

## **Appendix B**

### **NHDOT ADA Grievance Procedure**

#### **Complaint Process for Title II of the Americans with Disabilities Act**

Title II of the Americans with Disabilities Act (ADA) protects qualified individuals with a disability from discrimination on the basis of that disability in the services, programs, or activities of the New Hampshire Department of Transportation (NHDOT). This notice is posted to inform the public of the provisions of Title II of the ADA and the requirements of the Federal ADA regulations.

Complaint Procedure: The NHDOT does not discriminate against qualified individuals with a disability in its services, programs or activities. Also, qualified individuals with a disability are not excluded from participation in or denied the benefits of the services, programs, or activities of the NHDOT. If you have a complaint under Title II of the ADA about the services, programs or activities of the NHDOT, you are encouraged to file your complaint with the ADA Title II Coordinator.

#### **How to file a Grievance**

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The procedure to file a grievance is as follows:

**1.** A formal written grievance should be filed with the ADA Title II Coordinator. If you are unable to provide a written statement an oral grievance can be filed by contacting ADA Title II Coordinator. Under the Grievance Procedure, a formal complaint must be filed within 90 calendar days of the alleged occurrence. Additionally, individuals filing a grievance are not required to file a grievance with NHDOT, but may instead exercise their right to file a grievance with the Department of Justice. Your grievance must include the following information;

- The name, address, and telephone number of the person filing the grievance.
- The name, address, and telephone number of the person alleging ADA violation, if other than the person filing the grievance.

- A description and location of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other Federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

**2.** The grievance will be either responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern a NHDOT facility, it will be forwarded to the appropriate agency and the grievant will be notified.

**3.** Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, ADA Title II Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented in the NHDOT's ADA Grievance File.

**4.** If a resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by ADA Title II Coordinator and a copy forwarded to the grievant no later than 90 days from the date of the NHDOT's receipt of the grievance.

**5.** The grievant may appeal the written determination. The request for reconsideration shall be in writing and filed with the New Hampshire Department of Transportation Hearings Officer within 30 days after the ADA Title II Coordinator's determination has been mailed to the grievant. NHDOT's Hearings Officer shall review the request for reconsideration and make a final determination within 90 days from the filing of the request for reconsideration.

**6.** If the grievant is dissatisfied with NHDOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the NHDOT's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or Federal agency.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility

requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the NHDOT. Accordingly, the resolution by the NHDOT of any one grievance does not constitute a precedent upon which the NHDOT is bound or upon which other complaining parties may rely.

### **File Maintenance**

The NHDOT's ADA Title II Coordinator shall maintain ADA grievance files for a period of three years.

Submit all inquiries and grievances to:

### **ADA Title II Coordinator**

Sandt Michener

NHDOT

Office of Federal Compliance

PO Box 483

Concord, NH 03302-0483

Phone: 603-271-3736

Fax: 603-271-8048

E-mail: [smichener@dot.state.nh.us](mailto:smichener@dot.state.nh.us)