

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

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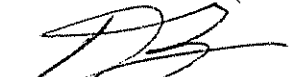
Effective Date: August 1992

Pages: 10

**TITLE: ADA Complaint Procedure**

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## Procedure History

<b>REVISION DATE</b>	<b>SUMMARY OF REVISION</b>	<b>APPROVED</b>
September 7, 1995	Revise format without content change	General Manager (SG)
January 28, 2002	Change of Address only	General Manager (LW)
December 13, 2002	Revise complaint procedure, replaces regulation	Board Chair (SA)
January 24, 2003	Revision to change date of program evaluation	Board Chair (ER)
December 16, 2005	Revision to extend program evaluation deadline	Board Chair (MK)
January 12, 2007	Revision to extend program evaluation deadline	Board Chair (MR)
July 27, 2007	Revision to extend program evaluation deadline	Board Chair (MT)
October 26, 2007	Revision to extend program evaluation deadline	Board Chair (MT)
November 20, 2009	Revision to update Administration Address change & Personnel changes	

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## I. POLICY

- 1.01 It is the policy of the Santa Cruz Metropolitan Transit District (hereinafter Santa Cruz METRO) that all its services, programs, and activities when viewed in their entirety, are readily accessible in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (hereinafter ADA/504).
- 1.02 It is the policy of the Santa Cruz METRO that in accordance with ADA/504, no qualified individual with a disability shall, on the basis of disability be excluded from participation in or be denied the benefits of the services, programs, or activities of Santa Cruz METRO or be subjected to discrimination. A qualified individual with a disability shall be afforded an opportunity to participate in or benefit from the aid, benefit or service that is equal to and as effective as that afforded to others.
- 1.03 Santa Cruz METRO is adopting this policy in order to affirm its commitment to the ADA/504 statutes and regulations with regard to its services, programs, and activities.
- 1.04 Neither Santa Cruz METRO nor its employees or contractors shall retaliate, coerce, intimidate, threaten or interfere with any individual in the exercise of his/her rights pursuant to ADA/504 statutes and regulations or because that individual aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by the ADA/504 statutes and regulations.

- 1.05 Neither Santa Cruz METRO nor its employees or contractors shall discriminate against any individual because that individual has opposed any act or practice made unlawful by the ADA/504 statutes or regulations or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the ADA/504 statutes or regulations.

## **II. APPLICABILITY**

- 2.01 Every Santa Cruz METRO employee and contractor must adhere to this policy and procedures.
- 2.02 Following this policy and procedures does not relieve a Santa Cruz METRO employee or contractor of complying with applicable Federal and California laws and regulations.
- 2.03 Members of the public may utilize this policy and procedures.

## **III. DESIGNATION OF RESPONSIBLE EMPLOYEE, COMMUNICATION AND AUXILIARY AIDS**

- 3.01 The General Manager or his/her designee shall coordinate Santa Cruz METRO's efforts to comply with and carry out its responsibilities pursuant to the ADA/504, including any investigation of any complaint alleging Santa Cruz METRO's noncompliance with the ADA/504 or actions on the part of Santa Cruz METRO that are prohibited by the ADA/504.
- 3.02 The General Manager or his/her designee shall ensure that all Santa Cruz METRO's services, programs, and activities when viewed in their entirety, are readily accessible to those individuals with disabilities as defined in the ADA/504 statutes and regulations.
- 3.03 Should an employee become aware that a Santa Cruz METRO service, program, or activity is out of compliance with the ADA/504, he/she is strongly encouraged to immediately inform his/her supervisor, manager, the General Manager or the Chair of the Board of Directors of the noncompliance. Upon receipt of such notification, the investigative procedure set forth in Section VI shall be followed.
- 3.04 The General Manager or his/her designee shall make information available to individuals including individuals with disabilities, concerning Santa Cruz Metro's duties under the ADA/504 and how the ADA/504 applies to Santa Cruz METRO's services, programs and activities.
- 3.05 The General Manager or his/her designee shall take steps to ensure that Santa Cruz METRO can effectively communicate with individuals with disabilities (including

applicants, participants and members of the public) as it does with others. Auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program or activity conducted by Santa Cruz METRO shall be provided in accordance with the ADA/504 statutes and regulations. In determining the type of auxiliary aid and service necessary, Santa Cruz METRO will give primary consideration to the requests of the individual with disabilities.

