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## Policies and Procedures for General, ADA and Title VI Complaints

Rev. March 2019

### PURPOSE

Ensure that METRO's customers and the general public are aware of and have ready access to methods to communicate complaints about METRO's services, infrastructure, projects and policies.

### POLICY

METRO will provide a complaint process that meets the following goals:

- Accessible and well-advertised to the general public, to persons with disabilities and to populations covered by the Title VI of the Civil Rights Act of 1964;
- Provides for prompt and equitable resolutions;
- Contains appropriate due process standards;
- Documented internally in accordance with federal requirements.

### STAFF RESOURCES

- Lead Staff – Chief Transportation Officer has overall responsibility for implementation.
- Support Staff – Transit Operations Manager, Director of Human Resources, Director of Marketing, Bus Operators, Customer Service Staff.

### CUSTOMER INFORMATION

Members of the public who have a general complaint are encouraged to complete the **Customer Contact/Complaint Form**, but may also contact Metro and submit a complaint by phone, e-mail or an in person. This form is attached to this policy as Attachment A.

Individuals who believe they have been the subject of discrimination due to disability (ADA) or race, color or national origin (Title VI) must file a written and signed **Customer Contact/Complaint Form** up to 180 days from the date of the alleged discrimination. Metro staff will be available to assist with completing the form if needed and can provide forms in accessible formats or provide language assistance.

Individuals can submit their complaint in the following ways:

- Complete the Customer Contact/Complaint Form on METRO's website and SUBMIT ONLINE.
- Download the Customer Contact/Complaint Form from METRO's website, complete form and e-mail to [info@gpmetro.org](mailto:info@gpmetro.org) or mail to METRO at 114 Valley Street, Portland, ME 04102.
- Acquire the Customer Contact/Complaint Form from METRO's offices and submit to Customer Service staff.
- Contact a Metro staff member by phone (207-774-0351) or e-mail ([info@gpmetro.org](mailto:info@gpmetro.org)) to communicate your complaint and Customer Service Staff will complete the form.

## **PUBLIC INFORMATION**

METRO will ensure access to the complaint process by posting this policy and the related complaint form on its website and having hard copies available at METRO's transit center and main office. In addition, METRO will update printed materials to reference this process and postings will be placed at METRO's transit center and main office. METRO staff will conduct (and document) outreach to appropriate groups and organizations. Materials will note that this policy can be made available in accessible formats. METRO's **Director of Marketing** shall have direct responsibility for this part of the procedure.

## **INTERNAL TRAINING**

METRO will train bus operators, administrative staff and customer service staff on the availability and implementation of these policies and procedures. METRO's **Director of Human Resources** shall have direct responsibility for this part of the procedure.

## **COMPLAINT HANDLING PROCEDURES**

1. Within two (2) business days, the **Transit Operations Manager** will notify the customer that he/she received the complaint and will conduct an investigation. Within the same timeframe, the General Manager will be immediately notified of any complaints identified as or initially believed to be ADA or Title VI.
  - a. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered cause for a determination of no investigative merit.
2. FOR GENERAL COMPLAINTS - within ten (10) business days from receipt of a complete complaint, the **Transit Operations Manager** will complete a written report outlining the investigation's conclusions and what, if any, resolutions will be implemented.
3. FOR ADA and TITLE VI COMPLAINTS – within two (2) business days from receipt of a complete complaint, the Transit Operations Manager (or designee in the case of absence) will report the complaint to the EEO Officer who will determine whether the complaint has sufficient merit to warrant additional investigation as an ADA or Title VI complaint. Within three (3) business days from this decision point, the EEO Officer (or designee) will notify the Complainant whether or not a formal ADA or Title VI investigation will be pursued.

***If the complaint is deemed to have investigative merit:*** A complete investigation will be conducted, and an investigative report will be completed within sixty (60) days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, a finding with recommendations for remedial steps as appropriate and necessary. The remedial steps, if any, will be implemented as soon as practicable. The Complainant will receive a copy of the final report together with any remedial steps.

***If the decision is not to investigate as an ADA or Title VI complaint:*** the notification shall specifically state the reason for the decision.

- a. The complainant may appeal the EEO Officer's decision by making a written request to the General Manager within 30 days of receiving the EEO Officer's decision.
- b. Upon receiving an appeal, the General Manager will evaluate the appeals request, the original complaint, the facts of the case including the investigation process, conclusions and outcomes. The General Manager's primary evaluation criteria will include: proper application

of Title VI/ADA law and regulations, consistent and equitable investigation process, sound judgment and considerations of operational practicality.

- c. The General Manger will respond to the appeal within ten (10) business days.
- d. Complaints may also be filed with the Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination. Complaints to FTA may be submitted to the following office:

Federal Transit Administration  
Office of Civil Rights  
55 Broadway, 9th Floor  
Cambridge, MA 02142.

- 4. The EEO Officer will retain all pertinent records of ADA and Title VI complaints for five (5) years. Using MS Excel, MS Access or other appropriate database tool, the EEO Officer will maintain a summary log of all complaints received for one (1) year. The log shall include the date the complaint was filed, the type of complaint (i.e., General, ADA, Title VI), a summary of the allegations, the status of the complaint, and actions taken by Metro in response to the complaint.

#### **APPLICABLE RESOURCES**

- Customer Contact/Complaint Form