

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

## Complaint Procedures

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

These procedures apply to all complaints filed under Section 504 of the Rehabilitation Act of 1973, relating to any program or activity administered by NDOT or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Persons Eligible to File: any individual or group of individuals, or entity who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights Authorities based upon race, color, sex, age, national origin or disability may file a written complaint.

**DISCRIMINATION:** an act (or action) or inaction whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving Federal financial assistance.

Two complaint forms are available for the individual. The ADA Complaint Form (Appendix A) is for individuals that believe NDOT's programs, services, or activities may be discriminatory. The Reasonable Modification Complaint form is to request a modification to ensure NDOT's programs and activities are accessible.

## Filing of Complaint

1. Complaints may be filed by the affected individual or a representative of that individual.
2. Complaints must be in writing and contain as much information as possible about the alleged discrimination. HCRT has prepared a Complaint Form to be used for the convenience of the complainant. The written complaint should include:
  - a. Complainant's name, address and telephone number,
  - b. A detailed description of the issues,
  - c. Name and job titles of individuals perceived as parties in the complaint.

Complaints received by telephone will be placed in writing and provided to complainant for confirmation or revision, and signature before processing.

3. Complaint forms will be available on [www.hallcountyne.gov](http://www.hallcountyne.gov) or by contacting the Transit Manager. Complaints and substantiating information should be sent to:

Sarah Soula  
NDOT Transit Manager  
1400 Highway 2  
PO Box 94759  
Lincoln, Nebraska 68509  
402-479-4871

- OR -

Bob McFarland  
Transit Manager  
121 S. Pine Street  
Suite 4A  
Grand Island, NE 68801  
308.380.5083

Alternate means of filing a complaint will be made available to accommodate persons with disabilities upon request.

4. A complaint should be filed as soon as possible but must be no later than 180 calendar days after the complainant becomes aware of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.
5. Upon receipt of the complaint, HCRT will notify the Nebraska Department of Transportation, to coordinate all further activity regarding the complaint.
6. The Transit Manager, will contact the complainant to:
- Acknowledge receipt of the complaint by the investigator,
  - Confirm that the complainant wishes to go forward with the complaint,
  - Confirm that there are allegations that need to be investigated and resolved, and
  - Gather additional facts and further clarify the complaint.

### **Investigation of Complaint**

An Investigator will review and investigate the complaint. As part of the review, the investigator will at minimum:

- Gather relevant documentation from the complainant not included in the complaint, such as forms, memos, letters, and photographs information
- Contact complainant to arrange and conduct interview, if needed
- Maintain log of all activities associated with complaint.
- Complete Investigative Report of information, findings, photos, and recommendations for correction to the Nebraska Department of Transportation.

A copy of the complaint, together with a copy of the Agency's report of investigation, shall be forwarded to the Nebraska Department of Transportation and/or the FTA Regional Office within 60 days of the date the complaint was received by the State.

An ADA finding of violation or no violation is a Federal decision that cannot be delegated. Although NDOT can conduct an investigation and make a recommended finding to the Federal decision-making authority, NDOT must submit the proposed dispositions to FTA for a Final Agency Decision.

### **Dismissal of Complaint**

A decision to dismiss a complaint cannot be designated to the agency. A decision by FTA to dismiss a complaint can be done for the following reasons:

- The complaint is untimely filed
- The complaint does not allege a basis covered by the statutes for which NDOT is responsible
- The complaint does not allege any harm with regard to covered programs or statutes
- The complainant requests the withdrawal of the complaint
- The complainant fails to respond to repeated requests for additional information needed to process the complaint
- The complainant cannot be located after reasonable attempts

HCRT has developed the following complaint procedures:

- ADA Complaints
- Reasonable Modification Complaints/Requests