

NHDOT ADA Grievance Procedure

Complaint Process for Title II of the Americans with Disabilities Act

Title II of the Americans with Disabilities Act (ADA) protects qualified individuals with a disability from discrimination on the basis of that disability in the services, programs, or activities of the New Hampshire Department of Transportation (NHDOT). This notice is posted to inform the public of the provisions of Title II of the ADA and the requirements of the Federal ADA regulations.

Grievance Procedure: The NHDOT does not discriminate against qualified individuals with a disability in its services, programs or activities. Also, qualified individuals with a disability are not excluded from participation in or denied the benefits of the services, programs, or activities of the NHDOT. If you have a complaint under Title II of the ADA about the services, programs or activities of the NHDOT, you are encouraged to file your complaint with the ADA Title II Coordinator.

How to file a Complaint

The procedure to file a complaint is as follows:

1. A formal written complaint should be filed with the ADA Title II Coordinator. If you are unable to provide a written statement an oral complaint can be filed by contacting ADA Title II Coordinator. Under the Grievance Procedure, a formal complaint must be filed within 180 calendar days of the alleged occurrence. Additionally, individuals filing a complaint are not required to file a complaint with NHDOT, but may instead exercise their right to file a complaint with the Department of Justice at <https://www.ada.gov/complaint/>. Your complaint must include the following information;

- The name, address, and telephone number of the person filing the complaint.
- The name, address, and telephone number of the person alleging ADA violation, if other than the person filing the complaint.

- A description and location of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other Federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

2. The complaint will be either responded to or acknowledged within 10 working days of receipt. If the complaint filed does not concern a NHDOT facility, it will be forwarded to the appropriate agency and the complainant will be notified.

3. Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, ADA Title II Coordinator will arrange to meet with the complainant to discuss the matter and attempt to reach a resolution of the complaint. Any resolution of the complaint will be documented in the NHDOT's ADA Complaint File.

4. If a resolution of the complaint is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by ADA Title II Coordinator and a copy forwarded to the complainant no later than 90 days from the date of the NHDOT's receipt of the complaint.

5. The complainant may appeal the written determination. The request for reconsideration shall be in writing and filed with the New Hampshire Department of Transportation Hearings Officer within 30 days after the ADA Title II Coordinator's determination has been mailed to the complainant. NHDOT's Hearings Officer shall review the request for reconsideration and make a final determination within 90 days from the filing of the request for reconsideration.

6. If the complainant is dissatisfied with NHDOT's handling of the complaint at any stage of the process or does not wish to file a complaint through the NHDOT's ADA Grievance Procedure, the complainant may file a complaint directly with the United States Department of Justice at <https://www.ada.gov/complaint/> or other appropriate state or Federal agency. Upon conclusion of the investigation, documentation will be forwarded to Federal Highway Administration NH Division Office.

The resolution of any specific complaint will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the NHDOT. Accordingly, the resolution by the NHDOT of any one complaint does not constitute a precedent upon which the NHDOT is bound or upon which other complaining parties may rely.

File Maintenance

The NHDOT's ADA Title II Coordinator shall maintain ADA complaint files for a period of five years.

Submit all inquiries and complaints to:

ADA Title II Coordinator

Sandt Michener

NHDOT

Office of Access, Opportunity and Compliance

PO Box 483

Concord, NH 03302-0483

Phone: [603-271-3736](tel:603-271-3736)

Fax: [603-271-8048](tel:603-271-8048)

E-mail: sandt.d.michener@dot.nh.gov