



Webinar Transcript:

Disability Sensitivity and the ADA Complaint Process

April 12, 2018

Carol Wright Kenderdine: Hi, everyone, thanks for joining us for this webinar on disability sensitivity and the ADA complaint process. My name is Carol Wright Kenderdine, Assistant Vice President of Transportation and Mobility with Easterseals, and also the Co-Director of the National Aging and Disability Transportation Center and we are the ones sponsoring this webinar today. We are delighted you are with us to address this important topic and we look forward to a great session. We have a few housekeeping items before we get started. The session is being recorded and will be available as an archive on the NADTC website. Closed captioning is available for today's session. You can access the captioning by clicking on the CC icon at the top left of your blackboard screen, or by using the keyboard command control plus F8. We would like to thank our captioner for being with us today. If you are connecting today both by phone and the webinar room, please make sure your computer speakers are muted at this time to eliminate any potential feedback. If you want to submit questions, you can do that at any point throughout the session today. You can either enter questions into the chat box if you are in the webinar room or you could email your questions to contact@NADTC.org. Just a quick reminder to all of you that the chat session is live so any time you put a question in there, anyone will be able to see it. NADTC is a technical assistance center of the Federal Transit Administration. It's administered by Easterseals and the National Association of Area Agencies on Aging, and they are known as N4A. Your presenter today is Ken Thompson. I will let Ken provide a quick bio for himself, with that it's my pleasure to turn this over to Ken Thompson.

Ken Thompson: Hi, everybody! Welcome to this webinar. I will give a little bio about who I am. I have been at Easterseals for about 16 years and I do all things ADA or all things related to accessible transportation. And my background really is, I came from a human service agency that ran the transportation program, and that's where I kind of got introduced into disability services and transportation at the same time. And prior to working in the disability area, I actually worked for a military contractor because I had spent some time in the Navy, but my passion really is working for people with disabilities in transportation.

So welcome and we really appreciate that you are here with us. This webinar is called disability sensitivity and complaint process, and as I started thinking about disability sensitivity, I had written some things about the complaint process for transportation organizations, I really saw that you can't really separate the two. They are interconnected. So if you have disability sensitivity, it's going to help your complaint process. So think of it as sensitivity, which results in quality service and then you are responsive to people with disabilities and their needs and through that you would have actually fewer complaints, and that's going to help you out. So our discussion here I think today and what I'm presenting is to kind of get you to think about sort of how sensitivity and the complaint process are inter-relative.

When you think about disability sensitivity and customer service, you know, of course, you are thinking about your riders, number one, but you are also thinking about any ways to solve complaints, so complaint mitigation, and through all of that, you reduce your liabilities and issues for customers and also through your management of your transportation system. The key to the whole thing is really to improve the riders' experience when they are on your system, and if you have all of these things kind of in place, it's going to represent you operationally meaning that you have fewer problems that can disrupt how you provide service. And also will help inform your drivers and other staff on what is required to provide good services to people with disabilities. So when you put it all together, it adds value to provide quality service. So disability sensitivity, the ADA, we have to think about is really the base level for providing service. You never say, well, I just provided it to the bare minimum of the ADA, and, you know,

over the years, I have heard so many transit agencies and providers say what do I have to do by minimum? What is the least I have to do? And when we hear that, we like to say let's try to rethink what you are saying, and you want to think about is how can we provide the best service to have a quality experience for your customer. So rather than thinking about providing the minimum, think about what's the best for your customer in the way that service is provided. So, you know, work for that higher level, we call that higher achievement. Work for going beyond the ADA, and number one, think about what is the experience of your customer. So as far as disability sensitivity, think about it as understanding the obvious for people with disabilities. People have some needs, they need some sort of assistance possibly. Some people with disabilities prefer not to have assistance, but you have to know your people and work from each individual as to what their needs are, and with that I always say make no assumptions. Each person is unique, and the key to that is always interact with respect no matter what the issue is. Words matter. I thought let's just go right to the words and think about it. The words I have here as far as words matter, these are the kind of old words that we hear and we still hear sometimes, it's like what's not to say.

I was listening to the radio last week, and a local radio station mentioned about a person who was wheelchair bound and is still in the media, and I first thought, I've got to write to the radio station and said, hey, there is some better language. And also a phrase we hear often is confined to a wheelchair. We also hear handicapped which is still around, you know, other places and I see a lot on signage. You also hear other words like mentally ill, retarded, dumb, spastic, cripple, special, and for most people I don't need to get too far in detail, but those are the old words that we still hear. So pick out some of the things I keep hearing from people this far in. Some other phrases, and these are sort of words you want to think about rather than those other words. Think about someone who has vision disabilities may have limited vision. Somebody might be a person that has a service animal or uses a service animal, an interesting one you can say to a person who is deaf or talk about a person who is deaf that they are deaf because the deaf community identifies as being deaf. Some people with hearing disabilities are also accepting of the words hard of hearing. People use wheelchair, and the third thing, people

with disabilities. And then people with learning disabilities and people with epilepsy. Again, that's people first language as you can see. So as far as person first, a person with a disability, number one is a person.

