

Appendix A

How to file a Grievance

The procedure to file a grievance is as follows:

1. A formal written grievance should be filed on ADA Grievance Form. An oral grievance can be filed by contacting ADA Title II Coordinator. The oral grievance will be reduced to writing by ADA Coordinator utilizing ADA Grievance Form. Additionally, individuals filing a grievance are not required to file a grievance with WYDOT, but may instead exercise their right to file a grievance with the Department of Justice.

- The name, address, and telephone number of the person filing the grievance.
- The name, address, and telephone number of the person alleging ADA violation, if other than the person filing the grievance.
- A description and location of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.

2. The grievance will be either responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern a WYDOT facility, it will be forwarded to the appropriate agency and the grievant will be notified.

3. Within 60 calendar days of receipt, WYDOT will conduct an investigation necessary to determine the validity of the alleged violation. If appropriate, the Office of Civil Rights Director will arrange a meeting with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented in WYDOT's ADA Grievance File.

4. If a 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 WYDOT and a copy forwarded to the grievant no later than 90 days from the date of WYDOT's receipt of the grievance.

5. The grievant may appeal the written determination. The request for reconsideration shall be in writing and filed with the Wyoming Department of Transportation, Civil Rights Program within 30 days after WYDOT's determination has been mailed to the grievant. WYDOT's Civil Rights Director shall review the request for reconsideration and make a final determination within 90 days from the filing of the request for reconsideration.

6. If the grievant is dissatisfied with WYDOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the WYDOT's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to 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 WYDOT. Accordingly, the resolution by WYDOT of any one grievance does not constitute a precedent upon which WYDOT is bound or upon which other complaining parties may rely.

File Maintenance

WYDOT's Civil Rights Program shall maintain ADA grievance files for a period of three years.

