

# **ADA Complaint Resolution**

## **Procedure to Ensure Non-Discrimination of Individuals with Disabilities from Participation in Programs, Services and Activities provided by the Metropolitan Atlanta Rapid Transit Authority**

### **Purpose**

**The Americans with Disabilities Act (ADA)** was established in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities like those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

This procedure covers all formal complaints and informal charges filed by an individual or group of individuals under Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990, relating to any program or activity administered by Metropolitan Atlanta Rapid Transit Authority (MARTA) as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel.

### **Definitions**

An informal charge is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the violation of ADA rights to any programs or services provided in part with federal funds.

A formal complaint is defined as any written complaint of discrimination on the basis of disability filed by an individual or group; signed by the complaining party on MARTA's complaint form seeking to remedy perceived discrimination by facially neutral policies, practices or decisions, which have an adverse impact which resulted in the inability to gain access to any to services, amenities, programs or activities finance in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- failing to provide comparable services for individuals with disabilities
- policies and practices that act as arbitrary and unnecessary barriers to individuals with disabilities
- denied opportunity for equitably participation due to disability or inability to gain access
- provision of fewer services or benefits and/or inferior services or benefits to individuals protected under ADA
- differential exposure of protected groups to environmental hazards
- patterns of unequal treatment

This procedure explains each stage of the complaint processing process for formal and informal ADA charges, communicates the rights and responsibilities of the complainant, and states the responsibilities of MARTA. Informal charges and formal complaints should be filed within 120 calendar days of the event which forms the basis of the claim; if the concern is an ongoing one, the charge/complaint should be filed within 120 calendar days of the last occurrence.

This procedure does not preclude the right of any Complainant to file complaints directly with the Federal Transportation Administration (FTA), or to seek private legal representation. The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints at the lowest possible level within 60 business days.

The option of informal mediation meeting(s) between the affected parties may be utilized for resolution. Compliance with ADA are the responsibility of every MARTA employee. The Diversity & Inclusion (D&I) Office is responsible for compliance monitoring and reporting, investigation, and program administration.

## Responsibility

The Customer Service Department is responsible for intake of informal ADA charges and submission of those complaints to the ADA Coordinator of D&I. The Equity Administrator will monitor complaints and ensure the complaint has been forward to the appropriate party within their respective department to handle resolution, follow up to ensure that resolution/proposed resolution occurs, and communication of the resolution is completed by the Customer Service Center.

The Executive Director of D&I is responsible for tracking the complaints to ensure that the affected department(s) have taken the recommended action to remedy any determination of discrimination and communicating findings to the Complainant. The Executive Director of D&I is also responsible for reporting trends, action plans, and non-compliance to the executive management team and board of directors. D&I will forward a copy of all formal complaints filed to Customer Service for their records. Customer Service has no responsibility for processing formal complaints.

## Intake, Processing of Charge and Resolution

Intake of an informal charge is generated through communication, generally presented verbally to MARTA staff. Any MARTA employee who receives an inquiry or complaint of this type shall direct the Complainant to report the concern directly to the Customer Service Center by telephone at (404) 848-5000, via e-mail to [custserv@itsmarta.com](mailto:custserv@itsmarta.com), or by mail to MARTA Customer Service Center, 2424 Piedmont Road, Atlanta, Georgia 30324.

Customer Service Center representatives, upon receipt of an informal charge shall record the charge in their database and assign a HEAT number to be used for tracking purposes. After input of the charge into its database, Customer Service staff shall promptly identify the appropriate department(s) to resolve the issue and forward the charge directly to that department's AGM, with a copy to the ADA Coordinator who will enter complaint into ADA spreadsheet, monitor the charge to ensure proper assignment, processing, investigation, resolution and complainant close out has occurred. Every effort shall be made to process and resolve informal charges within 30 business days.

## Appeal

There is no right to appeal resolution of an informal charge. However, the party reserves the right to file a formal complaint within 120 business days.

## PROCESSING FORMAL COMPLAINTS

### Intake

Intake of formal complaints is generated through verbal or written communication of a concern presented to MARTA staff. Any MARTA employee who receives a complaint of this type will direct the complaint to the Office of D&I. D&I staff will provide a formal complaint form to the Complainant. Complainant must sign and submit the completed complaint form to the Executive Director of D&I.

### Processing

The Executive Director of D&I shall review the matter to determine ADA jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates. The investigator shall assign a complaint tracking number and enter the complaint into the ADA database.

Jurisdiction will be determined based upon information provided in the written complaint. A complaint shall be investigated unless:

- it fails to state facts which could establish intentional unequal ADA treatment as described in the Definitions section of this procedure;
- Complainant is not an individual with a disability.

If determination is made that the matter is outside the scope of ADA, D&I will notify Customer Service and the affected department's AGM in writing within a reasonable period.

Investigation, Determination, and Recommendation

If jurisdiction is determined to exist and investigation is warranted, the assigned investigator will take the following steps:

- Identify the basis of the alleged unequal treatment;
- ascertain when and where the alleged unequal treatment occurred;
- identify and interview all relevant parties, review documents, and make site visits to obtain information.

Upon conclusion of a thorough investigation, the investigator will prepare a report to summarize findings and suggest appropriate corrective action along with proposed resolution. The investigative report should be submitted to the Executive Director of D&I within 50 business days. D&I will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file.

## **Communication of Findings and Complaint Resolution**

The Executive Director of D&I will accept, reject, or modify the investigative report and consult with the affected department to convey the preliminary findings and develop a proposal for resolution. The Executive Director of D&I will prepare a written determination and submit the determination to the legal department for review and analysis of legal sufficiency. Once the final determination is ready for release, the Executive director of D&I and a MARTA legal representative will meet with the AGM of the affected department(s) to communicate the final determination and recommendations, if any, for corrective action. The Executive Director of D&I will provide written notification to the Complainant of the investigation findings and MARTA's proposed resolution, if any. D&I will forward copies of this communication to Customer Service and the affected department(s).

If cause is found to indicate a potential occurrence of non-compliance, the Executive Director of D&I will communicate this information to the executive management team before releasing its finding to the Complainant.

## **Complaint Retention**

In compliance with 49 CFR 27.121(b), all ADA complaints shall be kept on file for a minimum of one year, and a record of such complaints, which may be in summary form, shall be kept for five years.

## **Appeal**

The Executive Director of D&I will explain to the Complainant their right to appeal to the Federal Transit Administration or seek private legal representation.

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy to:

Metropolitan Atlanta Rapid Transit Authority (MARTA)  
Office of Diversity and Inclusion  
2424 Piedmont Rd., NE  
Atlanta, GA 30324  
404-848-5420

