

# **VWCCOA Title VI Plan and Procedures**

Title VI of the Civil Rights Act of 1964

**Van Wert County Council on Aging**

Adopted Date: November 2014

Updated January 2025

## **VWCCOA Title VI Policy Statement**

**The VWCCOA**, operating demand response transit provider, as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Ohio Department of Transportation (ODOT), will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the U.S. Department of Transportation implementing regulations, FTA Circular 4702.1B, and ODOT Public Transportation requirements as specified in Master Grant Agreement, and State Management Plan. **VWCCOA** operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act.

### **NONDISCRIMINATION / TITLE VI NOTICE**

The Van Wert County Council on Aging (VWCCOA) complies with all federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex in its operation of services, programs or activities. VWCCOA does not exclude people or treat them differently because of race, color, national origin, age, disability or sex in its operation of services, programs or activities.

- VWCCOA provides free aids and has services available to people with disabilities to communicate effectively with us, such as language interpreters, and can provide written information in other formats (large print, can read information to consumers, electronic formatted documents, etc.).
- VWCCOA provides free language services to people whose primary language is not English, such as qualified interpreters and information written in other languages

If you need these services or if you believe VWCCOA failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability or sex, with respect to consumer service, programs or activities that the agency offers, consumers can request a copy of the VWCCOA Title VI Complaint Procedure which details how to file a formal complaint.

# Van Wert County Council on Aging

220 Fox Rd., Van Wert, OH 45891  
Phone: 419.238.5011 Fax 419.238.5054

## **Title VI Assurances/Non Discrimination Policies for compliance under 45 C.F.R. 80.4**

### **Annual Certifications and Assurances**

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. VWCCOA will remain in compliance with this requirement by annual submission of certifications and assurances as required by NHDOT.

The date of last submission of these certifications and assurances (at the time of this Plan's approval) is: January 1, 2023.

The Van Wert County Council on Aging (VWCCOA) agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

### **Pertinent Nondiscrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat.252), (prohibits discrimination on the basis of race, color, national origin);and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964,The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the

Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;Page 1 of 2

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI , you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

## **Van Wert County Council on Aging**

### **Notifying the Public of Rights under Title VI**

- The Van Wert County Council on Aging operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Van Wert County Council on Aging.
- For more information on the Van Wert County Council on Aging's civil rights program and the procedures to file a complaint, contact Kevin Matthews, Executive Director, email [info@coavw.org](mailto:info@coavw.org) or visit our office at 220 Fox Rd., Van Wert, OH 45891.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Federal Transit Administration Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact the Van Wert County Council on Aging at (419) 238-5011.

# Van Wert County Council on Aging

## Title VI Complaint Procedure

November 2014

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Van Wert County Council on Aging (hereinafter referred to as VWCCOA) may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. Complaint forms can be received in hard copy at the VWCCOA's main office at 220 Fox Rd., Van Wert, OH 45891. The VWCCOA investigates complaints received no more than 180 days after the alleged incident. The VWCCOA will process complaints that are complete.

Once the complaint is received, the agency will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Van Wert County Council on Aging has 14 days to investigate the complaint. If more information is needed to resolve the case, the VWCCOA may contact the complainant. The complainant has 14 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 14 business days, the VWCCOA can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 14 days after the date of the letter or the LOF to do so. A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language then contact: Executive Director, 220 Fox Rd., Van Wert, OH 45891; phone 419-238-5011; fax 419-238-5054; e-mail: [info@coavw.org](mailto:info@coavw.org)

## VWCCOA Title VI Complaint Form

Date of Complaint filed: \_\_\_\_\_

Complainant Information:

Name:

Address:

City, State, Zip:

Telephone #:

Basis of Discrimination: \_\_\_\_ Race \_\_\_\_ Gender \_\_\_\_ National Origin \_\_\_\_ Religion

Are you filling this complaint on your own behalf? \_\_\_\_ Yes \_\_\_\_ No

If you answered No supply name and relationship for whom you are making the complaint for: \_\_\_\_\_

Please confirm you have obtained permission of the aggrieved party if you are filing on behalf of a third party: \_\_\_\_ Yes \_\_\_\_ No

Respondent Information (party you believe discriminated against you)

Name:

Address:

City, State, Zip:

Telephone #:

Department:

When did the Discriminatory Act occur?: \_\_\_\_\_

Most recent date of the alleged act?: \_\_\_\_\_

Is the Act ongoing?: \_\_\_\_ Yes \_\_\_\_ No

In your own words please describe the alleged discriminatory acts. Please provide dates (use additional paper if necessary):

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Witnesses: Please list any individuals that may have any information that supports or clarifies your complaint.

Name:

Address:

City, State, Zip:

Telephone #:

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Signature of Complainant

Date

Please send completed form to 220 Fox Rd., Van Wert, OH 45891,  
Attention Kevin Matthews, Executive Director. Form may also be submitted through fax  
at (419) 238-5054 or by e-mail to [info@coavw.org](mailto:info@coavw.org).



## **List of transit-related Title VI investigations, complaints, and lawsuits**

The Van Wert County Council on Aging has never had a Title VI investigation, complaint or lawsuit filed against the agency:

The Van Wert County Council on Aging has never had a complaint, lawsuit or Title VI investigation as of 12/31/2024.

