

Government of the District of Columbia

Department of Transportation



Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the District Department of Transportation (DDOT). The District of Columbia's Personnel Policy governs employment-related complaints of disability discrimination.

A written complaint should be filed on the ADA Grievance Form attached hereto. The written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation to:

Cesar Barreto, ADA / Section 504 Coordinator

55 M Street SE, 7th Floor, Washington, DC 20003

Phone: 202-671-2829

E-mail: cesar.barreto@dc.gov

Brett Rouillier, ADA Specialist / Coordinator

55 M Street SE, 7th Floor, Washington, DC 20003

Phone: 202-671-0533

E-mail: brett.rouillier@dc.gov

Within 15 working days of the submitted complaint, *Cesar Barreto* or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of DDOT and offer options for substantive resolution of the complaint.

Within 60 working days of receipt, the ADA / Section 504 Coordinator or his designee will conduct the necessary investigation to validate the complaint and description of resolution. If appropriate, the ADA / Section 504 Coordinator or his designee will coordinate a meeting with the grievant to discuss the complaint and to reach an informal determination. Any determination will be documented in the ADA Complaint Form.

If an informal determination of the complaint is not reached, a written determination substantiating or un-substantiating the complaint and the description of the resolution, if appropriate, shall be issued by the ADA Coordinator or his designee. A copy of the determination will be forwarded to the grievant within 90 days of the receipt of the ADA Complaint Form.

If the response by *the ADA / Section 504 Coordinator or his* designee does not resolve the issue, the grievant may request reconsideration if he/she is dissatisfied with the written determination. The request for reconsideration shall be in writing and filed with the ADA Coordinator within 10 working days of receiving the determination. The Transportation Equity and Inclusion Officer shall review the request for reconsideration, make a final determination, and forward a copy to the grievant within 90 days of filing the request for reconsideration.

If the grievant is dissatisfied with DDOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the DDOT's ADA Complaint Form, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of DDOT's ADA Complaint Form is not a prerequisite to the pursuit of other remedies.

The determination of any specific complaint will require consideration of varying circumstances.

- The specific nature of the disability;
- The nature of the services, programs, or facilities at issue and the essential eligibility requirements for participation;
- The health and safety of others;
- The degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship

Accordingly, the determination of any one complaint does not constitute a precedent upon which DDOT is bound or upon which other complaining parties may rely.

The ADA / Section 504 Coordinator shall maintain ADA Complaint Files for a period of 5 years.