So you want to treat anyone with respect and dignity and understanding and keep that in mind, and it's like treating anybody else that you work with that individual as they are, and keep that in mind. This is especially important around driver training. What we try to say is, you know, when you do driver training, include people with disabilities in the training. And develop a dialogue with individuals with disabilities as to what they want in the provision of service. How do they want to be treated and respected? And you will hear a lot that can be really helpful and eye opening to some people. And the other thing we like to say is, you know, if somebody needs assistance, don't assume they need it. Ask if they need assistance. Also ask if more information is needed from a person. They may not understand your question. If they seem like they don't understand, ask if they need more information, that can go a long way to helping to understand.

I like to tell the story, I used to have a person that worked in our transportation system who would ride and she was very independent, and she was older woman with some severe disabilities and she had two canes. And if someone asked her can I help with your cane or can I help you up the steps, she would always say no, I have figured this out myself. I will do it my way. I don't need help from anybody, and it might take her a while, but she would climb up the steps on her van with no problem, and people would say, oh, I will help you, can I take that from you, and she goes, no, I will do it myself. And she did that for a number of years, but that was her preference. And she said, you know, I have lived this long. I have figured this out, and I know what I need to do. All right. Person first, like we said, offer help, don't impose it. A lot of times if we are offering help, people may assume that we are thinking they're helpless. Like I said about this other lady, she didn't want help, so keep that in mind. Sometimes you will see people saying, well, I will push your wheelchair for you. Talk to the person first, and decide if they want any kind of assistance with pushing that wheelchair. And, you know, you can't just

assume that someone in a wheelchair wants assistance. They may be going very slowly. They may be having a difficult time, but you may want to say, can I help you? Can I give you some kind of assistance and wait for that response. I guess the big no no would be to go ahead and start mush pushing the chair without getting any kind of feedback from that person.

The other issue is touching a person with a disability without being asked. Be very careful. There are people that will say don't touch me when you touch them if they don't ask, and you want to be aware of that. Some individuals really have a preference that they are not touched without their permission. We will keep that in mind if we work with people. Invisible, hidden disabilities. We often hear people say, well, and, you know, I have gotten calls this way, where someone will say, well, we have to pick that guy up, and he doesn't think that there is anything wrong with them. I don't think they have a disability. These are calls I still get to this day. But you don't know, you know, people have invisible and hidden disabilities. Some people may have mental health, psychiatric disabilities. You don't know that. They can seem perfectly, you know, fine from the outside and some people might have HIV, another disability, respiratory disabilities that people say oh, they have respiratory disabilities, they will be Huffing and puffing. Not necessarily. You don't know that.

Multiple chemical sensitivity is a big one these days, and you may have people that will say certain things about their needs around multiple chemical sensitivity. It could be air. We have had people talk about exhaust from the vehicle, and we had people talk about cleaning chemicals or different types of -- I'm just thinking things used inside of vans, I know one time there was a lady that said every time I walk in the van it smells like a cleaner, and it makes my eyes burn and my nose run. And that could be a chemical sensitivity. Attention deficit disorder, diabetes, and, you know, you can go on and on. Keep that in mind in your interactions that we don't know.

Communication. Effective communication is part of your sensitivity program. You must have effective communication of your people with disabilities. Any auxiliary service required for a

person who needs it, and that is determined by the complexity of the communication, but the key also is find out what the method of communication is that is preferred by that person with a disability. So you need to find out what they need and how they want it provided. In this webinar, we actually provide real time captioning, and we also are using an accessible webinar Platte form to make sure that needs are being met for people who need it.

All right, effective communication, when requested, provide information and communications in accessible manner for people with disabilities. That could be large print. A lot of people prefer large print in 16 point to 20 point. Some people prefer it in bold letters, and Sans Serif is a font similar to the font we are using here which means it doesn't have any additional curlicues or ends or stylized pieces on the letters, they are pretty much plain and clear to see. That helps people with low vision as far as looking at the characters that are printed out. Some ways of communication could be handwritten notes instead of spoken words. That's a simple way. It works for some people. Write information in plain language. Sometimes it's helpful, very clear with just main points listed, and then another way we may communicate with people is through electronic documents that might be formatted for a Screen Reader which is a piece of equipment that can read letters on printed pages and it might be in PDF or Word and you should if you are not sure ask a person what format they would require, electronic document in that works with their screen reader.

Finally a simple way is sometimes you may want to just sit down and read information to the person so they can hear it verbally if they are a non-reader, and that can be effective too. All right. Someone who is deaf, sign language interpreters can be available if you are in a room where that's possible in a situation where it's possible, but there is also video remote interpreting. It's more common now sometimes when we get called here at NADTC from someone who is deaf they will be using a video remote interpreting service so they will call working through an interpreter, and we communicate that way, and it actually is a fairly easy way of communicating. So what happens is video is connected to an interpreter with the person that is deaf, and as I speak, the sign language interpreter takes what I say and uses sign

to communicate with the other person who is deaf and the deaf person then communicates back. And it actually works fairly well. And then, again, in transit situations a lot of times maybe just fairly easy and simple to make sure that your staff and bus drivers have pencil and paper and you can exchange notes. A simple way, the main thing is to make sure you have many place to write. Some are going on buses and drivers will say does anybody have any paper? So you want to make sure you have some available.

