

**CHAPTER 84****DISABILITY DISCRIMINATION  
COMPLAINT PROCEDURE****Authority**

N.J.S.A. 27:25-5(e), 42 U.S.C. § 12101  
et seq. and 28 C.F.R. § 35.107.

**Source and Effective Date**

R.1993 d.530, effective November 1, 1993.  
See: 25 N.J.R. 3445(b), 25 N.J.R. 4921(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 84, Disability Discrimination Complaint Procedure, expires  
on November 1, 1998.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. DEFINITIONS**

16:84-1.1 Definitions

**SUBCHAPTER 2. GENERAL PROVISIONS**

16:84-2.1 Purpose

16:84-2.2 Required ADA Notice

**SUBCHAPTER 3. DESIGNATED ADA COORDINATOR**

16:84-3.1 Designated ADA coordinator

**SUBCHAPTER 4. ADA COMPLAINT PROCEDURES**

16:84-4.1 Procedure

16:84-4.2 Complaint contents

16:84-4.3 Complaint form

16:84-4.4 Investigation

**APPENDIX A. NJ TRANSIT DISABILITY  
DISCRIMINATION COMPLAINT FORM****SUBCHAPTER 1. DEFINITIONS****16:84-1.1 Definitions**

As used in this chapter, the following terms have the  
indicated meanings:

“ADA” means the Americans with Disabilities Act, 42  
U.S.C.A. § 12101 et seq.

“Agency” means the New Jersey Transit Corporation and  
its operating divisions, NJ TRANSIT Bus Operations, Inc.;  
NJ TRANSIT Rail Operations, Inc.; and NJ TRANSIT  
Mercer, Inc.

“Executive Director” means the Executive Director or his  
or her designee.

**SUBCHAPTER 2. GENERAL PROVISIONS****16:84-2.1 Purpose**

(a) These rules are adopted by the Agency in satisfaction  
of the requirements of the ADA and regulations promulgat-  
ed pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated  
coordinator whose duties shall include assuring that the  
Agency complies with and carries out its responsibilities  
under the ADA. Those duties shall also include the investi-  
gation of any complaint filed with the Agency pursuant to  
N.J.A.C. 16:84-4.

**16:84-2.2 Required ADA Notice**

In addition to any other advice, assistance or accommoda-  
tion provided, a copy of the following notice shall be given  
to anyone who inquires regarding the Agency’s compliance  
with the ADA or the availability of accommodation which  
would allow a qualified individual with a disability to receive  
services or participate in a program or activity provided by  
the Agency.

**AGENCY NOTICE OF ADA PROCEDURE**

The Agency has adopted an internal procedure providing  
for prompt and equitable resolution of complaints alleging  
any action prohibited by the U.S. Department of Justice  
regulations implementing Title II of the Americans with  
Disabilities Act. Title II states, in part, that “no otherwise  
qualified disabled individual shall, solely by reason of such  
disability, be excluded from participation in, be denied the  
benefits of or be subjected to discrimination” in programs or  
activities sponsored by a public entity.

Rules describing and governing the internal procedure  
can be found in the New Jersey Administrative Code,  
N.J.A.C. 16:84-1.1 et seq. As those rules indicate, com-  
plaints should be addressed to the Agency’s designated  
ADA Coordinator, who has been designated to coordinate  
ADA compliance efforts, at the following address:

Bobby Coney  
Manager, EEO/AA and Diversity Programs  
NJ TRANSIT Headquarters  
One Penn Plaza East  
Newark, NJ 07105-2246  
Phone: 201-491-8052

1. The Agency's company procedure does not preclude individuals from reporting incidents orally or in writing to a responsible company official in an effort to resolve a matter to the mutual satisfaction of all parties without resorting to the filing of a complaint.

2. A complaint should be filed in writing and contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator.

3. A complaint should be filed promptly within 30 days by the complainant after the incident or action being reported. (Processing of allegations of discrimination which occurred before this complaint procedure was in place will be considered on a case-by-case basis).

4. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the Agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

5. In most cases, a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the "Executive Director" and/or his or her designee and a copy forwarded to the complainant no later than 60 days after its filing with the ADA Coordinator.

6. The ADA Coordinator will maintain the files and records of the Agency relating to the complaints filed.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency of the New Jersey Division of Civil Rights. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

8. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Agency complies with the ADA and implementing Federal rules.

Bobby Coney  
 Manager, EEO/AA and Diversity Programs  
 NJ TRANSIT Headquarters  
 One Penn Plaza East  
 Newark, NJ 07105-2246  
 Phone: 201-491-8052

(b) All inquiries regarding the Agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the Agency should be directed to the designated coordinator identified in (a) above.

(c) All complaints alleging that the Agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this Section, in accordance with the procedures set forth in N.J.A.C. 16:84-4.

---

#### SUBCHAPTER 4. ADA COMPLAINT PROCEDURES

##### 16:84-4.1 Procedure

A complaint alleging that the Agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted in writing to the designated ADA coordinator identified in N.J.A.C. 16:84-3.1(a).

##### 16:84-4.2 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 16:84-4.3.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;
2. The address and telephone number of the complainant or alternate contact person; and
3. A description of manner in which ADA has not been complied with or has been violated, including times and locations of events and names of witnesses, if appropriate.

##### 16:84-4.3 Complaint form

Appendix A to this chapter contains the form that may be utilized for the submission of a complaint pursuant to this subchapter. A copy of the form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 16:84-3.1.

---

#### SUBCHAPTER 3. DESIGNATED ADA COORDINATOR

##### 16:84-3.1 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the Agency is:

**16:84-4.4 Investigation**

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 60 days from the date of receipt of the complaint by the ADA Coordinator, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the Executive Director or his or her designee for the Agency. The Executive Director or his or her designee shall render a written decision within 60 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.



Name of Witness:	Address/Work Location:
Name of Witness:	Address/Work Location:
Name of Witness:	Address/Work Location:
Has the problem been reported to any other person? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, with whom did you speak?	
Name:	Date:
Position:	
What was the result of your conversation with that person?	
<b>(NJ TRANSIT Employees Only)</b>	
Have you sought assistance about the action you think was discriminatory from your supervisor, union rep., or from any other person? <input type="checkbox"/> YES <input type="checkbox"/> NO	
(If the answer is yes, complete below):	
Name of Person:	Position:
Date Assistance Sought: / /	
RESULTS (IF ANY):	
Have you filed a complaint in the past? <input type="checkbox"/> YES <input type="checkbox"/> NO      (If the answer is yes, complete below):	
Approximate Date(s) Filed: / /	Person(s):
SIGNATURE OF COMPLAINANT:	
DATE:	
<b>For EEO/AA Department Use Only</b>	
ACTION: _____ (Termination, Discipline, Promotion, Accommodation, Access, etc.)	Complaint #: _____
Date Filed: / /	
Date Closed: / /	
DIVISION: <input type="checkbox"/> Bus <input type="checkbox"/> Rail <input type="checkbox"/> Administrative Support	DEPARTMENT:
BASIS (Physical, Mental, Perception, Drug, Alcohol, etc.):	
Investigator Assigned _____	Date _____
Manager EEO/AA & Diversity Programs _____	Date _____
(Signature)	