## Van Wert County Council on Aging Board Member Breakdown

(updated 01/01/25)

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

**Table Depicting Board of Directors, Broken Down by Race**

Body	Caucasian	Latino	African American	Asian American	Native American
Board of Directors	12	0		0	0

The Van Wert County Council on Aging advertises to fill board member positions in the following ways:

1. When needed notification in the agency newsletter when positions are available
2. When needed notification on the publicly accessible bulletin board in the Senior Center
3. Notification on the Van Wert County Council on Aging website
4. Direct e-mails to local social service agencies and businesses

Minorities are encouraged to apply.

# **Van Wert County Council on Aging (VWCCOA)**

## **Limited English Proficiency Plan**

### **January 2025**

## **I. Introduction**

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color national origin under any program or activity that receives federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination

## **II. Executive Order 13166**

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons with Limited English Proficiency,” (See 65 FR 50123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write or understand English may be a type of national origin discrimination.

The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

The FTA references the DOT LEP guidance in its Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," which was published on October 1, 2012. Chapter III, Part 9 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.

### III. Statement of Policy:

It is the policy of VWCCOA to provide meaningful access to services to Limited English Proficiency (LEP) persons in a reasonable and timely manner. Should an LEP individual contact VWCCOA or receive services through VWCCOA funded programs every effort will be undertaken to ensure that the individual has access to all available benefits and services.

### IV. Four Factor Analyses

#### Factor 1: The number or proportion of LEP persons eligible to be served or likely to encounter a VWCCOA:

A review of the census data on the numbers of limited English proficient or LEP persons revealed that over the last 5 years in Van Wert County, Spanish had the highest percentage of total population and spoke a language other than English. U.S. Census Bureau, U.S. Department of Commerce. "Language Spoken at Home for the Population 5 Years and Over." *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table C16001, 2023*, <https://data.census.gov/table/ACS5Y2023.C16001?q=C16001++van+wert+county&mo e=true&tp=false>.

Please see the table below for Van Wert County data:

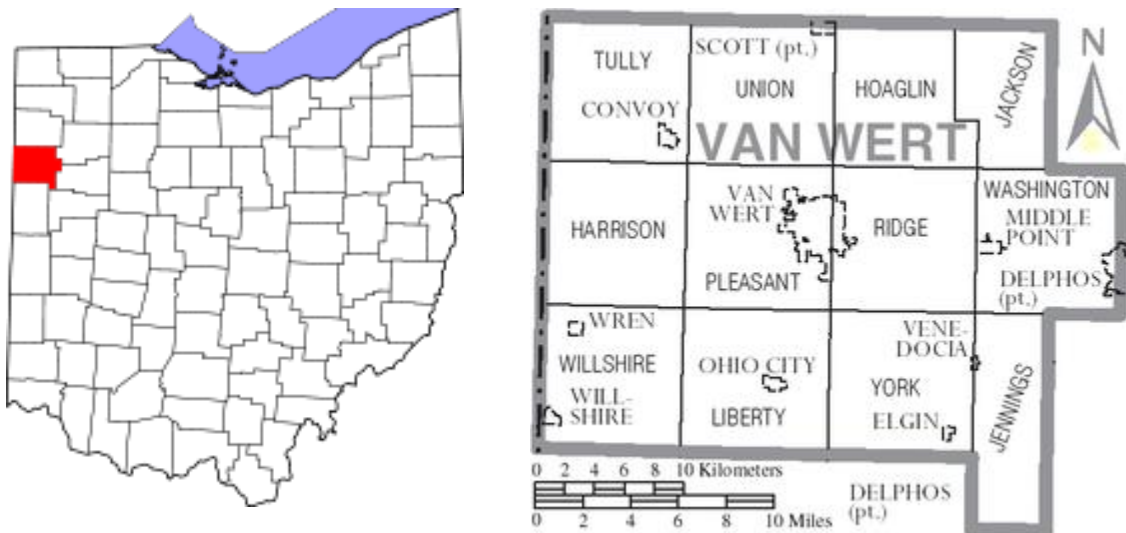
Language	Estimate
Total:	27,054
Speak only English	26,368
Spanish or Spanish Creole:	350
Speak English "very well"	273
Speak English less than "very well"	77

350 (Spanish or Spanish Creole) / 27,054 (total population of Van Wert County) = .012937 (1.293%)

### Safe Harbor Provision:

The Safe Harbor Provision stipulates, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost. The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. The transit system may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

### Van Wert County Council on Aging Service Area



**Factor 2: The frequency with which LEP individuals come in contact with a Van Wert County Council on Aging program, activity, or service:**

In recent history, there has been no known contact to our agency, our board of directors or agency director regarding a LEP individual that has been unable to receive LEP assistance or unable to receive services. Website access by LEP persons is unknown. The Van Wert County Council on Aging currently serves one client who is LEP and communication conducted with this client through lip reading/sign language and written forms of communication.

**Factor 3: The nature and importance of the program, activity, or service provided by VWCCOA:**

The Van Wert County Council on Aging mission is to provide supportive services which will assist all Van Wert County Citizens (age 60 and over) who are capable of self-care, to secure and maintain dignified and reasonably independent lives in their own home. An LEP person might be in contact with our staff at the Van Wert Senior Center, an LEP person may be a client of our transportation, chore service, homemaker service or may need assistance through our community outreach program. Assisting the needs of LEP clients helps these seniors to maintain their independence in their own homes and our specific workers tasks with helping these individuals must be able to implement the interpretation services to provide quality care.