- 3.06 The General Manager or his/her designee shall ensure that when Santa Cruz METRO employees communicate with individuals with impaired hearing or speech by telephone that telecommunication devices for the deaf or equally effective telecommunications systems are in place in accordance with ADA/504.
- 3.07 The General Manager or his/her designee shall ensure that interested persons including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities and facilities in accordance with ADA/504.
- 3.08 Santa Cruz METRO shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.
- 3.09 The General Manager or his/her designee shall ensure that information concerning Santa Cruz METRO's services, programs and activities are made available to individuals with disabilities.
- 3.10 The General Manager or his/her designee shall utilize appropriate Santa Cruz Metro employees or consultants necessary to fulfill Santa Cruz METRO responsibilities pursuant to this policy/procedure.
- 3.11 The General Manager or his/her designee shall ensure that Santa Cruz Metro employees are trained on this policy/procedure in order to ensure compliance.

#### **IV. TRANSPORTATION SERVICE**

- 4.01 Neither Santa Cruz METRO nor its employees will discriminate against an individual with a disability in connection with the provision of transportation service.
- 4.02 Neither Santa Cruz METRO nor its employees will on the basis of disability, deny to any individual with a disability the opportunity to use its public transportation service if the individual is capable of using that service.
- 4.03 The General Manager or his/her designee shall ensure that its public transportation service meets the standards and requirements set forth in the ADA/504 statutes and regulations.

## **V. EVALUATION OF SERVICES, PROGRAMS AND ACTIVITIES**

- 5.01 The General Manager or his/her designee shall within 62 months of the implementation of this policy conduct an evaluation of Santa Cruz METRO's current services, programs, and activities and the effects thereof, that may or may not meet the requirements of the ADA/504 statutes and regulations.
- 5.02 The General Manager or his/her designee shall review the Santa Cruz METRO's services, programs and activities and prepare an evaluation report for the Board of Directors' review.
- 5.03 The General Manager or his/her designee shall provide an opportunity to interested persons, including MASTF, individuals with disabilities and other organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments, to a draft evaluation report.
- 5.04 The Evaluation Report for the Board of Directors shall include the following:
1. A list of the interested persons consulted;
  2. A description of areas examined and any problems identified;
  3. If problems are identified, a description of the proposed modification; and
  4. An implementation schedule to ensure that the modifications are made in a timely fashion.
- 5.05 Once the Board of Directors has accepted the Evaluation Report, the General Manager or his/her designee shall ensure that the implementation schedule for the necessary modifications is followed in accordance with the adopted schedule.
- 5.06 Upon completion of the modifications, the General Manager or his/her designee shall on a 24 month cycle review all services, programs, and activities of the Santa Cruz METRO in order to ensure that they meet ADA/504 statutes and regulations.
- 5.07 This policy/procedure does not require Santa Cruz METRO to take any action that it can demonstrate would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens. The General Manager or his/her designee shall make the decision that compliance would result in such alteration or burdens after considering all resources available for use in the funding and operation of the service, program, or activity and such decision must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, Santa Cruz METRO shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the Santa Cruz METRO.

## VI. GRIEVANCE PROCEDURE

6.01 Any person with a disability or his/her authorized representative (family member, caregiver, disability advocate, or disability organization, i.e. Central Coast Center for Independent Living, Community Bridges, Senior Network Services, or the like) who believes that Santa Cruz METRO's programs, activities or services are not in compliance with the ADA/504 statutes or regulations shall put his/her concerns in writing, with the complainant signing the document to attest to the accuracy of the complaint (if possible)<sup>1</sup>. The complaint can then be directed to any of the following individuals who are required to keep the information contained in the complaint confidential:

1. Santa Cruz METRO  
110 Vernon Street  
Santa Cruz, California 95060  
Attention: General Manager/Assistant General Manager  
(831) 426-6080-phone (TDD 711 (TTY/Voice))  
(831) 426-6117-facsimile  
[aaiken@scmttd.com](mailto:aaiken@scmttd.com)
2. Santa Cruz Metro Center  
920 Pacific Avenue, Suite 21  
Santa Cruz, California 95060  
Attention: Accessible Services Coordinator  
(831) 423-3868-phone (TDD 711 (TTY/Voice))  
(831) 423-1024-facsimile  
[jdaugher@scmttd.com](mailto:jdaugher@scmttd.com)
3. Customer Service  
Santa Cruz Metro Center  
920 Pacific Avenue  
Santa Cruz, CA 95060  
Attention: Supervisor of Customer Service  
(831) 425-8600-phone (TDD 711 (TTY/Voice))  
(831) 423-1024-facsimile  
[mboyce@scmttd.com](mailto:mboyce@scmttd.com)

6.02 If an individual is unable to utilize a written complaint format, because of a disability, he/she may contact Santa Cruz Metro's Claims Investigator at (831) 426-6080 extension 1603, who will tape record the conversation with the individual's knowledge and consent. The individual making the complaint must identify himself/herself (for verification purposes only) and provide all other necessary information in order for the complaint to be processed. The complaint will be mailed to the individual for verification and signature (if possible). The complaint will not be processed until the complaint is

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<sup>1</sup> Representative may sign on behalf of a complainant whose disabilities prevent him/her from being able to execute the document.

received back by Santa Cruz Metro, signed by the individual or, if unable because of a disability to sign the form, by the representative, as verification of its accuracy.

