



Americans with Disabilities Act (ADA) Program Program Complaint Policy and Procedure

Policy

As both a government agency and a recipient of Federal financial assistance from the Federal Aviation Administration (FAA) and Maritime Administration (MARAD) the Virgin Islands Port Authority has established these policies and procedures in accordance with the Title II of the Americans with Disabilities Act of 1990 (ADA), and to ensure better service and access to all customers using its facilities, programs, or services. The Authority's ADA/Sec. 504 Coordinator is responsible for administering the Authority's overall compliance program and is designated, in accordance with federal regulation, to coordinate the Authority's efforts to comply with and carry out its responsibilities on the basis of disability, including investigation of any complaint communicated to the Authority alleging the denial of access to Authority services, activities, or programs based on disability. Pursuant to Title II of the ADA and Section 504 of the Rehabilitation Act of 1973, the complaint procedure is to be used by persons who allege a complaint or violation of the ADA. Individuals are not required by federal regulations to use this complaint procedure but may file complaints directly with the appropriate outside agency such as the Office of Civil Rights of the Federal Aviation Administration and the Maritime Administration.

Complaint Procedure

Step 1: A complaint alleging denial of access to an Authority's program, activity, or service based on disability should be documented in writing on the ADA/Title VII Complaint Form within 60 calendar days. The form must contain the name, address and phone number of the complainant, and should include as much information as possible regarding the alleged denial of access, including date, time, location and description of denial of access. The form must be signed by the complainant or his/her authorized representative and should be submitted as soon as possible to the Authority's ADA/Sec. 504 Coordinator.

Step 2: The Authority ADA/Sec. 504 Coordinator will review the completed form within fifteen (15) business days of receipt. If the form requires additional information, the Authority ADA/Sec. 504 Coordinator will contact the complainant and return the form for completion. Once a completed form has been received, the Authority/Sec. 504 Coordinator will attempt to discuss the issue with the complainant and involved parties (including tenants, contractors and concessionaires, if necessary) to determine the existence of a violation.

If the Authority ADA/Sec. 504 Coordinator determines further investigation is warranted, he/she will issue a Notice of Continuing Investigation (NCI) no later than fifteen (15) business days after receiving the complaint form and forward the form and all supporting documentation received to the Authority's Executive Director for formal investigation and assistance in the resolution of the complaint. It is the Authority's policy to encourage an informal resolution of all complaints within ninety (90) calendar



days after receiving the complaint. If a mutually agreed upon information decision cannot be achieved, the Authority ADA/Sec. 504 coordinator will respond in writing with a case determination within ninety (90) calendar days of receiving the complaint. An extension of ninety (90) calendar days may be granted for final resolution if both parties agree to such in written form.

Step 3: If the Authority's ADA/Sec. 504 Coordinator's determination does not satisfactorily resolve the matter, the complainant may appeal. The written appeal and supporting documentation must provide a detailed description of its basis, be filed within fifteen (15) business days of the Authority ADA/Sec. 504 Coordinator's case determination and be sent to the Executive Director.

Within thirty (30) calendar days of receipt of the appeal, the Executive Director will review the appeal, the Authority ADA/Sec. 504 Coordinator's Case Determination, and gather any additional information needed. The Executive Director will then prepare the appeal response for review by VIPA's Governing Board. Once the review process is completed, the Executive Director will finalize the Authority's appeal response and provide it to the complainant and the Authority ADA/Sec. 504 Coordinator.

Complaint Form

The Virgin Islands Port Authority is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of disability. If you believe you were denied service, access, or excluded from an activity or program, please complete the ADA/Title VI Complaint Form. The information on this form is necessary to assist the Authority in processing your complaint. Please complete the form and submit it to the Authority within sixty (60) calendar days from the date of the incident.

Reasonable accommodations will be provided upon request to individuals unable to file a written complaint due to disability. Upon request, the Authority will make available language assistance for persons with limited English proficiency or other assistance as necessary to file a complaint. Contact the ADA Coordinator, Fritzgerald Boezem at (340) 778-1012 or by emailing fboezem@viport.com.

Records

All written communication and noted information will remain on file in the office of the Authority's ADA/Sec. 504 Coordinator and the Virgin Islands Port Authority Human Resources Department for a period of three years from the date of the Authority's ADA/Sec. 504 Coordinator's case determination or the appeal response. Information provided will be treated confidentially to the extent required by law. Sharing of information, including identity, will be done only as needed to resolve the complaint



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or as required by law. The Authority is obligated to comply with both Territorial and Federal Freedom of Information Acts.

The Authority's ADA/Title II Policy Statement and Complaint Procedure is available on the Authority's website and in hard copy at the Virgin Islands Port Authority's Executive Director's office. Upon request, it may also be made available in alternative formats by contacting the Authority's ADA/Title II Coordinator.

The ADA/Title II Policy and Complaint Procedure is reviewed annually by the Authority's ADA/Title II Coordinator and the Executive Director and SRAA Governance Committee to ensure compliance with applicable federal law.