



Board Policy No. 424

NONDISCRIMINATION ON THE BASIS OF DISABILITY

ADOPTED: 08/05/92

RECENT AMENDMENT: 5/16/18

SEE ALSO: 213

SUBJECT CATEGORY: SECTION 400, CUSTOMER SERVICES

SUBSECTION: GENERAL

CONTROL DEPARTMENT: ACCESSIBLE SERVICES

I. PURPOSE

The purpose of this policy is to ensure AC Transit District's compliance with Title II, subtitles A and B of the Americans with Disabilities Act (ADA). This policy addresses the District's compliance procedures for ADA complaints received from members of the public, which differs from Board Policy 213 and its related Administrative Regulation which addresses employment discrimination.

II. PERSONS AFFECTED

The Board of Directors, Board Officer, all District employees, temporary employees, paid and unpaid interns, consultants, vendors and contractors.

III. DEFINITIONS

"Disability" means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment.

"Qualified Individual With A Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

IV. POLICY

A. Title II, subtitle A, of the American with Disabilities Act

The District will abide by Title II, subtitle A, of the ADA, which prohibits discrimination on the basis of disability in all services, programs, and activities provided to the public by State and local governments, except for public transportation facilities, vehicles and transit services regulated by the Department of Transportation (DOT).

B. Title II, subtitle B, of the American with Disabilities Act

The District will abide by Title II, subtitle B, of the ADA, which prohibits discrimination on the basis of disability public transportation facilities, vehicles and transportation services.

C. Complaint Procedure

1. The ~~Accessible Services~~ Senior Program Specialist has been designated to coordinate the District's efforts to comply and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint alleging noncompliance or alleging any actions prohibited by the ADA. Information concerning the provisions of the ADA and the rights provided thereunder are available from the ~~District's ADA Compliance Coordinator~~ Senior Program Specialist.
2. Verbal and online complaints shall be filed with the Customer Relations Department.
3. Written complaints, using the ADA Title II Violation Complaint Form, shall be addressed to the Customer Relations Manager, 1600 Franklin Street, Oakland, California 94612.
4. Complaints shall contain the name and address of the person filing, and briefly describe the alleged violation. ~~(Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case by case basis.)~~
5. Complaints shall be filed within one hundred eighty (180) calendar days after the complainant becomes aware of the alleged violation. ~~(Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case by case basis.)~~
6. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall be conducted by the appropriate employee assigned to the complaint, based on the nature of the alleged violation. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
7. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the employee assigned to the complaint, or, if appropriate, the Customer Relations Manager (or his/her designee), and a copy forwarded to the complainant no later than ninety (90) calendar days after its filing.
8. The Customer Relations Manager, or his/her designee, shall maintain the files and records of AC Transit relating to the complaints filed.
9. The complainant can request a reconsideration of the determination if he/she is dissatisfied with the resolution. The request for reconsideration shall be made in writing, using the Title II ADA Complaint Appeals Form, within thirty (30) calendar days from the date of the determination, and mailed or emailed to the ~~Accessible Services~~ Senior Program Specialist, AC Transit's ADA Compliance Coordinator.
10. The ADA Compliance Coordinator shall convene an appeals panel and final determination, in accordance with the Title II ADA Complaint Appeals Process.