

## Complaint Procedures for Federally Assisted Programs and Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, (including its Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components) Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or Public Works program or activity administered by Pierce County, as well as to sub-recipients, consultants, and contractors. These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### *Procedures*

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with Pierce County. A formal complaint must be filed within 180 calendar days of the alleged occurrence, or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Present the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for Pierce County to be able to process it.

- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return to Pierce County for processing.
2. Upon receipt of the complaint, Pierce County will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In cases where the complaint is against one of Pierce County's subrecipients of federal highway funds, Pierce County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Pierce County will be referred to the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity for proper disposition. In special situations warranting intervention to ensure equity, the WSDOT Office of Equal Opportunity may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. Acceptance of a complaint will be determined by:
  - a. Whether the complaint is timely filed;
  - b. Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
  - c. Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
  - d. The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority (reasonability to be determined by Pierce County).
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint;
  - b. The complainant fails to respond to repeated requests for additional information needed to process complaint;
  - c. The complainant cannot be located after reasonable attempts.
5. Pierce County has sole authority for accepting complaints for investigation. Once the County decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within five (5) calendar days. The complaint will receive a case number and then be logged into Pierce County's records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).
6. In cases where Pierce County assumes investigation of the complaint, the County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of Pierce County's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. Within 40 calendar days of the acceptance of the complaint, the Pierce County or WSDOT investigator will prepare an investigative report for the Finance Director and the County Executive. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The Finance Director and County Executive will have

10 calendar days to review and provide comments to the investigator.

8. Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the Prosecuting Attorney's (PA) Office for review. The PA will review the report and associated documentation and will provide input within 10 calendar days.
9. Any comments or recommendations from the PA will be reviewed by the County Executive. There will be a period of 10 calendar days for the County Executive to discuss the report and any recommendations from the Finance Director, and have the Title VI Coordinator address any modifications as needed and made final for its release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).
10. Pierce County's final investigative report and a copy of the complaint will be forwarded to either FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.
11. Pierce County will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.
12. The corresponding USDOT modality will issue the final decision to Pierce County based on the County's investigative report.
13. USDOT will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality issues its final decision, Pierce County will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.