**Factor 4: The resources available to VWCCOA and overall costs:**

The Van Wert County Council on Aging is committed to providing access to information, programs and services for the LEP population and provides interpreters should staff come into contact with a Spanish-speaking LEP individual.

The Van Wert County Council on Aging has contracted interpreters to assist with LEP clients and has had no issues to date with covering the costs of the service when warranted by consumer need.

**V. Plan for Assisting Persons of Limited English Proficiency**

**Describe how recipient provides language assistance service by language:**

VWCCOA provides language assistance service for Spanish-speaking LEP individuals by contracting with local interpreters. Spanish speaking individuals represent the highest percentage of LEP individuals in Van Wert County, but the percentage does not approach the five percent safe harbor threshold.

**Contracted interpreter information:**

Laura Leigh	818 N. Franklin Van Wert, OH 45891 419-771-1308	for Hearing Impaired
Carla Frank	818 N. Franklin Van Wert, OH 45891 419-771-1314	for Hearing Impaired
Sylvia Torres	206 East Main St. Lima, OH 45801 419-230-2401	Spanish Interpreter

**Other interpreter sources that may be used:**

- Affordable Language Services 866-978-8378 (see addendum #1)
- Google Translate Mobile App

**Describe how recipient trains employees to provide timely and reasonable language assistance to LEP populations:**

The Van Wert County Council on Aging staff will be provided the opportunity to read the LEP plan and to be educated on procedures and services available to LEP populations. Training will be available as part of the orientation process for new hires.

Training topics include:

- Understanding the Title VI LEP program responsibilities;
- What language assistance VWCCOA offers;
- How to access an interpreter;
- Documentation of language assistance requests;
- How to handle a complaint;

## **Describe how recipient monitors, evaluates and updates the language access plan:**

This plan is designed to be flexible and is one that can be easily updated. VWCCOA will monitor the LEP Plan using the following methods:

-Post event assessments of public hearings and community events that examine plan components, such as:

How many LEP persons were encountered?

Were their needs met?

What is the current LEP population in the Van Wert County area?

Has there been a change in the types of languages needing interpreters?

Has the VWCCOA fulfilled the goals of the LEP population?



**Describe how recipient provides notice to LEP persons about the availability of language assistance:**

A Title VI Notice to the Public is posted in the VWCCOA public bulletin board. Copies of the LEP Plan will be provided upon request to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. Requests can be made to :

**Executive Director  
220 Fox Rd.  
Van Wert, OH 45891  
Phone: (419)238-5011 / Fax: (419)222-6019**

## Addendum #1



### Ohio Association of Foodbanks Translation Services through Affordable Language Services

Ohio Association of Foodbanks Assigned Phone Number:	866-978-8378
Ohio Association of Foodbanks Assigned PIN:	49420

**Calling Instructions (follow the prompts):**

1. Call our dedicated Affordable Language Services number: **866-978-8378**
2. Enter the Ohio Association of Foodbanks' PIN, then press #: **49420#**
3. **Select the translation language:** select a language by number (see below) or press 0 to speak the name of ANY language

Dial:	For Language:
1	Spanish
2	Nepali
3	Arabic
4	French
5	Mandarin
6	Vietnamese
7	Somali

Dial:	For Language:
8	Kinyarwanda
9	Russian
10	Filipino
11	Afghani (Dari, Afghan Farsi, Afghan Persian)
12	Pashto
13	Haitian Creole

4. Select the purpose of your call by pressing the appropriate number:
  - 1 for Health Care programs
  - 2 for SNAP Outreach /Applications
  - 3 for food or other help
5. State (say) your first & last name, press 1 to confirm
6. State (say) the name of your foodbank, food pantry or organization, press 1 to confirm

Once the interpreter is on the line, the interpreter can make a 3-way call to your client. ✓

*As the Ohio Association of Foodbanks, our mission is to provide food and other resources to people in need and pursue areas of common interest for the benefit of people in need.*

*We provide access to translation services through Affordable Language Services to our member foodbanks, pantries and partner organizations as part of our mission, and so that the Ohioans we serve do not experience language barriers while accessing programs that help to reduce food insecurity and promote nutrition and health.*

## Addendum C16001

SOURCE: U.S. Census Bureau, U.S. Department of Commerce. "Language Spoken at Home for the Population 5 Years and Over." *American Community Survey, ACS 5-Year Estimates Detailed Tables, Table C16001*, 2023, <https://data.census.gov/table/ACS5Y2023.C16001?q=C16001++van+wert+county&me=true&tp=false>.

### C16001 | Language Spoken at Home for the Population 5 Years and Over

Label	Van Wert County, Ohio	
	Estimate	Margin of Error
▼ Total:	27,054	±13
▼ Other Indo-European languages:	11	±17
Speak English less than "very well"	0	±24
▼ Korean:	54	±53
Speak English "very well"	54	±53
Speak English less than "very well"	0	±24
▼ Chinese (incl. Mandarin, Cantonese):	6	±9
Speak English "very well"	0	±24
Speak English less than "very well"	6	±9
▼ Vietnamese:	0	±24
Speak English "very well"	0	±24
Speak English less than "very well"	0	±24
▼ Tagalog (incl. Filipino):	16	±27
Speak English "very well"	11	±19
Speak English less than "very well"	5	±9
▼ Other Asian and Pacific Island languages:	4	±8

**C16001** Language Spoken at Home for the Population 5 Years and Over

American Community Survey | Universe: Population 5 years and over | 2023 ACS 5-Year Estimates Detail...