- 6.03 The complaint shall identify the service, program or activity, which is alleged to be out of compliance with ADA/504 statutes or regulations. The complaint shall set forth the time, date, place and the circumstances giving rise to the alleged violation and shall identify those individuals who are believed to have information regarding the alleged violation. A complaint must be filed no later than 90 days from the date of the alleged discrimination unless the time for filing is extended by the General Manager or his/her designee for good cause.
- 6.04 A complaint form<sup>2</sup>, which is attached to this policy and procedure, can be used for this grievance procedure. Complaint forms shall be made available in accessible formats upon request. A complaint form can be obtained under the following circumstances:
- a. At the Santa Cruz METRO Website, [www.scmtd.com](http://www.scmtd.com);
  - b. By calling Santa Cruz METRO's Administrative Services Coordinator at (831) 426-6080, (TDD 711 (TTY/ voice)) a complaint form can be mailed;
  - c. By calling Santa Cruz METRO's Accessible Services Coordinator at (831) 423-3868, (TDD 711 (TTY/voice)) a complaint form can be mailed;
  - d. Complaint forms can be picked up at the Information Windows/Booths/Counters at each of Santa Cruz METRO's Centers (Santa Cruz, Watsonville and Scotts Valley), the Administrative Offices, 110 Vernon Street, Santa Cruz, California 95060 or from the Accessible Services Coordinator, Santa Cruz Metro Center, 920 Front Street, Suite 21, Santa Cruz, California, 95060.
- 6.05 If the complaint is received by anyone besides the General Manager, the individual in receipt of the complaint shall forward it to the General Manager or his/her designee within 2 working days of receipt. The General Manager shall immediately provide a copy to the Chair of the Board of Directors and the Santa Cruz METRO Manager who is responsible for the program, service or activity that is identified as being out of compliance.
- 6.06 The identity of complainants shall be kept confidential, at their election, during the conduct of an investigation, hearing or proceeding conducted pursuant to this grievance procedure. However, when such confidentiality is likely to hinder the grievance investigation, or proceeding, the complainant will be advised for the purpose of waiving the privilege.

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<sup>2</sup> The form is not required to process a complaint. Any written format is acceptable or tape recording as provided in Section 6.02.

- 6.07 The Santa Cruz METRO Manager who is responsible for the program, service or activity that is alleged to be out of compliance shall promptly investigate the alleged complaint and shall prepare a written response within 10 working days of his/her receipt of the complaint. The Manager may consult with appropriate Santa Cruz METRO staff in the preparation of his/her response to the complaint.
- 6.08 The General Manager or his/her designee shall then speak (meeting or telephone conversation) with the complainant, at which time the complainant may give written or oral evidence supporting the allegation that provisions of the ADA/504 have been violated. The General Manager shall review and consider the response prepared by the Manager identified in Section 6.07, all the information provided by the complainant and any other evidence available regarding the allegations in the complaint. The General Manager shall prepare a written report of his/her findings and if corrective action is required a timetable for the completion of such action.
- 6.09 Within 15 working days following receipt of the initial complaint, the General Manager shall inform the complainant of his/her findings and any corrective action to be taken as a result of the complaint together with the timetable for completion of such action.
- 6.10 If the complainant is not satisfied with the findings and/or action of the General Manager or his/her designee, then the complainant may file his/her complaint together with any other supporting documentation within 5 working days of his/her receipt of the results of the General Manager's investigation, with the Chair of the Board of Directors by providing it to the Administrative Services Coordinator, 110 Vernon Street, Santa Cruz, CA, 95060. The Chair of the Board of Directors upon review of the entire file, shall take appropriate action in order to insure ADA/504 compliance. The Complainant shall be notified of what actions, if any, will be taken as a result of the review by the Chair within 10 working days of the Chair's notification that the complainant is not satisfied with the results of the general manager's investigation.
- 6.11 The timelines applicable to this procedure may be waived by the general manager if he/she finds that there is good cause for a waiver.
- 6.12 Santa Cruz METRO shall retain documents arising out of the grievance procedure for at least three (3) years and the General Manager or his/her designee shall maintain relevant information in a database in a confidential manner.
- 6.13 Participation in this Grievance Procedure is voluntary. Nothing contained herein shall preclude a complainant from taking any other appropriate legal or administrative action against Santa Cruz Metro, should its programs, services or activities be out of compliance with the ADA/504.