All right. Now, the complaint process, we want to think about our sensitivity where we can roll into thinking about the whole complaint process of what's involved there, and we can kind of connect the two to see how if you have good disability training and awareness in your organization, it's really going to benefit your complaint process. In the ADA, the transit system must have specific procedures in place to address complaints for providing ADA violations. And it's really, really important in this whole process that you designate a staff person to manage the overall process. Now, think about that, designate a staff person. And what was found and it has been found in the past through different kinds of reviews and things, if you don't have one person that manages the overall complaint process, then complaints kind of get lost or put to the side or someone assumes someone else is following up with a complaint, but no one knows what's really happening and the complaint basically gets lost.

If you designate a single person to manage the process, then they will be tracking the complaint and who is following up and taking all of this material to communicate with the individual that's making the complaint and makes for a more solid process to ensure that the follow up for the complaint takes place. Another part of that the requirement is that you keep all copies of ADA complaints and follow-up for one year and these are original documents and you can keep a summary record of your complaints for a period of five years and that can be like a spreadsheet which lists the complaint, how it was handled, how it was followed up, and how you communicate back to the person. So you want to make sure you have a system to do that.

When you have a complaint process, you want to make sure that the process is communicated

in a way that is clear to the rider and clear to transit staff. So it's got to be a process that people can understand and follow. It doesn't have to be approved in advance by the ADA because it's a process that is designed locally by the transit system, and it's one that works for you. So think about it in the way of does this function for us? Is it something that we can communicate well and implement with the staff and systems we have? And your process and how you communicate it may be reviewed in audits and triannual reviews, so keep that in mind.

Now, the key to your complaint process is you want people to understand your complaint process in itself. You need to publicize that process to people as to how to fill out complaints. You can't just say call this number with a complaint because that doesn't really give people much information as to what they need to do. It makes much more sense to have a good complaint process by providing a list of information needed, provide information on time lines for resolution and for times ahead and that's typical, and also details on how the transit agency plans to communicate resolutions of the complaint to the person making the complaint. So any complaint procedures should provide for prompt and equitable solutions. Prompt is defined locally, but procedures must track complaints with the date of receipt of complaint, date of assignment to investigate, and the date of resolution. Plus you must also include the date of communication with the complainant, and I say date or dates because sometimes if you haven't communicated in a while and you still need more information, you still want to communicate to the person making the complaint that we are still working on this, we are getting more information and that, you know, we haven't just forgotten about your issue. Equitable means it's fair for the parties involved and that it looks at all of the different factors and issues around the complaint, and that there is not a balance one way or the other, but a way that it takes the issues presented by that rider seriously and it is investigated in a way that's looking at all factors to try to resolve what the issue is.

Carol Wright Kenderdine: Ken, before you go on, we have two questions that's might be pertinent right here. The first question is regarding ADA regulations and the records for complaints, is that specific to a certain size agency or type or is that all public transportation or

all agencies?

Ken Thompson: My understanding is that all agencies, so, yes, it's not a size. If you are providing service, then you got to have a complaint process in place because you got to remember, the ADA is in essence a complaint-driven regulation. There is no other way of tracking things because you are tracking individual instances or -- incidents or issues for the most part and looking at those as far as ADA violations because these are -- an ADA violation is something that happens to a person. So you might think of it that way. So, yes, we are glad to have a system in place for agencies regardless of size.

Carol Wright Kenderdine: And then we have another question that says regarding the ADA and the complaint process, is it just about discrimination complaints or all types of complaints?

Ken Thompson: What I'm talking about here, I mean, it's really ADA discrimination, but I would say all kinds of complaints because you want to know what's going on. A complaint is a complaint. And even if it's not an ADA complaint, it could have some bearing on your ADA service. It could be, you know, you could just have a driver that some people think is rude, or you could say oh, they are, you know, the driver didn't stop when I was sitting at the bus stop, you know. That could be discrimination, but it could be a pass by and it could be the same person doing it over and over and you want to know that information. There might be a pattern of one person doing it over and over.

Carol Wright Kenderdine: So it's important to keep track of all of the complaints and that it could possibly be an ADA complaint without somebody calling it an ADA complaint when they get a hold of you?

Ken Thompson: Exactly. And that's basically what we say is a person doesn't necessarily even have to say it's an ADA complaint.

Carol Wright Kenderdine: So you are saying that they don't have to say it's an ADA complaint

for you to have an ADA complaint lodged against you.

