

Pennsylvania Department of Transportation Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Pennsylvania Department of Transportation, hereinafter PennDOT. PennDOT's Personnel Policy governs employment-related complaints of disability discrimination.

In the event a request for access to programs, services or facilities cannot be resolved, an individual may file a grievance by contacting the ADA Coordinator. The grievance should be in writing and contain information about the alleged discrimination such as the name, address and phone number of the grievant. The grievance will also include the location and date of the alleged discrimination, a description of the problem and remedy sought. Alternative means of filing the grievance, such as personal interviews or a tape recording, will be made available upon request.

The grievance should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the appropriate ADA Coordinator:

Ryan VanKirk, P.E., Highway Administration ADA Coordinator
400 North Street, 7th Floor
Harrisburg, PA 17120
Phone: 717-705-1338
Fax: 717-705-2379
Email: rvankirk@pa.gov

Terry Pearsall, Facilities Management ADA Coordinator
400 North Street, 6th Floor
Harrisburg, PA 17120
Phone: 717-787-0466
Fax: 717-787-0462
Email: tpearsall@pa.gov

JoEllen Clapsadl, Bureau of Public Transportation ADA Coordinator
400 North Street, 7th Floor
Harrisburg, PA 17120
Phone: 717-772-1788
Fax: 717-705-1255
Email: jclapsadl@pa.gov

Rayna Lemelle, Driver and Vehicle Services ADA Coordinator
1101 S. Front Street
Harrisburg, PA 17104
Phone: 717-772-3446
Fax: 717-705-6983
Email: rllemelle@pa.gov

The procedure to file a grievance is as follows:

Step 1. A written grievance should be filed on the ADA Grievance Form attached hereto.

An oral grievance can be filed by contacting the ADA Coordinator. The oral grievance will be reduced to writing by the ADA Coordinator utilizing the ADA Grievance Form and will be signed by grievant.

Step 2. The grievance will be acknowledged and/ or responded to within 20 working days of receipt.

Where appropriate, the response will be in a format accessible to the grievant, such as large print, Braille or audio tape.

Step 3. Within 60 calendar days of receipt, the ADA Coordinator or his/her designee will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Coordinator or his/her designee will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance will be documented in the ADA Grievance File.

Step 4. If an informal resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Coordinator or his/her designee and a copy forwarded to the grievant no later than 90 days from the date of the receipt of the grievance.

Step 5. The grievant may request reconsideration if he/she is dissatisfied with the written determination. The request for reconsideration shall be in writing and filed with the ADA Coordinator within 20 working days of receiving the determination. The ADA Coordinator shall review the request for reconsideration, make a final determination, and forward a copy to the grievant within 90 days of filing the request for reconsideration.

Step 6. If the grievant is dissatisfied with PennDOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the PennDOT's Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of PennDOT's Grievance Procedure is not a prerequisite to the pursuit of other remedies. The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the 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 Department. Accordingly, the resolution of any one grievance does not constitute a precedent upon which PennDOT is bound or upon which other complaining parties may rely.

File Maintenance. The ADA Coordinator shall maintain ADA grievance files for a period of three years.