities Act Grievance Form 100
Date: _____
Name of grievant: _____
Address of grievant: _____

Telephone number of grievant: _____
Name, address and telephone number
of alternate contact person: _____

Agency alleged to have denied access:
Department: _____
Division: _____
Bureau or office: _____
Location: _____
Incident or barrier: _____

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:
If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above Form 100 may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 10A:1-3.4.

Administrative change.
See: 27 N.J.R. 4717(a).

10A:1-3.8 Investigation

(a) Upon receipt of a grievance submitted pursuant to this subchapter, the designated ADA coordinator will notify the grievant of the receipt of the grievance and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 calendar days from the date of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant.

ance, if practicable or unless a later date is agreed to by the grievant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 calendar days of receipt of the grievance, if practicable or unless a later date is agreed to by the grievant, which decision shall be transmitted to the grievant and/or the alternate contact person if so designated by the grievant.

Amended by R.2008 d.190, effective July 21, 2008.
See: 40 N.J.R. 1736(b), 40 N.J.R. 4323(a).
In (a) and (b), inserted "calendar".

SUBCHAPTER 4. INMATE REMEDY SYSTEM

Subchapter Historical Note

Petition for Rulemaking. See: 46 N.J.R. 648(c).

10A:1-4.1 Purpose

(a) The purpose of this subchapter is to establish:

1. The comprehensive Inmate Remedy System in which inmates may formally communicate with correctional facility staff to request information from, and present issues, concerns, complaints or problems to the correctional facility staff. The Inmate Remedy System also includes an "Administrative Appeal" through which inmates are encouraged to formally appeal to the Administrator or designee the decision or finding rendered by correctional facility staff in regard to the "Routine Inmate Request" or "Interview Request" that was previously presented by the inmate. The Inmate Remedy System consists of:

- i. A "Routine Inmate Request";
- ii. An "Interview Request"; and
- iii. An "Administrative Appeal"; and

2. Provisions for the designation of correctional facility staff to manage and coordinate the Inmate Remedy System.

10A:1-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

"Coordinator of the Inmate Remedy System" or "Coordinator" means the staff member(s) designated by the Administrator to manage and coordinate the process and to oversee the handling of related forms and proceedings.

"Further deliberation" means additional time needed by correctional facility staff in order to further research, investigate or refer the issue presented by the inmate to a