Ken Thompson: Exactly. You need to be tracking those complaints because they could come back and when someone investigates, they would find it to be an ADA compliance issue. Because the person sitting at the bus stop, you know, the bus passes them by. They are not thinking of as an ADA. Okay. And then you want to think about, as we are saying, what are your information sources for your ADA complaints? The key is you communicate with the complainant and staff and to get information. You also may want to look at telephone calls, recordings, if you have those, someone calls in for a complaint or you get other information or it could be sometimes if someone is scheduling trips, the telephone call recording could be where you are getting the information about what the customer is complaining of they feel like they stated something for a trip requirement and it wasn't provided, you could look at that recording. You want to look, of course, at written communications, both paper and written.

Bus tracking— if you have bus tracking around when someone makes a complaint and certain things happen at a certain time, you can find out where the bus was at that time. Sometimes you get information from dispatch about, you know, things that were called in by the driver or their delays, so a particular bus dispatch may know that because of the driver's manifest. If you have recordings, keep that information and cameras. And then, of course, a real key point is any kind of interviews with the contractors should be a contracted services or witnesses to the incident. And witnesses can also, you know, be valuable in a number of ways and can be other passengers on the van or it could be other bystanders that observe something. I have been on a bus before when something happens and police have said did anybody see this, I need some witnesses. That's what they say. They ask for witnesses and they come forward. In my case, I didn't see a thing. I was looking in a different place, I think. All right.

Carol Wright Kenderdine: Before you go onto rider information, another question was one of the people said we handle issues as they come up. Do these types of complaints need to be logged?

Ken Thompson: Yes, absolutely, because that's, I guess the whole point in the webinar, is you want to track all of your complaints and all of your comments. So you want to log that information in because that's going to show you if you have any kind of pattern or like they say in the ADA, pattern of practice for an agency, but if you get certain things that happen over and over again, they are recurring, you want to figure out why, number one. You want to find out if it's isolated to a certain route, to a certain driver, certain time of day. If you don't track them, you would never know. So you want to kind of track all of this information to kind of understand what is happening. And then once you have a better understanding, you can really kind of attack and get in there and correct the problem.

Carol Wright Kenderdine: Thanks, Ken.

Ken Thompson: Rider information, of course, we always tell people when they are making complaints, of course, provide your contact information so when we get back in touch with that rider making the complaint, there is a person using a mobility device or other equipment, tell us what it is. That's around the issue of the complaint you want to know. Sometimes it might be somebody boarding, you know, the ramp or something on the bus or the lift. We want to know, you know, related to that daytime location of course. Transit mode and vehicle number, what we say by that, the mode could be ADA paratransit, was fixed route, was it light rail? Was it some other dial-a-ride or something? You want to know that because sometimes where other services might be contracted service, a rider doesn't know what is contracted and not. So by mode, and then vehicle ID number, you can find out maybe it was a contractor providing that service. And if you can get names and ID numbers of transit employees, if you can get that, it would be helpful so you know who to talk to. Try to get a clear description of an incident as to what happened.

I say if you have photos and videos, what happens now a lot of times the photos and videos are not coming from the transit agency. They are coming from bystanders or the customers themselves. I know there is a fair number of customers now that will do complaints and they

will say, yes, and this happened and I took a picture of it on my phone. And they do that, and so but those are valuable to have when you are suggesting any kind of incidents. All right. Let's think about any common ADA complaints. The number one thing I hear of, and I put it on top of the list, we still hear this, service animal complaints and especially service animal refusal. I still hear a lot about that and a lot of issues around that.

The second thing I hear a lot about is the recurring pattern or practice of late pickups for ADA paratransit. Stop announcements sometimes we hear, inoperable lifts or ramp without back up vehicle still happens. Long trips on ADA paratransit, and, of course, what I mentioned before is when the bus passes the stop with a waiting wheelchair customer. So those are pretty common. And the other thing you want to keep in mind is that modification policy request is something you are required to do, but the transit agency must modify their policies and accommodate the needs of people with disabilities unless the modified policies result in undue burden or fundamental alteration of the program. The main thing you is you want try to fill that in any way, shape or form. You don't take that lightly. The complaint process, you might get information and figure out how you can make it happen, but somebody may have a complaint about a service or have an issue and you may through that process decide that in essence we could litigate that complaint or issue by doing a usual modification of policy to make something happen differently within the transit agency so that person can get service. So those two things are actually interconnected. So if you can think about your reasonable modification and policy process as a way that you can also mitigate some of your complaints, look at those two things as working together to better provide service for people. All right. Let's see. We are going to questions.

Carol Wright Kenderdine: Yes, so can one of the -- Ken, one of the first questions is who is responsible for taking a complaint? So if it's a city public transit, but the complaint is made to the county municipality, who should the complaint be forwarded to, the city or how is it best to handle that complaint?

Ken Thompson: My thought, and this is just my thought, but if you, you know, you have a

complaint first. It may go through the county. The county might be a great, you know, overseeing the transit system or it might be a city, but ultimately the complaint is about the public transit system, and the transit system should have somebody in that transit system. It could be somebody in the city, but somebody has to be taking the role or job to take complaints. So the thinking would be that it's whoever the complaint is directed to.

Carol Wright Kenderdine: Right, so it would go back to the first, the system.