Notes | Geos | Topics | Codes

Label	Van Wert County, Ohio	
	Estimate	Margin of Error
▼ Total:	27,054	±13
Speak only English	26,368	±183
▼ Spanish:	350	±121
Speak English "very well"	273	±104
Speak English less than "very well"	77	±56
▼ French, Haitian, or Cajun:	27	±43
Speak English "very well"	27	±43
Speak English less than "very well"	0	±24
▼ German or other West Germanic languages:	203	±126
Speak English "very well"	105	±71
Speak English less than "very well"	98	±77
▼ Russian, Polish, or other Slavic languages:	15	±23
Speak English "very well"	15	±23
Speak English less than "very well"	0	±24
▼ Other Indo-European languages:	11	±17
Speak English "very well"	11	±17
Speak English less than "very well"	0	±24
▼ Korean:	54	±53
Speak English "very well"	54	±53
Speak English less than "very well"	0	±24
▼ Chinese (incl. Mandarin, Cantonese):	6	±9
Speak English "very well"	0	±24
Speak English less than "very well"	6	±9
▼ Vietnamese:	0	±24
Speak English "very well"	0	±24
Speak English less than "very well"	0	±24
▼ Tagalog (incl. Filipino):	16	±27
Speak English "very well"	11	±19
Speak English less than "very well"	5	±9
▼ Other Asian and Pacific Island languages:	4	±8
Speak English "very well"	4	±8
Speak English less than "very well"	0	±24
▼ Arabic:	0	±24
Speak English "very well"	0	±24
Speak English less than "very well"	0	±24
▼ Other and unspecified languages:	0	±24
Speak English "very well"	0	±24
Speak English less than "very well"	0	±24

# AMERICANS WITH DISABILITIES ACT PLAN

Including policies regarding General ADA Requirements, Reasonable Modifications,  
No Shows, and a Suspension Appeals Process

*for*

## Van Wert County Council on Aging (VWCCOA)

**Approved by:**

VWCCOA Board of Directors

**Date Approved:**

June 23, 2022

Rev. 5/23

Reviewed 12/30/2024

**ADA Contact Information**

Name: Kevin Matthews, Director

Mailing Address: 220 Fox Rd., Van Wert, OH 45891

Phone Number: (419)238-5011

Email Address: [info@coavw.org](mailto:info@coavw.org)

**Reasonable Modification Contact Information**

Title: Director

## I. Introduction and Purpose

The Americans with Disabilities Act of 1990 (ADA) requires that individuals with disabilities receive the same level of service as non-disabled individuals. Services that are “separate but equal” are not acceptable. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the Americans with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation (U.S. DOT) regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and any applicable state laws and regulations. Van Wert County Council on Aging (VWCCOA) operates a demand-response service and complies with ADA requirements with respect to such services.

### **ADA Policy Statement**

It is the policy of Van Wert County Council on Aging (VWCCOA) to comply with all the legal requirements of federal and state laws and regulations as they pertain to individuals with disabilities. If state laws and federal regulations are contradictory, the federal ADA regulations prevail. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

**Goals:** Service is provided in a manner that meets the following goals:

1. Provides safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. Expedites the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. Accommodates a wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

**Applicability:** This policy applies to all VWCCOA employees, services, facilities, and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

### **Definitions:**

*Disability:* With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

*Fixed Route Service:* Operates along a prescribed route according to a fixed (regular) schedule.

*Mobility Device:* A device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

*Securement Area or Station:* A designated location for riders using wheelchairs, equipped with a securement system.

*Securement Device, Equipment or System:* Equipment used for securing wheelchairs against uncontrolled movement during transport.

*Service Animal:* Any guide dog, signal dog, or other animal that has been individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. (see VWCCOA Service Animal Policy for additional information)

*Wheelchair:* A mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

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## II. General Guidance and Procedures for Implementing Policy

### **Recruitment and Employment**

As stated in the VWCCOA system's personnel policies, the agency is an Equal Opportunity Employer (EOE) and fully complies with ADA in its recruitment, hiring, and continued employment practices.

### **Facility and Vehicle Accessibility**

The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and requirements of the State of Ohio. If state requirements do not meet federal requirements, the federal ADA regulations prevail. All vehicles purchased for fixed route and route deviation service will be accessible. Vehicles purchased for demand response service will only be non-accessible to the extent that the demand response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities. The transit system will conduct an analysis of service equivalency prior to the acquisition of any inaccessible vehicles for demand-responsive service.

### **Vehicle and Route Assignment**

☒ The demand response system of Van Wert County Council on Aging (VWCCOA), when viewed in its entirety, is accessible. All trips by wheelchair users will be assigned to accessible vehicles. To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. Trip denials will be tracked by whether or not a rider requires use of the lift or ramp, to monitor that service is not disproportionately denied to individuals with disabilities because an accessible vehicle is not available.

Van Wert County Council on Aging (VWCCOA) provides demand response rural public transportation and provides equivalent service to individuals with disabilities, that is consistent with U.S. DOT ADA regulations under 49 CFR Part 37, Section 37.77. This transportation will be provided in the most integrated setting appropriate to the needs of the individual and will be equivalent to the service provided other individuals with respect to:

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservations capability
- Any constraints on capacity or availability

### **Maintenance of Accessible Features**

Accessibility features on vehicles, including lifts, ramps, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of Van Wert County Council on Aging (VWCCOA) provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection.

