

THE HENDERSON AREA RAPID TRANSIT (HART)

ADA COMPLAINT PROCEDURES

This section outlines the Americans with Disabilities Act (ADA) complaint procedures related to providing programs, services, and benefits. However, it does not deny the Complainant the right to file formal complaints with The City of Henderson Human Relations Commissions, Equal Employment Opportunity Commission, and Federal Transit Administration, or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities.

GENERAL

Any person who believes that he or she has been denied a service or benefit of HART based on a disability may file a written complaint with Henderson Area Rapid Transit, P.O. Box 716, Henderson, KY 42419-0716. Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and HART may be utilized for resolutions.

PROCEDURE

1. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the Complainant(s). In cases where Complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The HART ADA Coordinator will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged incident or when the Complainant(s) became aware of the alleged incident.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
 - d. Federal and state law requires complaints be filed within 180 calendar days of the alleged incident.
2. Upon receipt of the complaint, the HART ADA Coordinator and legal counsel will determine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to an EEO specialist to investigate the merit of the complaint.
3. The Complainant will be provided with a written acknowledgement that HART has either accepted or rejected the complaint.

4. A complaint must meet the following criteria for acceptance:
 - a. The Complaint must be filed within 180 days of the alleged occurrence.
 - b. The allegation must involve a HART service of a Federal-aid recipient, sub-recipient or contractor.
5. A complaint may be dismissed for the following reasons:
 - a. The Complainant requests the withdrawal of the complaint.
 - b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The Complainant cannot be located after reasonable attempts.
6. Once the HART ADA Coordinator and legal counsel decide to accept the complaint for investigation, the Complainant will be notified in writing of such determination. The complaint will receive a case number and will then be logged in a database identifying: Complainant's name, basis, and alleged incident.
7. In cases where the HART ADA Coordinator and legal counsel assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, the HART ADA Coordinator will prepare an investigative report for review by the HART Superintendent. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
8. The investigative report and its finding will be reviewed by the HART ADA Coordinator, HART Superintendent and The City of Henderson's legal counsel. The report will be modified as needed.
9. The HART Superintendent, the HART ADA Coordinator and legal counsel will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
 - a. In the event HART is in non-compliance with ADA regulations remedial actions will be listed.
10. Notice of the HART Superintendent and the HART ADA Coordinator's determination will be mailed to the Complainant. Notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
 - a. HART will reconsider this determination, if new facts, come to light.
 - b. If Complainant is dissatisfied with the determination and/or resolution set forth by HART, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590, ADA Assistance Line: 888-446-4511.
11. A copy of the complaint and HART's investigation report/letter of finding and Final Remedial Action Plan, if appropriate will be issued to FTA within 120 days of the receipt of the complaint.
12. A summary of the complaint and its resolution will be included as part of the ADA updates to the FTA.

RECORDINGKEEPING REQUIREMENT

The HART Superintendent, HART ADA Coordinator and legal counsel will ensure that all records relating to HART's ADA Complaint Process are maintained with department records.

Records will be available for compliance review audits.