Ken Thompson: The system rather than, you know, the broader county or the city, because they would have the facts as to what is going on. It would be better to investigate and look at the particulars around that complaint.

Carol Wright Kenderdine: And they would probably be the ones to do something about the issue in the first place.

Ken Thompson: Well, they could be, but as we talk, it makes me think about some small communities where the ADA Coordinator for a small town, and there are some really small towns that run a dial- a-ride service and the ADA Coordinator takes the complaints for the transit system. So in that case the role is that person taking the complaint, but their job is to take complaints for the transit system, but they would have to be working closely with the transit system on those complaints.

Carol Wright Kenderdine: Well, this is one I know that we just had recently come up as a question, and so I think you will appreciate this one. It says one of our passengers says that a driver on a paratransit system asked her to have her comfort animal her emotional support dog in this case, and this is an emotional support pet not a service animal. The driver wants the service animal to sit on the floor. And she prefers that the animal has a place on the seat next to her where he can be safely strapped in. How should the system handle that, and what are some of the rules around those kinds of things or suggested best practices?

Ken Thompson: The key thing here is that, you know, on the bus in general, now, transit agencies can do whatever, however, they want it handle it, but you want to think about seats are for people. You don't have to have a policy that says or even modify your policy that says that we have a seat for the dog because there is no requirement for a dog to sit in a seat. Keep in mind that the seat is for the paying customer, and they should be open and available for the customer. Service animals in general are trained to sit on the floor, and that's where dogs usually go. Again, another issue sometimes with some people is that if you put the dog in the seat, some people are more sensitive to dog dander that there is a dog sitting in the seat. So you want to think about other people that may have a disability related to sensitivity of pets and animals. A dog being in the seat could make that sensitivity worse.

Carol Wright Kenderdine: So in this case it wouldn't matter if it's an emotional support animal or a service animal, it's okay either way for the service animal to be on the floor?

Ken Thompson: Yes, M-hmm.

Carol Wright Kenderdine: We have another question that says, you mentioned that the process, complaint process should be publicized. Where and how often?

Ken Thompson: There are other ways -- being publicized meaning that people know where it is, and it's not just putting it on your website, though that's the place where most people go. So you want to have it at least on your website all of the time and make it easy to find. I looked at some websites when I was writing about complaint process and it was hard to find the complaint process. I had to go down five levels to find it, but it should be something that's pretty up front and open. There are some transit systems now on every page on the side bar it says have a complaint, you click on that, and then you have the complaint process. But we also like to say go out and let people know what the complaint process is. Put up posters if you have, you know, transit centers or even at some bus stops have a complaint, put that

information up. We also say when you are doing your public outreach and meetings, when you are basically promoting your service or even training people to use the service, also have the complaint process available and talk about what that complaint is. So really there is never too much promotion of your complaint process. Get it out there so people know, and I think, you know, that feedback you will get that people do complain or just the fact that you let them know the complaint process will be valuable for your agency.

Carol Wright Kenderdine: Great. This wasn't a question, but a comment that someone had, but you might have some response to it as well is they said some people have complained about the signage on buses in terms of the size and the type of font that's on the bus, even about stop announcements and those kinds of things. How much of an obligation does a transit system have to make sure that the signage that they have on vehicles is of an appropriate size font so that people are able to see, you know, passengers?

Ken Thompson: And that's actually been talked about in compliance reviews at transit agencies where, you know, basically they say that the font is of size that people can see it from, you know, across the bus, but it's also contrasting and they don't give exactly particular definition of what works because it depends on your color scheme. What they don't like to see is when there are stickers on the window that are like white on clear glass where, you know, people might put complaint information or even the mandatory seating sticker on the window, people can't see it. Transit agencies are told, you know, put that somewhere else, not on the window. Put it somewhere where it can be seen.

Carol Wright Kenderdine: For stops--for what the next stop is you have covered that in terms of saying people can request stop announcements so the drivers can say what the next stop is and not just depend on signing.

Ken Thompson: Yes, and then there are some issues, some of the other buses, the stop

announcement is in the very front of the bus where if you are sitting in the back of the bus, which is a raised area, you can't even see it. And what the newer buses have done is they have lowered that or they put it over to the one side of the bus in the low floor area away from the driver and you can see it.

Carol Wright Kenderdine: That's it for the questions we received, but in going back to some of your common ADA complaints, one of them is about inoperable lifts or ramps without a backup vehicle. Do you want to address that a little bit in terms of what are some of the things that you have found that people try to do and that is a real legitimate complaint when it comes to inoperable lifts.

Ken Thompson: What people do when they have an inoperable lift is, you know, there is no information given to that individual when the next bus will show up. And, you know, it should be the next bus shows up in a reasonable time, but if the bus isn't going to show up for more than a half hour, the transit agency provides required to provide some kind of vehicle to pick that person up and, you know, the real issue a lot of times is the driver can't just say oh, the lift doesn't work, you know, the next bus is coming. The driver typically will say the next bus is ten minutes behind without really knowing that the bus is ten minutes behind. So the key point would be that drivers should call into dispatch and find out what the actual time is for the next bus to inform that individual.

