

## **Bolivar County Council on Aging, Inc.**

### **Americans With Disabilities (ADA) Complaint Filing Procedures**

1. Complaints may be submitted in writing to the affected transit provider, applicant or contractor prior to the complainant submitting a formal complaint to the Division. Complaints made by or on behalf of the complainant(s) must be signed by the complainant(s).
2. Written complaints concerning FTA funded projects or services submitted to the MDOT may be submitted through the Public Transit Division. Complainants are to be made aware by the MDOT that copies of the written complaint may be filed with the FTA Regional Administrator and/or Civil Rights Office.
3. In those situations where the complainant is unable to provide a written complaint, a verbal complaint made to the Mississippi Department of Transportation's Executive Director, Director of Civil Rights and the Public Transit Administrator shall be accepted and shall be considered sufficient to justify staff review of the complaint.
4. Prior to any formal compliance review or investigation by the staff, the complaint must be put in a written format that identifies specific allegation. The written allegation statement must be signed by the complainant. The Public Transit Division staff and the Director of Civil Rights may provide technical assistance in explaining the discrimination complaint procedures.
5. All written complaints of discrimination will be referred as a matter of routine procedure to the Department's legal counsel.
6. Within fifteen (15) working days of receipt of a written complaint, the complainant(s) are provided written acknowledgment, that the complaint has been received. Complainants will also be made aware of their right to file a complaint with the FTA Regional Office.
7. Staff of the Public Transit Division will be given subsequent steps to be taken in resolving or investigating the complaint by the Director of Civil Rights, legal counsel and the Human Resources Division.
8. All complaints and subsequent related documents will be added to the files maintained by the Division.
9. All applicants and/or contractors that are the subject of an ADA written complaints shall be notified in writing by the Director at the time that the complainant receives the acknowledgment referenced in #6 above.
10. Failure of the complainants to cooperate in the filing, investigation and/or resolution of a complaint will be considered cause for the MDOT to issue a determination that further investigation is not supported by the available information; and shall be considered basis for a finding of probable non-compliance. As such, the MDOT shall notify FTA in writing of the circumstances. A finding of non-compliance resulting from the failure or refusal of the grantee or contractor to cooperate may be sufficient to withhold approval of pending applications, payments or contracts.

11. Within forty-five (45) days of the receipt of a written complaint, the complainant(s) will receive a written notice of action taken on all complaints as a status report. Such a notification is to include:

- a. Identification of any referrals to FTA, legal counsel or other affected parties
- b. Status of the MDOT's review or investigation
- c. Request(s) for any additional information

**Complaint Review Report.** A written complaint review report will be prepared by the Public Transit Division Administrator for review by the Director, Office of Intermodal Planning, Human Resource Director and Legal Counsel as appropriate. This report will be used as the basis of finding(s)/determination(s) and may be used to report non-compliance findings to FTA.

Moreover, MDOT will establish and maintain an internal manual and computerized tracking system for all filed ADA complaints.

A complainant may file a complaint directly with the following federal office:

**Federal Transit Administration (FTA), Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue SE  
Washington, D.C. 20590**