**COMPLAINT FORM**  
**(FOR AMERICANS WITH DISABILITIES ACT (ADA)**  
**REHABILITATION ACT OF 1973 (504) COMPLAINTS)**

Please indicate by checking the box, if you wish to have your identity kept confidential

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \* \_\_\_\_\_

Date of Complaint: \_\_\_\_\_

Date of Violation: \_\_\_\_\_

Time of Violation: \_\_\_\_\_

Place of Violation: \_\_\_\_\_

Bus Number:\*\* \_\_\_\_\_

Bus Route:\*\* \_\_\_\_\_

General physical description of bus operator\*\* \_\_\_\_\_

Identify service, program or activity out of ADA/504 compliance: \_\_\_\_\_

\_\_\_\_\_

Summary of violation: (attach additional sheets as necessary) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Identify individuals by name and address that have information relating to the violation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Signature of Complainant/Representative**

\_\_\_\_\_  
**Date**

\*Optional  
\*\* if applicable

## GRIEVANCE PROCEDURE

1. Return completed Grievance form within 90 days of the alleged violation to any of the following:

<b>1. Santa Cruz METRO</b> 110 Vernon Street Santa Cruz, CA 95060 Attention: General Manager /Assistant General Manager (831) 426-6080-phone (TDD 711 (TTY/Voice)) (831) 426-6117-facsimile <a href="mailto:aitken@scmtd.com">aitken@scmtd.com</a>	<b>2. Santa Cruz Metro Center</b> 920 Pacific Avenue, Suite 21 Santa Cruz, CA 95060 Attn: Accessible Services Coordinator (831) 423-3868-phone (TDD 711 (TTY/Voice)) (831) 423-1024-facsimile <a href="mailto:jdaugher@scmtd.com">jdaugher@scmtd.com</a>	<b>3. Customer Service</b> Santa Cruz Metro Center 920 Pacific Avenue Santa Cruz, CA 95060 Attn: Supervisor of Customer Services (831) 425-8600-phone (TDD 711 (TTY/Voice)) (831)423-1024-facsimile <a href="mailto:mboyce@scmtd.com">mboyce@scmtd.com</a>
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2. The General Manager/designee shall conduct an investigation into the alleged violation. The complainant may be contacted during the course of the investigation;
3. The General Manager/designee shall notify the complainant of the results of the investigation within 15 working days;
4. If the Complainant is not satisfied with the response from the General Manager/designee, the complainant may file the complaint together with any supporting documentation with the Chair of the Board of Directors by providing it to the Administrative Services Coordinator, 110 Vernon Street, Santa Cruz, California 95060 within 5 working days of receipt of the response from the General Manager/designee; and
5. The Chair shall have 10 working days to review the complaint and the investigation and report prepared by the General Manager/designee and to determine if any additional action needs to occur to ensure compliance with the ADA/504.

## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act of 1973 (504) the Santa Cruz Metropolitan Transit District (Santa Cruz METRO) will not discriminate against qualified individuals with disabilities on the basis of disability in the Santa Cruz METRO's services, programs, or activities. Santa Cruz Metro will not tolerate acts of retaliation against anyone exercising his/her rights under the ADA/504.

Santa Cruz METRO does not discriminate on the basis of disability in its hiring or employment practices. Santa Cruz METRO will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position. Santa Cruz METRO will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of Santa Cruz METRO's business. Santa Cruz METRO will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent its selection criteria for employment decisions have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.

Santa Cruz METRO will provide transportation services in accordance with the ADA/504 statutes and regulations. Santa Cruz METRO will provide appropriate auxiliary aids and services, including qualified sign language interpreters and assistive listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight, or speech impediments, unless to do so would result in a fundamental alteration of its programs or an undue administrative or financial burden. A person who requires an accommodation or an auxiliary aid or service to participate in a Santa Cruz METRO program, service, or activity, should contact METRO's Administrative Services Coordinator, at (831) 426-6080 (TDD 711 (TTY/voice)) for assistance as far in advance as possible but not later than 48 hours before the scheduled event.

Santa Cruz METRO will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

In order to satisfy itself that it is meeting its obligations under the ADA/504, Santa Cruz METRO has established a grievance procedure for persons with disability who allege that METRO's services, programs or activities are out of compliance. Should you wish a complaint form, to file a grievance or if you have questions or concerns regarding METRO's compliance with the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 please contact Leslie White, General Manager, at (831) 426-6080 (TDD 711 (TTY/voice)).