

Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that 35T offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

35T35T is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. 35T35T recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. 35T35T will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. 35T35T does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. 35T35T will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of 35T35T, or be subject to discrimination by 35T35T.

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. 35T35T will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the public transportation service.
- ◆ Making the accommodation would create a direct threat to the health or safety of other passengers.
- ◆ The individual with a disability is able to fully use 35T35T’s service without the accommodation being made.

- ◆ Making the accommodation creates an undue financial burden on the transit system.

ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

REQUESTS FOR REASONABLE MODIFICATION

35T35T shall make information about how to contact 35T35T to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. 35T35T shall follow these procedures in taking requests:

- Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- Individuals requesting modifications are not required to use the term “reasonable modification” when making a request. Personnel at 35T35T will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- Whenever feasible, 35T35T requests that individuals make such requests for modifications before 35T35T is expected to provide the modified service.
- Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with 35T35T’s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

INTERACTIVE PROCESS

When a request for accommodation is made, 35T35T and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the 35T35T must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

35T35T will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. 35T35T recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

GRANTING A REASONABLE MODIFICATION REQUEST

As soon as 35T35T determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, 35T35T shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as 35T35T determines that a request for reasonable accommodation will be denied, 35T35T will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;
- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the 35T35T's decision on the request.

COMPLAINT PROCESS

35T35T has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the 35T35T's website and will

be provided to any individual where the 35T35T has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a 35T35T's Reasonable Modification Complaint Form. 35T35T investigates complaints received no more than 30 days after receipt. 35T35T will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, 35T35T may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to 35T35T.

If 35T35T is not contacted by the complainant or does not receive the additional information within 30 business days, the 35T35T may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After 35T35T investigates the complaint, a decision will be rendered in writing to the complainant. 35T35T will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by 35T35T to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why 35T35T has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of 35T35T, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of 35T35T.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

35T35T shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

35T

35T35T

35T

937-653-8747

RECORD RETENTION

35T35T will maintain all records related to reasonable modification requests and denials for at least three (3) years.

No Show Policy

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified 35T35T to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

NO-SHOW PROCEDURE

The transit operator will wait for passengers for 5 minutes beyond the early arrival pick-up time window. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 5 minutes, the transit operator must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the transit operator is to continue without the passenger.

Upon permission to continue without the passenger, the transit operator is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.

Scheduled trips are to be cancelled at least one (1) hour prior to the time of the trip request. Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact 35T35T as soon as practicable following the missed trip and a new driver will be dispatched as soon as possible if applicable.

HABITUAL NO-SHOW PROCEDURE

Passengers who have no-shows equal to or greater than 25% of the scheduled trips in a thirty (30) day period will be provided a written warning. In order to be subject to a warning or suspension, a passenger must have booked a minimum of three (3) trips or more in a calendar month. Example: If a passenger books five (5) trips and no-shows 25% of the time, they will be in violation of the no-show policy and subject to the progressive corrective action plan.

A passenger will be subject to the progressive corrective action plan only if both the minimum number of trips booked and the minimum number of no-shows are reached during a calendar month. All suspension periods will begin on a Monday.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as followed:

- First violation in a rolling 12-month period: Verbal Warning
- Second violation in a rolling 12-month period: Final Warning Letter
- Third violation in a rolling 12-month period: 7 days
- Fourth violation in a rolling 12-month period: 14 days
- Fifth violation in a rolling 12-month period: 21 days
- Sixth and subsequent violations in a rolling 12-month period: 30 days

All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

35T35T will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

Suspension Appeals Process

A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to _____, by mail at 35T35T, or by email at _____ within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. 35T35T management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

An Appeals Committee will review all applicable information from 35T35T and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Transit Manager regarding the submitted appeal and/or circumstances that led the suspension and subsequent appeal.

After a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Transit Manager for final review and implementation.

The 35T35T administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

All communications will be made available in alternate format upon request.

ADA/Title VI Complaint Form

Background

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

35T35T is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at . **Once completed, return a signed and dated copy to:**

35T35T

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call .

Please check one of the following below:

☐ **ADA Complaint** or ☐ **Title VI Complaint**

Part I.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

Additional Formats Needed:

- | | |
|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> None | <input type="checkbox"/> TDD |
| <input type="checkbox"/> Large Print | <input type="checkbox"/> Audio Tape |
| <input type="checkbox"/> Other | |

Part II.

Are you filing this complaint on your own behalf?

- ☐ Yes – Proceed to Part III
- ☐ No – Please provide the name of and your relationship with this person:

Name of Individual: _____

Your Relationship: _____

Please explain why you have filed for a third party:

Confirm:

- ☐ I have obtained permission of the aggrieved party to file this form on his or her behalf.
- ☐ I have not confirmed permission to file this form on behalf of the aggrieved party.

Part III.

I believe the discrimination I experienced was based on:

- ☐ Race
- ☐ Color
- ☐ National Origin
- ☐ My Disability
- ☐ Other: _____

Date of the alleged discrimination: _____

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 names and contact information of any witnesses.

Part IV.

Have you previously filed an ADA and/or Title VI complaint with this agency?

- ☐ Yes
☐ No

Part V.

Have you filed this complaint 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 ☐ Federal Court
☐ State Agency ☐ State Court
☐ Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Email: _____

Part VI.

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Important Notice: To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

Signature of Person Filing Complaint

Date