Carol Wright Kenderdine: That would be on a city bus situation. Let's say you are in a rural area and you don't have very many vehicles and you have a lift that's not working. What is your obligation about getting that lift fixed? You can't go forever and just say that, you know, the lift isn't working and we are a long way from somewhere that can fix it.

Ken Thompson: Basically you want to say if the lift isn't working, you know, what we say is you could use that van, but at the end of the shift, you want to pull it out of service to get that bus repaired. You don't want to keep running it over and over again, and you want to get that bus

with the broken lift on sort of a priority repair. So it's your ADA equipment, get it repaired. Don't just keep running it with the broken lift.

Carol Wright Kenderdine: We do have another question, can you elaborate on the required information for tracking your complaint and how long you have to retain it.

Ken Thompson: The tracking sheet basically, if you get any kind of compliance reviews, what you want to do is have the tracking sheets, so your basic information from complaints, your first year of complaints, you want to have all of the original documentation. So somebody came in to review them, they can kind of look at your process, look at more recent complaints, and how do you handle them, and how do you communicate to an individual. The tracking sheets, the information you want to keep, and it could be spreadsheets, it could be electronic, but some way you could print out all of your complaints, have them handled and the resolutions. It could be just one line, but you could look at and see what kind of complaints there are. So you look at vehicles, date, time, issue, and resolution. Resolution is key, and then it's really important, we like to see people just note how it was communicated to the individual making the point.

Carol Wright Kenderdine: One of the comments -- we had lots of compliments, Ken, they continue to say what a great job you are doing and how important the information is. One of the people who just made a comment says they are a small rural area and they are volunteer driver based. Any suggestions for them in terms of, they feel like it's a little different situation for them in terms of ADA and complaints. Are they still under the same obligations that other places are?

Ken Thompson: Yes, I mean, if you are getting FTA funding and running a transit system, even if you have volunteer drivers and you are small, the ADA doesn't say, well, you have volunteer drivers, you are small, or we are not going to put down any complaints. You don't have to. It's the same requirement because what you want to do is look for any kinds of issues and you want to be proactive to solve them, but information you get from your drivers no matter who

they are can give you information about how you provide service and then you can look at any patterns or practice on, you know, things you are doing that could be problematic as far as providing service to people with disabilities.

Carol Wright Kenderdine: And so some of those complaints may relate to how the mobility device is secured or it might be a kindness issue or some of it. So I mean, there are certainly ADA issues whether you are in a rural area or you are in urban areas.

Ken Thompson: Yes, it's the same kind of thing no matter where you are. So it could be a timeliness if your vehicle shows up late often, you want to know why, when, who is driving. If someone doesn't know how to secure a mobility device or does not secure properly, you want to (inaudible) would become a training issue for that person, but it's a safety issue for the person with a mobility device. So even if you are rural, it probably doesn't matter because the issues are still the same.

Carol Wright Kenderdine: Another person said that they lose a lot of information about complaints because drivers know that they get in trouble if they report complaints that have (inaudible) so if a driver has some of the information and it doesn't necessarily get passed on all the way through. Any suggestions that you might have when the complaint doesn't make it all the way to the top?

Ken Thompson: This is something I guess they call it your organizational culture because what you want to do is you want to enforce the idea that complaint information is not a bad thing. It may be bad in that, you know, somebody might not be doing something right for the person, but you are not going to be able to solve and find solutions to problems for a person or how you provide service without getting that information, and what you want to do is work with drivers and people within the agency to feel that it's their responsibility and that the agency will be open to complaints so that providing complaints is not a reflection on the individual driver, and that complaints are just a normal part of providing service, and to provide good service,

you have got to know what's bad. So you got to kind of work through the problems to make your service better.

Carol Wright Kenderdine: Ken, we have two more questions. One says, you know, there has been a lot of attention paid lately to service animals versus emotional support animals. Is there a limit to the number of service animals a single person can board with?

Ken Thompson: No. That's interesting. So a person may have more than one service animal. I have only seen this a few times but I have seen people that have two animals. They have one animal that's a retrieve dog where this woman had a dog that would jump up into her backpack and retrieve items and it was interesting because all she had to do was tap on the back of her chair and that made the dog go in the backpack to pull out things. The backpack was open. And then she had another dog that was, I think it was a seizure support dog that did something completely different. It would just indicate to her if she is starting to have seizures to stop, to calm down, to get in another area. And she used both dogs together and it was just kind of interesting to watch.

Carol Wright Kenderdine: So there is no restriction on service animals. You want to go over the rule, what questions someone can ask about whether it's a service animal.

Ken Thompson: You have two questions, is this animal a service animal, number one, and is the animal trained to do specific tasks to assist the person with the disability.

Carol Wright Kenderdine: Another question was can a transit agency use a consultant as the ADA designated person to address complaints?

