

Chapter: Agency Management and Operations	Effective Date: 10/1/16
Subchapter: Interaction with the Public	
Rule: Complaints from the Public	Page: 1 of 4
ACA: N/A	Replaces: GAP.385.8111, 3/25/02
Statutes: HR Code §203.010	
Americans with Disabilities act of 1990 (Public Law 101-336)	

RULE

(a) **Purpose.**

This rule establishes a process through which the Texas Juvenile Justice Department (TJJD) resolves public complaints about TJJD operations and services, including complaints that allege violations of the Americans with Disabilities Act of 1990 (ADA). Members of the public are entitled to and shall receive timely and responsive resolutions to their complaints.

(b) **Public Complaint That Does Not Involve an ADA Violation.**

(1) **How to File a Public Non-ADA Complaint.**

- (A) Complaints must be filed in writing within 180 calendar days after the complainant became aware of the circumstances that are the basis of the complaint. TJJD may refuse to consider the complaint if it is not filed within the 180-day deadline.
- (B) No particular format is required for a complaint. However, the complaint should contain at least the following information:
 - (i) name, address, and telephone number of the person filing the complaint; and
 - (ii) the nature of the complaint and a brief description of the circumstances surrounding the complaint to include location, names, and dates.

(2) **Where to File a Public Non-ADA Complaint.**

- (A) The complaint may be mailed, emailed, or submitted in person to:
 - (i) the public complaint coordinator in TJJD's Central Office; or
 - (ii) the administrator of a TJJD field office or facility. That administrator immediately notifies the public complaint coordinator and forwards the written complaint to the public complaint coordinator within two working days from the date the complaint was received.
- (B) The mailing addresses and physical addresses of TJJD facilities and offices are available on TJJD's website.

(3) **Processing Procedures for Public Non-ADA Complaints.**

- (A) The public complaint coordinator is notified of all complaints received and maintains a record of each complaint.
- (B) The public complaint coordinator assigns each complaint to the most appropriate administrator for response.
- (C) The administrator assigned to respond to a complaint:

- (i) attempts to resolve the complaint in a timely and effective manner;
- (ii) reports the status of efforts to resolve the complaint to the complainant at least monthly until and including final disposition;
- (iii) sends copies of the monthly status updates to the public complaint coordinator.

(c) **Public Complaint That Involves an ADA Violation.**

(1) **ADA Compliance Officer.**

TJJD complies with the Americans with Disabilities Act of 1990 (ADA). The executive director has appointed the agency's human resources director as the ADA compliance officer. The human resources director is located in the agency's Central Office. The address of the Central Office is available on TJJD's website.

(2) **How to File a Public ADA Complaint.**

- (A) Complaints may be filed in writing or verbally. If the complaint is initially filed verbally, it must subsequently be reduced to writing and received by the ADA compliance officer not later than 15 calendar days after the ADA compliance officer was notified of the initial verbal filing. The complaint must be filed within 180 calendar days after the complainant became aware of, or should have become aware of, the alleged violation. TJJD may refuse to consider the complaint if it is not filed within the 180-day deadline.
- (B) No particular format is required for an ADA complaint. However, the complaint should contain at least the following information:
 - (i) name, address, and telephone number of the person filing the complaint; and
 - (ii) the nature of the complaint and a brief description of the circumstances surrounding the complaint to include location, names, and dates.

(3) **Where to File a Public ADA Complaint.**

The complaint may be filed by any of the following means:

- (A) directly, either verbally or in writing, with the ADA compliance officer in the Central Office; or
- (B) in writing with the administrator of any TJJD field office or facility. That administrator immediately notifies the ADA compliance officer and forwards the written complaint to the ADA compliance officer within two working days from the date the complaint was received.

(4) **Processing Procedures for Public ADA Complaints.**

(A) **ADA Compliance Officer and Employee Grievance Administrator Responsibilities.**

Within five calendar days after the ADA compliance officer receives the written complaint, the ADA compliance officer or designee and the employee grievance administrator jointly identify the appropriate decision authority and establish a date the complainant is due receipt of the decision. As soon as possible after identification of the decision authority, the ADA compliance officer or designee notifies the complainant of receipt of the complaint, the name of the decision authority (i.e., the TJJD administrator appointed to resolve the complaint), and the date a decision is due.

(B) Decision Authority's Responsibilities.**(i) Assignment.**

Immediately upon receipt of the complaint, the decision authority reviews it to ensure that he/she has the authority to grant the requested relief. If the decision authority does not have the authority to at least take the first steps towards granting relief (if the requested relief involves a lengthy, multi-step process), he/she forwards the complaint to the next-level administrator who has the authority to act on the complaint.

(ii) Time Lines.

The decision authority has 25 calendar days from the date he/she received the complaint to conduct an investigation, resolve the complaint, prepare a written decision, obtain a legal review of the decision, and notify the complainant in writing of the decision. If for good cause the decision authority requires additional time for investigation and resolution of the complaint, he/she notifies the ADA compliance officer, employee grievance administrator, and the complainant of the reasons for the delay and provides an estimated decision date.

(iii) Investigation.

The decision authority conducts the investigation or appoints an employee to conduct the investigation and provide the decision authority with non-binding recommendations. Prior to commencing the investigation, the investigator (i.e., the employee who will actually conduct the investigation) reviews the complaint with the TJJJ legal department. During the course of the investigation, the investigator keeps the complainant informed of adjustments to his/her time line.

(iv) Report of Investigation.

(I) Prior to release of the written decision to the complainant or to any other person or entity, the decision authority submits the proposed decision to the TJJJ legal department for review. Within five working days after receiving the proposed decision, the legal department reviews the proposed decision for legal sufficiency and informs the decision authority accordingly.

(II) Upon finalization of the written decision, the decision authority provides the written decision to the complainant, the complainant's representative (if any), the ADA compliance officer, the employee grievance coordinator, and the TJJJ general counsel. If the decision is adverse to the complainant, the decision authority includes the reasons for the adverse decision.

(5) Request for Review of Public ADA Complaint Decision.

(A) If the complainant is dissatisfied with the decision, he/she may request a review of the decision by the TJJJ executive director. The request must:

- (i) be submitted within ten calendar days after the date of receipt of the decision;
- (ii) include a copy of the written decision and a written statement specifically outlining the reasons for disagreement; and
- (iii) be addressed to the TJJJ executive director at the agency's Central Office. The address of the Central Office is available on TJJJ's website.

(B) The executive director or designee notifies the complainant in writing of the result of the review within 20 calendar days after receipt of the request for review. Prior to releasing his/her

decision, the executive director should submit the complaint record to the TJJJ legal department for review and advice. If the executive director's decision upholds the initial ruling, the written notification need only state that the issue has been considered and no valid reason has been found to warrant reversing the decision.

- (C) The decision is distributed to the parties identified in [paragraph \(4\)\(B\)\(iv\)\(II\) of this subsection](#).
- (D) The decision by the executive director finalizes the complaint process within TJJJ and exhausts the complainant's administrative remedies.

(6) **Record Repository for Public ADA Complaints.**

The ADA compliance officer or designee maintains the files and records of all ADA complaints. Upon completion of processing the complaint, the original decision authority ensures that the original complaint, all correspondence, and any other relevant materials are forwarded to the ADA compliance officer for filing. The ADA compliance officer ensures that any appeals are similarly filed.
