

Standard Operating Policy & Procedure
No. 019 Trans **The Fleet**

Origination Date: 07/01/16
Revision Date: 05/2023
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Subject: ADA Consumer Complaint & Resolution Process

Policy: Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Community First Solutions and all its wholly owned subsidiaries including The Fleet, as covered in this policy operate in full support and compliance with the ADA. The Fleet shall ensure consumers are afforded the opportunity of a Resolution Process to address complaints or other issues which may resolve conflict.

ADA Coordinator: The overall ADA Coordinator for Community First Solutions is the Executive Vice President of Human Resources. The Executive Vice President is responsible for insuring ADA compliance for all employees and providing guidance and support for consumer ADA compliance as well. Specifically for The Fleet business line, the Director of Transportation has the first line of authority and will notify the ADA Coordinator of any consumer ADA issues in the complaint and resolution process.

Prohibitions: As overseen by the Director of Transportation

I. As a comprehensive civil rights law, the ADA grants the same rights and responsibilities to individuals with disabilities as are available to all individuals. Fundamentally, the overarching requirement of the law is that entities cannot discriminate against individuals with disabilities.

- A. The Fleet shall not discriminate against an individual with a disability in connection with the provision of transportation service. This includes:
- Refusing to provide service because of a person's disability
 - Requiring individuals with disabilities to use seat belts or shoulder harnesses when other riders on the same vehicle are not also required to do the same
 - Requiring riders who use wheelchairs to wear a special body belt as a condition of using lifts on vehicles or riding on transportation systems
 - Requiring riders who board a vehicle with a service animal to first disclose the nature of their disability to receive transportation
 - Requiring adults to accompany children under a certain age in order to use complementary paratransit service without having the same age requirement to ride the fixed route system
 - Prohibiting an individual with a disability from serving as a personal care attendant (PCA) for another rider with a disability
- B. The Fleet shall not, on the basis of disability, deny to any individual with a disability the opportunity to use our service if the individual is capable of using that service.
- C. The Fleet cannot deny service to a person with a disability based on what it perceives to be "safe" or "unsafe" for that individual. All riders take on some level of risk when traveling (e.g., standing while riding a bus, crossing busy streets, or walking along roadways with quickly moving traffic). Individuals with disabilities also have the right to decide the level of risk they are willing to take to travel independently.
- D. The Fleet shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

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- E. The Fleet shall not impose special charges on individuals with disabilities, including individuals who use wheelchairs, for providing services necessary to accommodate them.
- F. The Fleet shall not require that an individual with disabilities be accompanied by an attendant.
- G. The Fleet shall not refuse to serve an individual with a disability or require anything contrary due to insurance coverage issues.

- H. It is not discrimination under this part for The Fleet to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, The Fleet shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons. It can be especially challenging to assess whether rider behavior rises to the level of "seriously disruptive." Given that a service refusal can be a denial of a civil right, the threshold for seriously disruptive conduct, like the other denial bases, is an intentionally high standard.

Before refusing service to an individual with a disability, The Fleet will make reasonable attempts to resolve issues with riders or, if appropriate, caregivers or guardians. The Fleet will document the incident or incidents leading to the service denial, substantiating how such an incident rises to the level of seriously disruptive or a direct threat, for example. The Fleet will provide the rider with a written warning before denying service except in cases of serious and immediate.

II. Right of Individuals to Contest Service Denials

- A. Access to public transit is a civil right and inherent in any civil right is the opportunity for due process. This means providing an individual who is denied service the opportunity to contest that decision, correct the situation, and resume service. Service refusals cannot be permanent unless an individual continues to pose a direct threat to the health or safety of others. Riders must have the opportunity to subsequently present information to The Fleet, demonstrating that issues have been resolved or presenting options to mitigate any problems, to have service reinstated.

III. Procedures

- A. Upon receiving verbal or written complaints from consumers, The Fleet will investigate and address all complaints in a timely fashion to attempt to resolve situations perceived or real. The below steps outline the internal procedure for grievance related to ADA, but at any time the consumer can file a complaint directly with the U.S. Department of Justice through their ADA complaint portal at <https://www.ada.gov/complaint/>.
- B. A sample comment form is also provided below these procedures for your feedback.
- C. The Fleet will notify ODOT immediately upon receipt of a disability-related complaint pertaining to transportation.
 - I.0 The Fleet will document a consumer complaint which shall contain the date the complaint was reported, a description of the complaint, name of employee

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documenting or receiving the complaint and record name(s) of others who may be involved.

- 2.0 The Fleet shall track each complaint and document the outcomes. Employee signature and date must be included with each.
- 3.0 If at any time a consumer is uncomfortable in talking with a point person about a situation, they may involve the Director of Transportation.
- 4.0 Problems or conflicts should always be addressed informally in a private, scheduled conversation with the persons or persons with whom the problem or conflict concerns. Generally, issues of concern can be resolved at this level. In instances where this is not practical, a written letter may be used instead of a direct meeting. A written letter in lieu of a private, scheduled conversation is only acceptable when it cannot be avoided.

If after the private, scheduled conversation the consumer has not found a satisfactory resolution, he/she can continue with the resolution process according to the steps identified below:

- 4.1 The consumer must submit a written statement to the Director indicating the problem or conflict. The Director will attempt to resolve the dispute and issue a written result to the consumer within fifteen business days of receipt of the notice from the consumer.
- 4.2 If the consumer is not satisfied with the written result, they must present the dispute in writing within ten business days to the Vice President of Community Based Services who will review the written statement and then schedule a meeting with the consumer. A written response will be given to the consumer within fifteen business days of the scheduled meeting.
- 4.3 If the consumer is not satisfied with the result stated in 4.2 he/she must present the dispute, in writing, within ten business days of receipt of the response from 4.2 to the CEO of Community First Solutions. The CEO will review the written statements and will schedule a meeting with the consumer. Following the meeting and within fifteen calendar days from the meeting, the CEO will issue a written decision to the parties involved. The decision of the CEO is final.

	<hr/> Director of Transportation	
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