Ken Thompson: You could. A consultant would be like your staff person. You would just be paying for the consultant in a different way, and if you assign that consultant that role, and you have, you know, a clear contract with the consultant to provide certain administrative tasks to

work through those complaints to track them, to handle them, that's perfectly fine. It doesn't have to be necessarily directly an employee that you assign, just someone whose role it is to handle the complaint.

Carol Wright Kenderdine: We have a comment versus a question and that is regarding comfort or emotional support animals and that they don't qualify as service animals under ADA and, therefore, the organization is not required then to honor having emotional support animals.

Ken Thompson: That's correct, an emotional support animal really is much more similar to a pet.

Carol Wright Kenderdine: And this question is, "May an entity develop a boarding procedure to have a service animal board separately from the rider when boarding using a wheelchair lift?"

Ken Thompson: Yes, I mean, there is a lot of discussion about that in general. It's the individual with the service animal who kind of makes that call as to how the animal boards because some animals, you don't know. The control of the animal is part of the individual with the disability. There are transit systems that I have spoken to in the past that say we are fearful that service animal may get their toes caught in the lift. Well, it could be the bridge plate or something falling on an animal or in the mechanism itself, but in fact, the service animal and the individual go together, so they travel together as a matched pair, and it's really up to them. Now, the individual says, oh, I don't mind, go ahead and take my service animal and I will board separately. That could be the situation, but it's up to the individual.

Carol Wright Kenderdine: What if you had, I will play the devil's advocate, what if you had an oversized electric mobility device, and a large service dog and both will not fit on the lift.

Ken Thompson: That's a grand question. Really, actually, if you have that, then you may have to look at that situation and say sort of, it's sort of a reasonable modification and policy on the spot. You could have the regular policy that the two travel together, but in a situation with a

very large service animal where they don't fit, you could explain that to the individual, and then have the animal board separately if it's okay with that individual. If you have a policy that says all people on the vehicle must use a seat belt, in some cases different size vehicles it is a state law or your state's law that people wear seat belts. That's a requirement. So the question would be if someone is too large to use a seat belt, you can get seat belt extenders if you have those. A lot of vans actually now when you buy them, they will come with extenders with their seat belts so you can use them on a large person. Otherwise you don't have the extenders, the person could still ride, I would say, without the seat belt.

Carol Wright Kenderdine: Okay, so this would be a reasonable accommodation. Next question, it says when I have taken these classes in the past, I was told that I could ask what specific task does is the service animal trained to perform, is that correct?

Ken Thompson: That's correct. Yes.

Carol Wright Kenderdine: The other question was a follow up that says for boarding, if a service animal boards separate from the person who owns the animal, the service animal, then the driver would be required to take control of the animal. That's not something -- that's something that some drivers will not do. Do they have that option?

Ken Thompson: That's a real question. It's a local policy. There are some providers that tell me there is at no time are drivers handling any service animal, and so, you know, if that's your policy.

Carol Wright Kenderdine: That would be an agency policy, but it would need to be in writing and approved by the board.

Ken Thompson: Yes.

Carol Wright Kenderdine: Another question, I am exploring ways to integrate or connect

persons with disabilities and age-friendly persons into transit services. There appears to be a giant gap of trust between paratransit users and local regional paratransit providers. I'm looking at ways to bridge that gap and build trust. Any suggestions? That might be beyond the scope of this particular --

Ken Thompson: We should have a big long conversation, you know, because it's really kind of, I think, really getting out with your disability community, your paratransit riders, the transit agencies and getting everybody kind of in a room and developing some kind of a trust, and it's going to take some time.

Carol Wright Kenderdine: That one is beyond the scope of this particular webinar. Great question, great motivation to see if you can't make that wash in your community and that would be something we would be willing to talk to you off line, but it probably is beyond the scope of this particular webinar. Another question is so when a service animal isn't under the control of the passenger, is very dirty and unkempt, how should that be addressed?

Ken Thompson: It's not under control of the passenger, you know, you could -- if you can't get it under control, you sometimes get service animals roaming around your van or bus and they are nipping at people or looking through -- nipping at people, you can say to the person that the service animal can't ride or you could try to work with the person a little bit and see what could be done so for the service animal to ride. But one of the requirements for service animals is that they stay under control of that person, that passenger.

Carol Wright Kenderdine: And, Ken, wouldn't you agree that most service animals are very well trained and are not typically going to be not under the control and so that might be a question if it's truly a service animal.

Ken Thompson: You would say is this really a service animal and then even dirty animals, you know, there are cases where there are legitimate service animals, but the person that owns the

service animal does not have the financial ability to take care of the animal. They can't get it to the vet. They can't, you know, groom the animal properly, whatever, and we have had, you know, people in transit systems call some local animal groups to see if they can get assistance for their animals.

Carol Wright Kenderdine: So do something to proactively help that person and not just assume that they don't care about their animal, but they might not be able to take care of that. If a person's wheelchair does not fit on vehicles that are 30 by 38 [sic-dimension is 48], are we required to send a specific vehicle for them?

