



ADA DISCRIMINATION COMPLAINT PROCESS

Notice and Grievance Procedures for Complaints of Discrimination Based on Disability

The **Kanawha Valley Regional Transportation Authority (KVRTA)** and its complementary paratransit service **Kanawha Alternative Transit (KAT)** have established a process for investigating and resolving complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Any person who believes she or he has been subjected to discrimination based on disability may file a complaint under this procedure. It is against the law to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint.

The ADA Coordinator (KVRTA's Director of Special Service & Safety) or his/her designee shall be responsible for overseeing investigations and responses to complaints of discrimination based on disability.

How to File a Complaint: Fill out a Discrimination Complaint Form. Complaint Forms and Process information are available online at www.rideonkrt.com or by request at KVRTA, 1550 4th Avenue, Charleston, WV 25387, (304) 343-3840.

Complaints can be filed orally or in writing and should contain:

1. The name, address and telephone number of the individual or representative filing the complaint; complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination;
2. An explanation of the discrimination or denial of service;
3. The date the alleged violation(s) occurred; and
4. Signature of the person filing the complaint.

Complaints may be submitted to KVRTA as follows:

1. Mail completed form to KVRTA, Attn: Jacob Pitman, Director of Special Services & Safety, ADA Coordinator, PO Box 1188, Charleston, WV 25324;
2. Complaints may also be faxed to (304) 343-3877, Attn: Jacob Pitman;
3. In person at KVRTA's main office, 1550 4th Avenue, Charleston, WV 25387, Hours of Operation: Monday – Friday 8:00 am – 4:30 pm.
4. The complaint may be submitted over the telephone by calling (304-343-3840 ext. 112).



If assistance is needed in filling out the complaint form, call KVRTA at (304-343-3840 ext.112). The ADA Coordinator or other KVRTA staff member will offer instructions on how to file a written complaint. It is important to be very detailed and speak clearly when submitting a complaint over the telephone. Once all the information is provided for the complaint form, the staff member will ask if the complainant wishes to have the information reviewed for accuracy. The complaint may be mailed, emailed, or faxed to complainant to ensure the information is accurate. Please be aware that this may create a delay in submitting the complaint form.

Acknowledgement of Complaint Receipt: Within ten (10) business days after receipt of the complaint, a letter or email will be sent to the complainant that includes the following information:

- Acknowledgement that their complaint has been received and forwarded for investigation;
- The date by which a response will be sent to the complainant; and
- How to contact KVRTA if the complainant does not receive a response by that date.

Investigation of Complaint: The ADA Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed 60 business days from receipt of the complaint. The response will set out a process for resolution of the complaint. If no action is taken, the response will state the reasons for the decision. (KVRTA/KAT employee personnel files are confidential; therefore, specific information on disciplinary actions resulting from complaints will not be divulged.)

Time Limits: The parties may extend any time limit set out above by written agreement.

Appeals: The complainant can appeal the decision in instances where he or she is dissatisfied with the resolution. The request for appeal should be made within sixty (60) business days of receipt of the KVRTA's response to the complaint. An appeal may be made in writing, telephone, or in person. Appeals should be directed to the KVRTA Curt Zickafoose, Risk Manager and Safety Officer. at: PO Box 1188, Charleston, WV 25324, (304) 343-3840.

Written acknowledgement of receipt of your appeal request will be sent within ten (10) business days of receiving the appeal. The date of your appeal hearing will be provided within thirty (30) business days of receipt of your appeal request.

File Retention: KVRTA shall maintain the files and records relating to the complaints filed, for a period of five (5) years. Copies of complaints may be requested from the ADA Coordinator in accordance with the West Virginia Freedom of Information Act. Names and addresses of the complainants will be redacted to protect the individuals' privacy rights, if copies of complaints are produced. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible state or federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.