



## **CITY OF PORTERVILLE**

### **PORTERVILLE TRANSIT**

#### **ADA DISCRIMINATION COMPLAINT PROCESS**

The City of Porterville and Porterville Transit have established a process for investigating and resolving complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a complaint under this procedure. It is against the law to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint.

The ADA Coordinator or his/her designee shall be responsible for overseeing investigations and responses to complaints of discrimination based on disability.

**How to File a Complaint:** Fill out a Discrimination Complaint Form. Complaint Forms and Process Information are available online at [www.ridept.com](http://www.ridept.com) or by request at Porterville Transit, 291 N. Main Street, Porterville, CA 93257 (559) 782-7448.

Complaints can be filed orally or in writing and should contain:

1. The name, address and telephone number of the individual or representative filing the complaint; complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination;
2. An explanation of the discrimination or denial of service;
3. The date of the alleged violation(s) occurred; and
4. Signature of the person filing the complaint.

Complaints must be submitted to Porterville Transit as follows:

1. Mail completed form to Porterville Transit, Attn: Richard Tree, ADA Coordinator, 291 N. Main Street, Porterville, CA 93257;
2. Complaints may also be emailed to [rtree@ci.porterville.ca.us](mailto:rtree@ci.porterville.ca.us)
3. In person at Porterville Transit Administration Office, 15 E. Thurman Ave, Suite A, Porterville, CA 93257; or
4. The complaint may be submitted over the telephone by calling (559) 782-7448.

If assistance is needed in filing out the complaint form, call the ADA Coordinator at (559) 782-7448. The ADA Coordinator or Porterville Transit staff member will offer instructions on how to file a written complaint. It is important to be very detailed and speak clearly when submitting a complaint over the telephone. Once all the information is provided for the complaint form, the staff member will ask if the complainant wishes to have the information reviewed for accuracy. The complaint may be mailed or emailed to complainant to ensure the information is accurate. Please be aware that this may create a delay in submitting the complaint form

**Acknowledgement of Complaint Receipt:** Within ten (10) **business** days after receipt of the complaint, a letter or email will be sent to the complainant **that includes** the **following information:**

- Acknowledgement that their complaint has been received and forwarded for investigation;
- The date by which a response will be sent to the complainant; and
- How to contact Porterville Transit if the complainant does not receive a response by that date.

**Investigation of Complaint:** The ADA Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed sixty (60) business days from the receipt of the complaint. The response will set out a process for resolution of the complaint. If no action is taken, the response will state the reasons for the decision. (City of Porterville employee and Porterville Transit's transit contractor's personnel files are confidential; therefore, specific information on disciplinary actions resulting from complaints will not be divulged.)

**Time Limits:** The parties may extend any time limit set out above by written agreement.

**Appeals:** The complainant can appeal the decision in instances where he or she is dissatisfied with the resolution. The request for appeal should be made within sixty (60) business days of receipt of the City's response to the complaint. An appeal may be made in writing, telephone, or in person. Appeals should be directed to the ADA Coordinator at: City of Porterville, Porterville Transit, Attn: Richard Tree, ADA Coordinator, 291 N. Main Street, Porterville, CA 93257, (559) 782-7448. Written acknowledgement of receipt of your appeal request will be sent within ten (10) business days of receiving the appeal. The date of your appeal hearing will be provided within thirty (30) **business** days of receipt of your appeal request.

**File Retention:** The ADA Coordinator shall maintain the files and records relating to the complaints filed, for period of one (1) year. The ADA Coordinator shall maintain a summary of all complaints filed, for a period of five (5) years. Copies of complaints may be requested from the ADA Coordinator in accordance with the California Public Records Act. Names and addresses of

the complainants will be redacted to protect the individuals' privacy rights, if copies of complaints are produced.

*The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible state or federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.*



**CITY OF PORTERVILLE**  
**PORTERVILLE TRANSIT**  
**NOTICE OF THE RIGHT TO APPEAL**  
**(DISCRIMINATION COMPLAINT)**

The complainant can appeal the decision of a discrimination complaint in instances where he or she is dissatisfied with the resolution. This Notice outlines the procedure for filing an appeal.

Appeals must be received within sixty (60) days from the date of the resolution. You may submit your appeal in writing to:

City of Porterville  
Porterville Transit  
Attn: Richard Tree, ADA Coordinator  
291 N. Main Street  
Porterville, CA 93257

Upon receipt of your appeal request, Porterville Transit staff will send a confirmation letter to you within ten (10) business days of receiving the appeal request. An appeal hearing will be provided within thirty (30) business days of the receipt of your appeal request.

Failure to submit a timely appeal will result in a forfeiture of the right to pursue an appeal.

During the appeal, both you and Porterville Transit will have the right to present relevant information. A decision will be rendered by the appeals panel within thirty (30) business days of the hearing date, and will be provided in the appropriate accessible format. The decision will be transmitted to you, with copies to the City of Porterville Transit Manager and Public Works Director.

An appeal panel will be convened to hear this matter. A date for the appeal hearing will be set within thirty (30) days of receipt of your written appeal request. You will be provided free paratransit service to the appeal hearing location and back to your home. All pertinent records will be made available at the hearing or in advance in an accessible format. You may be

represented at the hearing if you so choose. The City of Porterville will have a representative in attendance to present its position.

You and the City of Porterville will have the right to present relevant information during the hearing. A decision will be rendered by the appeal panel within thirty (30) business days of the hearing date, and will be provided in the appropriate accessible format. The decision will be transmitted to you, with copies to the Transit Manager and Public Works Director.

The decision of the appeal panel will be final.



**CITY OF PORTERVILLE**

**PORTERVILLE TRANSIT**

**Title II of the Americans with Disability Act  
Section 504 of the Rehabilitation Act of 1973  
Discrimination Complaint Form**

- Please fill out this form completely.
- Print or type the information.
- Sign and return this form to the address shown below.

Complainant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Person discriminated against (if other than complainant): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_



Has the complaint been filed with the Department of Justice or any other Federal, State, or local civil rights agency or court?

- Yes
- No

If yes, please provide the following information:

Agency or Court: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Do you intend to file with another agency or court?

- Yes
- No

If yes, please provide the following information:

Agency or Court: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_



Additional space for answers:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return Form to:

City of Porterville  
Porterville Transit  
Attn: Richard Tree, ADA Coordinator  
291 N. Main Street  
Porterville, CA 93257

[www.ridept.com](http://www.ridept.com)    [rtree@ci.porterville.ca.us](mailto:rtree@ci.porterville.ca.us)