

State of Alabama
Alabama Department of Transportation

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1409 Coliseum Boulevard
Montgomery, AL 36110

November 1, 2016

AMERICANS WITH DISABILITIES ACT (ADA) EMPLOYEE ACCOMMODATION, PUBLIC ACCESS, ACCESS TO PROGRAMS AND ACTIVITIES, AND GENETIC INFORMATION POLICY AND COMPLAINT PROCEDURE

I. GENERAL

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability and provides for equal employment opportunity for persons with disabilities. Pursuant to the ADA, the Alabama Department of Transportation (ALDOT) prohibits discrimination against any person on the basis of his/her disability.

II. DEFINITIONS

- A. Disability: An individual who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.
- B. Qualifies Individual with a Disability: An individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that the individual holds or desires.
- C. Service Animals: Any dog, individually trained to provide work or perform tasks for the benefit of an individual with a disability. The tasks performed must be directly related to the person's disability. In situations where it is not obvious that the dog is a service animal, staff may ask two questions: (1) is the dog a service animal required, because of a disability and, (2) what assistance or task has the dog been trained to perform? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

III. POLICY

Employment

ALDOT will not discriminate against qualified individuals with disabilities with respect to the employment, application process, hiring, promotion, compensation, training, discipline, and other terms, conditions, and privileges of employment. 42 U.S.C. § 512112.

Access

ALDOT will not discriminate against individuals with disabilities with regard to access to ALDOT's public facilities. Service animals should be allowed to enter facilities with individuals. However, if a particular service animal is out of control and the handler does not take effective action to control it, behaves in a way that poses a direct threat to the health or safety of others, or has a history of such behavior, the animal may be denied access or removed. If the dog is excluded from the premises, the individual with a disability shall be given the opportunity to use the facility without having the dog present.

Participation in ALDOT Programs or Activities

ALDOT shall not exclude an individual with a disability, because of the disability, from participating in or be denied the benefits of the services, programs, or activities of ALDOT that receives Federal financial assistance. 42 U.S.C. § 12132.

Genetic Information

Pursuant to the Genetic Information Non-discrimination Act (GINA), ALDOT will not request any genetic information of an individual or family member of the individual other than that allowable by law. Any genetic information obtained by ALDOT, shall be kept confidential and maintained in accordance with GINA. 42 U.S.C. §2000ff.

IV. INVESTIGATION

ALDOT will investigate complaints filed pursuant to this policy, and will take appropriate action to correct and/or prevent discrimination. Employees who violate this policy will be subject to appropriate disciplinary action. Employees are also prohibited from any form of retaliation toward anyone who participates in any investigation of alleged discrimination.

V. COMPLAINT PROCEDURE FOR NON-ALDOT EMPLOYEES

NOTE: ALDOT Employees should utilize the ALDOT Complaint Process (Policy # 12)

A. Any person who believes that he or she has been discriminated against, or denied access to ALDOT's programs, services, activities, or facilities, because of his or her disability, may submit a written complaint to the Bureau Chief of ALDOT's Compliance and Business Opportunities Bureau. The written complaint should specify the persons, facilities, programs, services, or activities involved, the nature of the problem, and all other relevant information. The complaint should be made within 30 calendar days of the alleged incident to facilitate a prompt investigation and resolution. The complaint should be marked as confidential and submitted to:

Alabama Department of Transportation
Bureau Chief, Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard
Montgomery, Alabama 36110

- B. Within 15 calendar days after receipt of the complaint, the Compliance and Business Opportunities Bureau Chief or his/her designee will meet if possible, with the complainant to discuss the complaint or in the alternative by telephone or video conference and the possible resolutions. Within 45 calendar days of the meeting, the Compliance and Business Opportunities Bureau Chief or his/her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print or Braille. The response will explain the position of the ALDOT and offer a resolution of the complaint.
- C. If the response by the Compliance and Business Opportunities Bureau Chief or his/her designee does not satisfactorily resolve the issue, the complainant may appeal the decision within 45 calendar days after receipt of the response to the Transportation Director or his/her designee. Within 45 calendar days after receipt of the appeal, the Transportation Director or his designee will meet if possible, with the complainant to discuss the complaint or in the alternative by telephone or video conference to discuss the complaint and possible resolution. Within 45 calendar days after the discussion with the complainant, the Transportation Director or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- D. As an alternative to this complaint procedure, complaints may also be submitted directly to the following federal agencies:

- (1) For employment issues (Title I of the ADA):

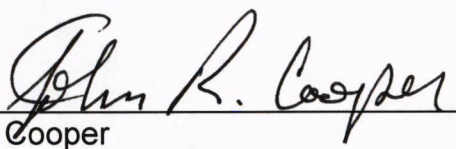
Equal Employment Opportunity Commission
1900 3rd Avenue North
Birmingham, AL 35203-2379

NOTE: Complaints to the EEOC must be filed within 180 days of the most recent incident.

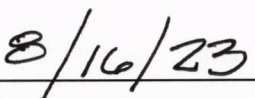
- (2) For program, services, activities, or accessibility issues (Title II & Title III of the ADA):

U. S. Department of Justice
Civil Rights Division
950 Pennsylvania, NW
Disability Rights Section - NYAV
Washington, DC 20530

Questions concerning this policy and procedure may also be directed to the Compliance and Business Opportunities Bureau at (334) 242-6340.



John R. Cooper
Transportation Director



Date