Ken Thompson: Let's see, well, if the wheelchair doesn't fit, the question is depending what kind of service, but there is no requirement that you send the specific vehicle if you can do that and it doesn't disrupt your service, you could, but can you guarantee that would happen each and every time? There is no requirement that you send specific vehicles even as a reasonable modification to policy, but if you choose to, the point is then you would have to do that every time that person requests a ride, and you would have to look and see if you could schedule that same vehicle with a bigger lift every time for that person.

Carol Wright Kenderdine: So that really is a systemwide question and whether or not that's possible within the system, and you want to err on the side of trying to be able to provide the ride and if it's possible to do so, but it may be an unreasonable request.

Ken Thompson: Yes.

Carol Wright Kenderdine: This person said I was told I could not ask about a service animal, that's not correct.

Ken Thompson: Not correct. You can ask them and ask what task does the service animal perform.

Carol Wright Kenderdine: This one is a suggestion for handling of the service animal would be to have the passenger provide a travel aide. Can you require coming up to have a travel aide with them?

Ken Thompson: No, you just can't. It's really individual as far as it's up to the individual. It's very connected to each individual as to how they want to, you know, go through the community. There are people that, yes, you would know like a mobility aide would be helpful, but they choose not to, so.

Carol Wright Kenderdine: Do you foresee a national service animal registration in the future? Based on news stories it appears that transit is not the only area experiencing significant abuse of service animals.

Ken Thompson: The airlines and the registration. The whole thing about registering service animals, yes, a lot of people say that might be an option, but on the other hand, when you are in rural areas, there are people that train their own service animals that actually provide all of the tasks and meet the definition of service animals, and people can do that. They can self-train their animals. And registering, you know, who knows if that's going to -- how do you verify? How do you know? Because it's so personal and so individualized as to what that service animal provides, you know, registration even going to help these issues of identifying emotional support versus service animals versus pets.

Carol Wright Kenderdine: This gentleman had a suggestion for improving relations between the communities, two suggestions. One is to have an advisory committee where riders are invited to sit on it and guide discussions. Our agency offers occasional wheelchair workshops which offer drivers a safe space for practicing securement and asking questions. So both of those are great suggestions.

Ken Thompson: Yes, great ideas. A lot of people work with their local disability groups like a Center for Independent Living or other organizations with that, and then I have seen agencies that have securement practice areas in the bus garage. And, you know, ideally you would do it with people with disabilities, but sometimes people just want to practice overall and that's helpful too, but it's a grand idea.

Carol Wright Kenderdine: Okay. This question says are we required by ADA to display the complaint process on our vehicles with a posted notice?

Ken Thompson: Well, the requirement doesn't say that it should, but it makes sense. It doesn't say it has to be posted. When you do a review on the bus it doesn't say do you have information on your complaint process on your bus.

Carol Wright Kenderdine: Okay. I think with that we are going to make that the last question, however, we will give you an opportunity to be able to get a hold of us in other ways, so thank you all for your participation in this particular session. Thank you, Ken. I want you to know that Ken is a real guru when it comes to all things ADA and in particular as we talk about sensitivity training for people with disabilities so that those of you out there that are providing services have an opportunity to think about how you can train your drivers and staff to be more sensitive in those areas, and all things concerning ADA. He is certified in the ADA, the Americans with Disabilities Act, and so he comes to this subject with an awful lot of experience, and is our technical assistance specialist when it comes to answering those questions. We hope you enjoyed the webinar and you found the information helpful. We want to thank our captioner under Caption First for getting this closed captioned for us. We want you to know that your feedback is really important to us. After the session we are going to email you a link to a short session evaluation. We use this information to improve all of our training and technical assistance, so please take a moment to provide us with feedback. We appreciate that and we use that for all future webinars that we do. We would also like to be able to share some additional resources for you on this topic. The first is an NADTC 2017 Trends Report on

the ADA complaint process. It's listed here and also available on the NADTC website. There is a link here to the FTA circular on ADA guidance and an excellent transit manager tool kit on the ADA that was created by the National Rural Transit Assistance Program (National RTAP). We are available for phone and email technical assistance questions. Please contact us with questions that you have on accessible transportation topics such as this. We will be happy to help you in any way that we can. We are also available to answer any other future questions, so if you can let us know if you have any other questions or any topics that you would like training on, please contact us, and we will be glad to look at doing topics for you that would be of interest, and if you go to the NADTC website, which is www.nadtc.org, we would be really happy to have you find our resources there. You can sign up for our eAlerts which tell you about trainings that are coming up, grant opportunities that are coming up and other kinds of things that we are involved in, and also shoot us an email to let us know if there is something that you don't find something on there that you would need more information on, so thank you. Contact us at any time. We are here to serve you, and all of our resources are free. So like this webinar, there is no charge for any of those services.

Ken Thompson: And I'm free too, so, meaning as far as technical assistance. You can always call. And I will look through the chat or you could send me an email and I can respond to your question that way.

Carol Wright Kenderdine: You guys were great at asking questions. That tells me that this is a hot topic, Ken. So thank you very much. We appreciate all of you, and let us know if there is something that we can do to assist you further. Thanks a lot, everyone.

Ken Thompson: Bye-bye.