### **Inoperative Lifts and Ramps**

Drivers are required to report lift or ramp failures immediately. Vehicles with inoperative lifts will be removed from service and replaced with an accessible vehicle until the inoperative lift is repaired. For vehicles equipped with ramps, it may be possible to continue in service as long as the ramp can be and is deployed manually when necessary. If an inoperative ramp cannot be (or is not) deployed manually, the transit agency will apply the policy for a vehicle with an inoperative lift.

### **Wheelchair Accommodation**

All accessible vehicles meet or exceed the requirements of 49 CFR Part 38.

Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space in the securement area for the wheelchair on the vehicle without blocking the aisle. If a vehicle lift/ramp and securement area can accommodate a wheelchair (or other mobility device), Van Wert County Council on Aging (VWCCOA) will transport the device (and its user).

An individual who uses a wheelchair that, when occupied, exceeds the weight rating of the vehicle lift/ramp, will be offered the opportunity to board and disembark from the vehicle separately from the wheelchair. However, transit agency personnel are not permitted to operate a passenger's wheelchair (i.e. a motorized wheelchair). The individual may travel with another individual who can assist with operating the unoccupied wheelchair to maneuver it on and off the lift/ramp.



## **Boarding**

Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary and waiting for passengers to be seated before moving the vehicle. Only a properly trained transit system employee can operate the lift or ramp and secure the wheelchair in the securement station. Passengers may board facing toward or away from the vehicle.

## **Wheelchair Securement**

☒ Van Wert County Council on Aging (VWCCOA) requires that all wheelchairs be secured. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the securement system will not accommodate the wheelchair, then the program will be informed of such issue, and the program manager will work with the consumer to reschedule the trip using a vehicle or wheelchair that can accommodate the consumer. State of Ohio Laws will be followed in regards to passengers being secured by safety belts. If a wheel chair can be secured and a Passenger refuses to allow their wheelchairs to be secured may be denied service. As well, if the passenger unsecures the wheelchair, service may be denied.

Securement of wheelchairs is the responsibility of the driver. Drivers are trained in the proper operation of all securement equipment based on the equipment manufacturer's specifications. Drivers will listen to and respect riders' instructions on how to secure their equipment, while also following their past training regarding securement of wheelchairs. Drivers cannot be expected to be familiar with each and every wheelchair type that may come aboard, and securement attachment points may differ by wheelchair manufacturer. The rider may be in the best position to instruct the driver on how to properly secure their mobility device. All wheelchair equipped vehicles that the VWCCOA owns, the manufacturer requires the wheelchair to be facing toward the front of the vehicle. If a passenger refuses to have their wheelchair facing toward the front of the vehicle, the passenger may be denied service.

If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger's trip will be rescheduled and the VWCCOA will work to identify what vehicle is suitable for the client's needs, as well as further instruction the driver on how to secure the wheelchair.

Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area. The wheelchair is not allowed to block the aisle.

In cases where an individual using a wheelchair attempts to board and requires use of a securement location that is currently occupied by another passenger that is not using a

wheelchair, the driver will ask that passenger to allow the individual using a wheelchair to use the securement position.

### **Seat Belt Usage**

When riding in a Van Wert County Council on Aging (VWCCOA) vehicle, seat belts and shoulder harnesses:

are required for ALL passengers.

### **Driver Assistance**

Drivers will make themselves available to assist individuals with disabilities and will assist upon request of the passenger. Drivers will assist a passenger with using the vehicle ramp, lift and/or securement systems using the accessibility-related equipment and features on their vehicles.

### **Use of Lift or Ramp by Individuals with Disabilities Not Using a Mobility Device**

The driver will deploy the lift or ramp for an individual with a disability who is not using a mobility device to board or alight the vehicle upon request.

### **Accommodation of Other Mobility Devices**

Mobility devices that are not wheelchairs, but which are primarily designed to for use by individuals with mobility impairments, will be accommodated to the extent that the ADA-compliant lift or ramp and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

### **Transfer to Fixed Seating**

All passengers using wheelchairs have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, wheelchair users to transfer to fixed seating. No waivers are allowed to be required.

### **Accommodation of Portable Oxygen**

Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. DOT rules on the transportation of hazardous materials in 49 CFR Subtitle B, Chapter 1, Subchapter C.

### **Priority Seating**

With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating.

Priority seating for seniors and individuals with disabilities is to be designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that is currently occupied by another passenger, the driver will ask that passenger to move so as to allow the individual with a disability use of the priority seating. In cases where a wheelchair user requires the use of a

securement location, the driver will ask any passenger (including other passengers with disabilities) to vacate the securement location.

### **Service Animals**

The VWCCOA will follow compliance with 49 CFR Part 37. For further information reference the VWCCOA Policy on Service Animals. Emotional support animals or “comfort animals” are not service animals within the context of the US DOT ADA regulations.

### **Alighting**

It is the responsibility of the driver to determine that the location for passenger alighting is safe. Only the driver will unsecure the wheelchair and operate the lift or ramp to return the passenger to the ground level.

### **Staff Training**

All drivers and transportation system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly and respectfully assisting and treating individuals with disabilities with sensitivity. Mechanics who service the lifts are also trained to properly maintain lifts and other accessibility equipment.

