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## TITLE VI/ADA COMPLAINT PROCEDURE

### **TITLE VI BASED COMPLAINTS:**

Complaints may be filed by any person who believes that he or she has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Ada County Highway District (ACHD) service, program or activity, and believes the discrimination is based upon race, color, national origin, gender, disability or age. Complaints will be accepted in writing only and may be filed with ACHD's Title VI Coordinator in the Planning and Projects Department of ACHD at ACHD's main office located at 3775 Adams Street, Garden City, Idaho, 83714.

*(Note: Complaints based upon a lack of meaningful access for individuals with **limited English proficiency** must be filed with ACHD's Human Resource Department at ACHD's main office pursuant to ACHD's Limited English Proficiency Plan, and will be processed by ACHD in accordance therewith.)*

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should contain:

- Name, address, telephone number and signature of complainant.
- Facts and circumstances surrounding the claimed discrimination, including date or allegations, and basis of complaint (i.e., race, color, national origin, gender, disability or age).
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Corrective action being sought by the complainant.

If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature.

Within ten days of receiving a written complaint, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, advise the complainant of other avenues of redress available, and begin its investigation of the complaint. Within ten days of receiving a written complaint, the Title VI Coordinator will also provide a copy of the written complaint to ITD and include therewith a brief explanation of the actions ACHD has taken or proposes to take to resolve the issue raised in the written complaint.

Within sixty days of ACHD's receipt of the written complaint, the Title VI Coordinator will complete the investigation of the allegations contained in the complaint and render a recommendation for action to the ACHD Director in a report of findings. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within ninety days of ACHD's receipt of the written complaint, the ACHD Director will notify the complainant in writing of the final decision reached, including proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by ACHD. The Title VI Coordinator will provide ITD with copies of the written complaint, the investigation report, and ACHD's final decision, within sixty days of ACHD's receipt of the written complaint.

**ADA BASED COMPLAINTS:**

ACHD will process citizen requests and complaints concerning disabilities as follows:

When ACHD receives a request from a citizen regarding a specific accessibility issue the request will be forwarded to Title VI Coordinator who may either:

- 1) refer the person to ACHD's ADA transition plan (Five Year Work Plan) with a date certain for a fix to take place;
- 2) or, if the transition plan (Five Year Work Plan) date is too far away, make arrangements with appropriate ACHD staff to correct the issue in the immediate future;
- 3) or, if the issue is not included in the transition plan (Five Year Work Plan), make arrangements with appropriate ACHD staff to correct the issue in the immediate future;
- 4) and the citizen accepts ACHD's proposal to resolve their issue;

the Title VI Coordinator may consider this issue resolved at ACHD's level, and send ITD a copy of the request along with ACHD's written resolution that the citizen has accepted within ten days of such acceptance.

If any of the following take place, the Title VI Coordinator shall forward the written complaint to ITD along with ACHD's written decision, within ten days of ACHD's decision, for a more formal approach to resolving the issue:

- 1) the Title VI Coordinator refers the citizen to ACHD's transition plan (Five Year Work Plan) but the date certain is too far out in the future and ACHD is unable to change the date;
- 2) or, the transition plan (Five Year Work Plan) does not address the issue, and/or ACHD has no immediate plans to make the correction and therefore denies the citizen request;
- 3) or, ACHD denies the citizen's request because it believes it is unreasonable or technically infeasible.

**ITD/FHWA CONTACTS:**

Contacts for the different Title VI/ADA administrative jurisdictions are as follows:

Idaho Transportation Department  
Equal Employment Opportunity Office – External Programs  
EEO Manager  
P.O. Box 7149  
Boise, ID 83707-1129  
(208) 334-8852

Federal Highway Administration  
Idaho Division Office  
Division Administrator  
3050 Lakeharbor Lane, Suite 126  
Boise, ID 83703  
(208) 334-9180

**NON-RETALIATION:**

Federal law prohibits a recipient of federal funds from retaliating against any person who has made a complaint, testified, or assisted or participated in any manner in an investigation, proceeding or hearing. Any complaints of retaliation should be directed in writing to:

Ada County Highway District  
Attention: Title VI Coordinator  
Planning and Projects Department  
3775 Adams Street  
Garden City, Idaho, 83714  
Phone: (208) 387-6119  
Fax: (208) 345-7650

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