



# NEVADA COUNTY TRANSPORTATION COMMISSION

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File: 740.5

## MEMORANDUM

TO: The Nevada County Transportation Commission

FROM: Daniel B. Landon, Executive Director *Daniel B. Landon*

SUBJECT: Adoption of the Americans with Disabilities Act Grievance Procedure and Notice

DATE: September 4, 2014

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**RECOMMENDATION:** Adopt Resolution 14-25 approving the Nevada County Transportation Commission's (NCTC) Americans with Disabilities Act (ADA) Grievance Procedure and Notice.

**BACKGROUND:** The Civil Rights Division of the U.S. Department of Justice has provided new technical assistance documents to assist state and local officials to improve compliance with Title II of the ADA in their programs, services, activities, and facilities. Staff has developed the attached ADA Grievance Procedure and Notice, which meets the Title II requirements and allows all persons, including those with disabilities to be assured they will have meaningful access to NCTC's programs and services.

attachments

RESOLUTION 14-25  
OF THE  
NEVADA COUNTY TRANSPORTATION COMMISSION

A RESOLUTION APPROVING NEVADA COUNTY TRANSPORTATION COMMISSION'S AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE AND NOTICE

WHEREAS, Title II of the Americans with Disabilities Act (ADA) requires public entities, such as the Nevada County Transportation Commission (NCTC), to establish an ADA Grievance Procedure and Notice to ensure that all persons with disabilities are assured meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals with disabilities; and

WHEREAS, as a public entity NCTC is subject to these requirements and must create an ADA Grievance Procedure and Notice ensuring that persons with disabilities have meaningful access to NCTC's programs, services, and information, at no additional cost; and

WHEREAS, NCTC has developed an ADA Grievance Procedure and Notice utilizing the U.S. Department of Justice's ADA Title II Technical Assistance Manual, which lays out the requirements for state and local government programs and services.

NOW THEREFORE BE IT RESOLVED, that the Nevada County Transportation Commission approves the attached NCTC Americans with Disabilities Act Grievance Procedure and Notice.

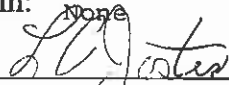
PASSED AND ADOPTED by the Nevada County Transportation Commission on September 17, 2014 by the following vote:

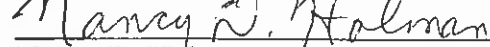
Ayes: Commissioners: Andersen, Beason, Dee, Fouyer, Guerra, Jostes, Scofield

Noes: None

Absent: None

Abstain: None

  
\_\_\_\_\_  
Lawrence A. Jostes, Chairman  
Nevada County Transportation Commission

Attest:   
\_\_\_\_\_  
Nancy D. Holman  
Administrative Services Officer



## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans With Disabilities Act of 1990 ("ADA"), the Nevada County Transportation Commission (NCTC) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** NCTC does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective communication:** NCTC will generally, upon request, provide appropriate aids and services leading to effective communication per qualified persons with disabilities so they can participate equally in NCTC's programs, services, and activities, in order to make information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** NCTC will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a program, service, or activity of NCTC, should contact the office of the NCTC Executive Director at:

Executive Director  
Nevada County Transportation Commission  
101 Providence Mine Rd., Suite 102  
Nevada City, CA 95959  
(530) 265-3202  
[dlandon@nccn.net](mailto:dlandon@nccn.net)

As soon as possible, but not later than, 72 hours before the scheduled event.

The ADA does not require NCTC to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial administrator burden.

Complaints that a program, service, or activity of NCTC is not accessible to persons with disabilities should be directed to the NCTC Executive Director under the NCTC ADA Grievance Procedure. This Grievance Procedure is available on the NCTC website at: [www.nctc.ca.gov](http://www.nctc.ca.gov).

NCTC 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 accommodations.

## **Americans with Disabilities Act of 1990**

This program reflects the commitment of the Nevada County Transportation Commission (NCTC) to comply with Title II of the Americans With Disabilities Act of 1990 (ADA) and to ensure that no person shall, on the basis of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by NCTC.

Information in another language may be obtained by using the Google Translate function on the text on this page, or by calling (530) 265-3202.

La información en otro idioma se puede obtener mediante la función Google traducir el texto en esta página, o llamando al (530) 265-3202.

### **NCTC Non-Discrimination Policy:**

It is NCTC's policy to comply with state and federal laws and regulations including Title VI of the Civil Rights Act of 1964, Americans With Disabilities Act of 1990 (ADA) and other federal discrimination laws and regulations, as well as the Unruh Civil Rights Act of 1959, the California Fair Employment and Housing Act, and other California State discrimination laws and regulations. NCTC does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, sexual orientation, or gender identity in conducting its business. NCTC prohibits discrimination by its employees, contractors and consultants.

