



City of Phoenix

**Mission Statement**

To improve the quality of life in Phoenix through efficient delivery of outstanding public services.

**Project Team**

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**Project Number**

1240060

This report can be made available in alternate format upon request.

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## Equal Opportunity Department Americans with Disabilities Act Program Compliance

August 14, 2024

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### ***Report Highlights***

#### **Complaint Process**

The Equal Opportunity Department's procedures and process for handling complaints complied with the Americans with Disabilities Act Title II subparts A and F.

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## **Executive Summary**

### **Purpose**

Our purpose was to evaluate whether the City complied with Americans with Disabilities Act (ADA) requirements to accept and resolve complaints alleging discrimination based on a disability.

### **Background**

ADA Title II (Title) Subpart A (Subpart A) requires that public entities that employ 50 or more people designate at least one employee to coordinate compliance with the Title's requirements. This includes adopting and publishing grievance procedures to promptly and equitably resolve complaints alleging actions prohibited by the Title.

The Equal Opportunity Department (EOD) administers the City's ADA Program. The program ensures that all City programs, services, and activities are accessible to people with disabilities in compliance with Title II of the ADA, Section 504 of the 1973 Rehabilitation Act, and the Arizonans with Disabilities Act. EOD developed procedures to accept and resolve complaints alleging discrimination based on a disability in providing services, activities, programs, or benefits provided by the City.

Title II Subpart F (Subpart F) requires agencies to promptly notify the complainant of the complaint receipt. If a complaint is missing information, the agency must inform the complainant and specify additional information needed. Additionally, the Title requires entities to make available the name, address, and telephone number of those designated to administer the program.

We reviewed EOD's complaint procedures to ensure they aligned with the Title. Additionally, we tested a sample of EOD complaints resolved to ensure they complied with their procedures.

### **Results**

#### **EOD complied with Title requirements.**

EOD had a dedicated staff person assigned to the City's ADA program. The EOD/504 Coordinator assigns staff to investigate and respond to complainants. The contact information for the EOD/504 Coordinator was posted on the EOD website. We compared EOD's complaint handling procedures to the Title's requirements. EOD's procedures required investigators to contact complainants within 15 calendar days of receiving the complaint, obtain all pertinent information, and respond to the complainant within 15 calendar days of that contact.

**EOD handled complaints according to their department procedures.**

In February 2024, EOD switched from tracking ADA complaints in a spreadsheet to using the Complaint Tracking Module within myPHX311, the City’s self-service portal. Since this transition, EOD received 44 ADA complaints between February 27, 2024, and June 4, 2024.

Some of the complaints EOD investigated included the accessibility at an event held at the Phoenix Convention Center, accessible bathrooms at a City building, and the availability of accessible on-street parking. One complaint about the Airport Sky Train was assigned to the responsible department to investigate. We tested eight complaints to ensure they were processed according to policy.

**Testing Results**

Test	Count	Note
Initial Contact within 15 Days	8	No Exception
Response within 15 Days of Initial Response	3	See Below
Outside of Jurisdiction	2	Referred to Responsible Agency

**EOD staff complied with its standard operating procedures.**

**EOD Investigated**

EOD contacted one complainant within 15 days of receiving the complaint. The complainant could not be reached and did not respond to contact attempts.

**Department Investigated**

One response was delivered late. The department staff assigned to investigate the complaint were out of the office, missing the deadline. EOD contacted the complainant to inform them about the delay.

One case was assigned to the Aviation Department. Aviation contacted a complainant within 15 days of receiving their complaint. The complainant could not be reached and did not respond to contact attempts.

**Case documents were stored in myPHX311, ensuring files can be maintained according to the City’s retention policy.**

The City’s retention policy required investigation files to be saved for five years. We verified that all the necessary documentation was stored in myPHX311. Saving the files

in myPHX311 will allow EOD to ensure files are retained according to the City's retention policy.

**Recommendations**

None

## **Scope, Methods, and Standards**

### **Scope**

We reviewed the City of Phoenix Equal Opportunity Department's management process for ADA complaints received between February 2024 through June 2024.

The internal control components and underlying principles that are significant to the audit objectives are:

- Control Activities
  - Management should design control activities to achieve objectives and respond to risks.
- Monitoring Activities
  - Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.

### **Methods**

We used the following methods to complete this audit:

- We requested EOD complaints received from February 2024 through June 2024.
- We reviewed EOD's procedures for handling complaints once received.
- We reviewed and identified the ADA Title II subpart F sections that apply to complaints.
- We compared a randomly selected sample of ADA complaints to EOD's standard operating procedures and responses provided.

Unless otherwise stated in the report, all sampling in this audit was conducted using a judgmental methodology to maximize efficiency based on auditor knowledge of the population being tested. As such, sample results cannot be extrapolated to the entire population and are limited to a discussion of only those items reviewed.

### **Data Reliability**

We assessed the reliability of EOD complaint data by performing electronic testing, reviewing existing information about the data and the system that produced them, and interviewing agency officials knowledgeable about the data. We determined that this data was sufficiently reliable for the purposes of this audit.

### **Standards**

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the

audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Any deficiencies in internal controls deemed to be insignificant to the audit objectives but that warranted the attention of those charged with governance were delivered in a separate memo. We are independent per the generally accepted government auditing requirements for internal auditors.