### **Rider Information**

All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

### **Personal Care Attendants**

Under the ADA, an agency cannot require a passenger to have a personal care attendant (PCA). If a PCA accompanies a passenger, the PCA will ride free of charge. A family member or friend is not considered a PCA, unless that individual is acting in that capacity.

### **Stop Announcements**

Van Wert County Council on Aging (VWCCOA) does not operate a deviated-fixed route.

**Complaint Procedure**

All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the VWCCOA Director and promptly and objectively investigated. Complaints are also be submitted to the ODOT Civil Rights Office.

Van Wert County Council on Aging (VWCCOA) will promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant. The response will be documented. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment.

Documentation of each complaint will be kept on file for a minimum of one year, and a summary of all complaints will be kept for at least five years. This meets DOT regulations that require FTA grantees to maintain all complaints of noncompliance with 49 CFR Part 27 for one year, and a record of all such complaints, which is permitted to be in summary form, for five years.

## Reasonable Modification Policy

The purpose of the reasonable modification policy is to ensure that Van Wert County Council on Aging (VWCCOA) offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This policy applies to all safety-sensitive transportation vehicle operators including full, part time and those staff that may be required to operate the vehicle. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term “reasonable modifications” as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

Van Wert County Council on Aging (VWCCOA) is committed to providing equal access and opportunity to individuals with disabilities in all programs, services and activities. Van Wert County Council on Aging (VWCCOA) recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Van Wert County Council on Aging (VWCCOA) will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Van Wert County Council on Aging (VWCCOA) does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Van Wert County Council on Aging (VWCCOA) will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Van Wert County Council on Aging (VWCCOA), or be subject to discrimination by Van Wert County Council on Aging (VWCCOA).

A reasonable modification is a change or exception to a policy, practice, or procedure that allows persons with disabilities to have equal access to programs, services, and activities. Van Wert County Council on Aging (VWCCOA) will make reasonable modifications to policies, practices, and procedures when necessary to ensure access to transit services for individuals with disabilities, unless:

- ◆ Making the accommodation would fundamentally alter the nature of the public transportation service.
- ◆ Making the accommodation would create a direct threat to the health or safety of other passengers.

- ◆ The individual with a disability is able to fully use Van Wert County Council on Aging (VWCCOA)'s service without the accommodation being made.
- ◆ Making the accommodation creates an undue financial burden on the transit system.

#### ELIGIBILITY CRITERIA

An individual is eligible to be considered to receive a reasonable modification if that individual has:

- ◆ A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- ◆ A record of such impairment
- ◆ Or has been regarded as having such impairment.

#### REQUESTS FOR REASONABLE MODIFICATION

Van Wert County Council on Aging (VWCCOA) shall make information about how to contact Van Wert County Council on Aging (VWCCOA) to make requests for reasonable modifications readily available to the public through its website, brochures, and other rider policy guidelines. Van Wert County Council on Aging (VWCCOA) shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe the modification to service needed in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Van Wert County Council on Aging (VWCCOA) will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Van Wert County Council on Aging (VWCCOA) requests that individuals make such requests for modifications before Van Wert County Council on Aging (VWCCOA) is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (*e.g.*, because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Van Wert County Council on Aging (VWCCOA)'s management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for

accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

#### INTERACTIVE PROCESS

When a request for accommodation is made, Van Wert County Council on Aging (VWCCOA) and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Van Wert County Council on Aging (VWCCOA) must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

#### TIME FRAME FOR PROCESSING REQUESTS TO PROVIDE REASONABLE MODIFICATION

Van Wert County Council on Aging (VWCCOA) will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Van Wert County Council on Aging (VWCCOA) recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

#### GRANTING A REASONABLE MODIFICATION REQUEST

As soon as Van Wert County Council on Aging (VWCCOA) determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Van Wert County Council on Aging (VWCCOA) shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

#### DENIAL OF REASONABLE MODIFICATION REQUEST

As soon as Van Wert County Council on Aging (VWCCOA) determines that a request for reasonable accommodation will be denied, Van Wert County Council on Aging (VWCCOA) will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- ◆ The specific reasons for the denial;

- ◆ Any alternative accommodation that may create the same access to transit services as requested by the individual; and
- ◆ The opportunity to file a complaint relative to the Van Wert County Council on Aging (VWCCOA)'s decision on the request.

#### COMPLAINT PROCESS

Van Wert County Council on Aging (VWCCOA) has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Van Wert County Council on Aging (VWCCOA)'s website and will be provided to any individual where the Van Wert County Council on Aging (VWCCOA) has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Van Wert County Council on Aging (VWCCOA)'s Reasonable Modification Complaint Form. Van Wert County Council on Aging (VWCCOA) investigates complaints received no more than 30 days after receipt. Van Wert County Council on Aging (VWCCOA) will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Van Wert County Council on Aging (VWCCOA) may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Van Wert County Council on Aging (VWCCOA).

If Van Wert County Council on Aging (VWCCOA) is not contacted by the complainant or does not receive the additional information within 30 business days, the Van Wert County Council on Aging (VWCCOA) may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Van Wert County Council on Aging (VWCCOA) investigates the complaint, a decision will be rendered in writing to the complainant. Van Wert County Council on Aging (VWCCOA) will issue either a Letter of Closure or Letter of Finding.