### **NCTC ADA Grievance Procedure**

As an agency serving the public, NCTC is required to comply with Title II of the Americans with Disabilities Act of 1990 (ADA) and ensure that services and benefits are provided on a non-discriminatory basis. NCTC has implemented this Grievance Procedure to meet the requirements of the ADA, which outlines a process for local disposition of ADA complaints and is consistent with guidelines found in the Federal Department of Justice Rules effective March 15, 2011.

This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the NCTC. All complaints, request for reconsideration, and appeals will be retained by NCTC for at least seven years. NCTC's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint procedure has five steps, outlined as follows:

1. **Submission of a Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of disability status has been excluded from or denied the benefits of, or subject to discrimination under any program or activity through NCTC may file a written Complaint with NCTC's Executive Director either on-line or in hard copy. Such Complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. Alternative means of filing a Complaint will be made available to people with disabilities:
  - NCTC's ADA Grievance Form (contains contact information for NCTC).
2. **Referral to Review Officer:** Upon receipt of a Complaint, the NCTC Executive Director shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the Complaint, in consultation with NCTC Legal Counsel. The staff review officer(s) shall

complete their review no later than 60 days after the date NCTC received the Complaint. If more time is required, the NCTC Executive Director shall notify the Complainant of the estimated time frame for completing the review. Upon completion of the review, the staff officer(s) shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to NCTC's processes relative to the ADA, as appropriate. The staff review officer(s) shall forward their recommendation to the NCTC Executive Director, for concurrence. If the Executive Director concurs, a NCTC written response shall be issued to the Complainant (or, where appropriate, in a format accessible to the Complainant, such as large print, Braille, or audio tape).

3. **Request for Reconsideration:** If the Complainant disagrees with NCTC's response, he or she may request reconsideration by submitting the request, in writing, to the NCTC Executive Director within 10 calendar days after its receipt. Alternative means of filing a request for reconsideration will be available to people with disabilities who require such an alternative. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the NCTC Executive Director or staff review officer(s). The NCTC Executive Director will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the NCTC Executive Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to reevaluate in accordance with Paragraph 2, above. Submissions to the NCTC Executive Director shall be addressed as follows:

Executive Director  
Nevada County Transportation Commission  
101 Providence Mine Rd., Suite 102  
Nevada City, CA 95959

4. **Appeal:** If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complainant by submitting a written appeal (or, where appropriate, in a format accessible to the Complainant) to the NCTC Governing Board no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration. Submissions to the NCTC Governing Board shall be addressed as follows:

Chairman  
Nevada County Transportation Commission  
101 Providence Mine Rd., Suite 102  
Nevada City, CA 95959

5. **Submission of Complaint to the Federal Transit Administration:** The Complainant may also file the Complaint directly with the U.S. Department of Justice at U.S. DOJ, 950 Pennsylvania Ave., NW, Civil Rights Division, Disability Rights Section - 1425 NYAV, Washington, D. C. 90530 or (202) 307-1197 or [ADA.complaint@usdoj.gov](mailto:ADA.complaint@usdoj.gov).



**Nevada County Transportation Commission (NCTC) Americans with Disabilities Act (ADA)  
Grievance Form**

**Grievances must be filed within 180 days of the alleged act of discrimination.**

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements? Check all that apply.	<input type="checkbox"/>	Large Print	<input type="checkbox"/>	Audio Tape
	<input type="checkbox"/>	TDD	<input type="checkbox"/>	Other
<b>Section II:</b>				
Are you filing this grievance on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are filing this grievance:				
Please explain why you are filing for this person:				
Please confirm that you have obtained the permission of the complaining person if you are filing on their behalf.			Yes	No
<b>Section III</b>				
Date of Alleged Discrimination (Month, Day, Year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses.				

<b>Section IV</b>				
Have you previously filed an ADA grievance with this agency?		Yes		No
<b>Section V</b>				
Have you filed a grievance with any other Federal, State or local agency, or with any Federal or State Court?		Yes		No
If yes, check all that apply?		Federal Agency		State Agency
		Federal Court		Local Agency
		State Court		

**You may attach any written materials or other information that you think is relevant to your grievance.**

**Please sign here:** \_\_\_\_\_

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

**Note: NCTC cannot accept your grievance without a signature.**

Please print, scan and email your completed signed form to  
[dlandon@nccn.net](mailto:dlandon@nccn.net)

**OR**

**Mail or fax your completed, signed form to:**

Executive Director  
Nevada County Transportation Commission  
101 Providence Mine Rd., Suite 102  
Nevada City, CA 95959  
Fax: (530) 265-3260