- ◆ **Letter of Finding** – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Van Wert County Council on Aging (VWCCOA) to address the complaint.
- ◆ **Letter of Closure** – This letter will explain why Van Wert County Council on Aging (VWCCOA) has determined that the complaint does not merit



accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Van Wert County Council on Aging (VWCCOA), an opportunity to appeal the decision may be pursued provided the complainant files notice of appeal within 21 days of the initial decision of Van Wert County Council on Aging (VWCCOA).

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

DESIGNATED EMPLOYEE

Van Wert County Council on Aging (VWCCOA) shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Director  
Van Wert County Council on Aging (VWCCOA)  
220 Fox Rd., Van Wert, OH 45891  
740-835-8474

RECORD RETENTION

Van Wert County Council on Aging (VWCCOA) will maintain all records related to reasonable modification requests and denials for at least three (3) years.

REQUEST FOR REASONABLE MODIFICATION

In determining whether to grant a requested modification, the Van Wert County Council on Aging (VWCCOA) will be guided by the provisions of the United States Department of Transportation regulations and guidance provided in Appendix E of Title 49 CFR Part 37 and specifically to the provisions of Section 37.169.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number (Home or Business): \_\_\_\_\_

(Cell): \_\_\_\_\_

Describe any modifications to VWCCOA's policies, practices or procedures in order for you (an individual with disabilities) to access the services (attach additional sheets as necessary):

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Complete this form and mail, fax, e-mail or deliver to: Director, Van Wert County Council on Aging, 220 Fox Rd., Van Wert, OH 45891  
Or email form to: [info@coavw.org](mailto:info@coavw.org)  
Or Fax to: 419-238-5011

\_\_\_\_\_  
Signature

**Appeal Request**

Please provide the following information necessary in order to process your appeal. Assistance is available upon request. Complete this form and mail, fax, e-mail or deliver to:

Van Wert County Council on Aging, Attention: Director  
220 Fox Rd., Van Wert, OH 45891  
Email: info@coavw.org Fax (419)238-5011

Passenger's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone # (Home/Business): \_\_\_\_\_ (Cell): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Person whose request for modification was denied (if other than person making appeal): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date of denial of request for modification: \_\_\_\_\_

Name of employee who denied the request (if known): \_\_\_\_\_

Describe the reasonable modification requested (attach additional sheets as necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe why you need the reasonable modification in order to use the services and why any accommodation offered was not sufficient (attach additional sheets as necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you like a hearing on your appeal (YES / NO) (circle one).

Sign the appeal in the space below. Attach any documents you believe supports your appeal.

Appellant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **No Show Policy**

This policy is intended to address the actions by habitual abusers of service scheduling and provide clear protocols for addressing passengers who fail to show for their scheduled trip without properly canceling the trip. This policy is intended to address those repeat offenders, and not the occasional incident that may occur with some passengers.

### DEFINITIONS

No-show – Any passenger who is unavailable for pick-up of a scheduled trip that has not notified Van Wert County Council on Aging (VWCCOA) to cancel that trip. Trips in which passengers will not be picked up due to circumstances related to service will not be considered a no-show.

### NO-SHOW PROCEDURE

The transit operator will wait for passengers for 5 minutes beyond the early arrival pick-up time window. The transit operator will make reasonable attempts to locate the passenger. If the passenger cannot be located within the established 5 minutes, the transit operator must contact the Dispatcher with the no-show. Passengers who do not make themselves available within that window will be considered a no-show. The Dispatcher has the responsibility to determine if the transit operator is to continue without the passenger.

Upon permission to continue without the passenger, the transit operator is to record the arrival time, departure time, and vehicle mileage on the Daily Manifest.

In town scheduled trips are to be cancelled at least one (1) hour prior to the time of the trip request. Out of town trips are to be cancelled at least (4) hours in advance (optimally it would be at least 24 hours so the time slot could be used by another client). Any scheduled trip not cancelled within that window will be considered a no-show and will be logged as such. A no-show designation for a trip will be monitored to determine the habitual nature of no-shows associated with a passenger.

Exceptions may be made for passengers who are unduly delayed due to medical appointments or procedures and other circumstances beyond their control. The passenger will be required to contact Van Wert County Council on Aging (VWCCOA) as soon as practicable following the missed trip to determine if the time of your rescheduled trip can be accommodated

### HABITUAL NO-SHOW PROCEDURE

Passengers who have no-shows equal to or greater than 25% of the scheduled trips in a rolling 12 month period will be provided a written warning and depending on the quantity of “No Shows” may be subject to suspension from services. In order to be subject to a warning or suspension, a passenger must

have booked a minimum of three (3) trips or more in a 90 day period. Example: If a passenger books five (5) trips and no-shows 25% of the time, they will be in violation of the no-show policy and subject to the progressive corrective action plan.

A passenger will be subject to the progressive corrective action plan only if both the minimum number of trips booked and the minimum number of no-shows are reached during a calendar month. All suspension periods will begin on a Monday.

The length of a passenger's suspension will adhere to the progressive corrective action plan described as followed (suspension begins from the time:

- First violation in a rolling 12-month period: Verbal Warning
- Second violation in a rolling 12-month period: Final Warning Letter
- Third violation in a rolling 12-month period: 7 days
- Fourth violation in a rolling 12-month period: 14 days
- Fifth violation in a rolling 12-month period: 21 days
- Sixth and subsequent violations in a rolling 12-month period: 30 days

All penalties imposed under this policy are first subject to an appeals process (see Suspension Appeals Process). Before any suspension, the potentially affected individual will receive written notice that transportation service will be suspended beginning fourteen (14) days from the date of notice. The individual will receive a copy of the appeals process that details passenger rights in this situation. The written notice of suspension will contain instructions and materials necessary to challenge or appeal the suspension decision.

Van Wert County Council on Aging (VWCCOA) will continue to serve passengers appealing pending suspensions until all appeals have been settled. For passengers who do not choose to appeal, suspensions will commence on the date specified in the written notice.

Subscription/Standing Order reservations may be denied upon a second suspension in any consecutive 12-month period. Privileges may be reinstated without guarantee of the original subscription/standing order.

## **Suspension Appeals Process**

A suspension may result from violations of passenger behavior rules, violation of the no-show policy, or for other inappropriate or disruptive behavior. Regardless of the reason for suspension, each passenger has a right to appeal the decision through an appeals process.

Appeals must be submitted in writing to Kevin Matthews, Director, by mail at 220 Fox Rd., Van Wert, OH 45891, or by email at [info@coavw.org](mailto:info@coavw.org) within 14 days of notification of suspension. All passengers will be permitted to continue using service during the appeals process. Van Wert County Council on Aging (VWCCOA) management will inform all schedulers/dispatchers that the suspension is pending an appeal and to allow service to continue for the affected passenger.

An Appeals Committee will review all applicable information from Van Wert County Council on Aging (VWCCOA) and the involved passenger. All passengers will be offered the opportunity to speak directly with Committee members and/or the Director regarding the submitted appeal and/or circumstances that led the suspension and subsequent appeal.

After a thorough review of all available information and testimony, the Appeals Committee will have 72 hours in which to issue a recommendation to sustain or reverse the suspension. The Committee recommendation will be forwarded to the Transit Manager for final review and implementation.

The Van Wert County Council on Aging (VWCCOA) administration will have three (3) days to issue a final suspension decision in writing to the passenger involved. All final decisions will be implemented within seven (7) days of passenger notification.

All communications will be made available in alternate format upon request.

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# *ADA/Title VI Complaint Form*

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## **Background**

This form is used for both Title VI and Americans with Disabilities Act (ADA) complaints.

The Civil Rights of 1964 (Title VI) identifies the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. If any of the Limited English Proficient (LEP) populations in our service area meet the Safe Harbor threshold, then the procedure will be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The Americans with Disabilities Act of 1990 (ADA), provides protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program, service, or activity.

Van Wert County Council on Aging (VWCCOA) is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 (Title VI) as well as providing protection that no individual with a disability shall on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination as stated in the Americans with Disabilities Act of 1990 (ADA).

If you feel that you have been discriminated against, please provide the following necessary information to facilitate the processing of your complaint. If assistance is required to complete the form, or if you have questions, please do not hesitate to call the ADA/Title VI Coordinator at (419)238-5011. **Once completed, return a signed and dated copy to:**

**Kevin Matthews, Director**  
**220 Fox Rd., Van Wert, OH 45891**

*Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please call (419)238-5011.*

Please check one of the following below:

**ADA Complaint** or  **Title VI Complaint**

**Part I.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Additional Formats Needed:

- None                       TDD  
 Large Print               Audio Tape  
 Other

**Part II.**

Are you filing this complaint on your own behalf?

- Yes – Proceed to Part III  
 No – Please provide the name of and your relationship with this person:

Name of Individual: \_\_\_\_\_

Your Relationship: \_\_\_\_\_

Please explain why you have filed for a third party:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Confirm:

- I have obtained permission of the aggrieved party to file this form on his or her behalf.  
 I have not confirmed permission to file this form on behalf of the aggrieved party.

**Part III.**

I believe the discrimination I experienced was based on:

- Race  
 Color  
 National Origin  
 My Disability  
 Other: \_\_\_\_\_



Date of the alleged discrimination: \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.

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**Part IV.**

Have you previously filed an ADA and/or Title VI complaint with this agency?

- Yes
- No

**Part V.**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

- Yes
- No

If yes, check all that apply:

- Federal Agency       Federal Court
- State Agency         State Court
- Local Agency

Please provide the contact information for a person at the agency or court where the complaint was filed:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Part VI.**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

*Important Notice:* To protect your rights, your complaint must be filed within 180 days following the date of the alleged discrimination. Failure to file within 180 days may result in dismissal of the complaint. You may attach any additional written materials or other information that you think is relevant to your complaint to this form.

Signature and date required below.

\_\_\_\_\_  
Signature of Person Filing Complaint

\_\_\_\_\_  
Date

# Van Wert County Council on Aging

220 Fox Rd., Van Wert, OH 45891  
Phone: 419.238.5011 Fax 419.238.5054

## VWCCOA 2025 Title VII Non-Discrimination Policy Statement

It is the policy of the VWCCOA to administer all personnel actions (including interviewing, hiring, pay, work assignments, promotions, etc.) so as not to discriminate against individuals because of their race, color, religion, sex orientation [(LGBT)(including sexual harassment)], national origin, veterans (including Vietnam War era veterans), disability or age (40 and over). All persons having an interest to either applying for a position or referring potential applicants are advised to do so without regard to any of the above distinctions.



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Kevin Matthews, Director

Date: 01/03/2025

