

GLADES AND HENDRY JOINT COORDINATING BOARD FOR THE TRANSPORTATION DISADVANTAGED

Summary of the

-- SERVICE COMPLAINT PROCEDURE/PROCESS --

As contained in the Transportation Disadvantaged Service Plan (TDSP)

Existence of Complaint Policy and Procedures:

The Glades and Hendry Joint Local Coordinating Board for the Transportation Disadvantaged have adopted procedures for the Community Transportation Coordinator to use to address complaints from agencies, users, potential users, subcontractors, and other interested parties. The policies are to be followed by the Community Transportation Coordinator – Good Wheels, Inc. – (CTC) and any of its operators. These procedures provide definitions of terms used in the process, identify how complaints are received by the CTC; provide a process and forms for the CTC to record complaints, and how the complaints were resolved; explains how the CTC is to collect monthly and annual data for reporting to the LCB, and explains what to do when a complaint cannot be resolved. The procedures also provide contact names and addresses.

Definitions:

Service inquiries are requests for information about the service and can occur once or several times in the course of a day's service. An example of a service inquiry is when a customer calls the CTC and says, "My bus is a few minutes late, where is it?" Service inquiries are reported to the driver or dispatcher or to other individuals involved with the daily operations, and are usually resolved by the CTC immediately or within the course of a reasonable time period suitable to the complainant. Service inquiries do not have to be 'recorded' as a complaint.

Service complaints are routine incidents that occur on a daily basis, are reported to the driver or dispatcher, or to other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. Service complaints should be recorded as 'complaints.' The CTC is to total these service complaints on a yearly basis for the CTD's Annual Operating Report, (AOR). If unresolved, a routine service complaint can result in a **formal grievance**. [The Local Coordinating Board has a separate "Formal Grievance Procedure," contained in the TDSP. Please review it for additional information.] Local service complaints are driven by the inability of the community transportation coordinator or transportation operators to meet local service standards established by the community transportation coordinator and local coordinating board.

GLADES AND HENDRY JOINT COORDINATING BOARD FOR THE TRANSPORTATION DISADVANTAGED
Summary of the
FORMAL GRIEVANCE PROCEDURES-
As contained in the Transportation Disadvantaged Service Plan (TDSP)

Introduction

The Joint Local Coordinating Board for the Transportation Disadvantaged has established rules and procedures to address grievances from agencies, users, potential users, subcontractors, and other interested parties relating to the coordination of non-emergency transportation services.

A Formal Grievance is a concern regarding the operation or administration of coordinated Transportation Disadvantaged services by transportation operators, the Community Transportation Coordinator, the Designated Official Planning Agency, or the Local Coordinating Board. A formal grievance may also be a service complaint that has been left unresolved for more than 45 days.

The Local Coordinating Board shall “appoint a Grievance Committee to serve as a mediator to process and investigate complaints, from agencies, users, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Coordinating Board for improvement of service. The Coordinating Board shall establish procedures to provide ... opportunities for issues to be brought before such committee and to address them in a timely manner...”

The LCB does not have “adjudicative” or “determinative” powers.

The *Formal Grievance Procedures as contained in the LCB’s TDSP* contains the following sections:

Section 1: Creation

Section 2: Definitions

Section 3: Objectives

Section 4: Membership

Section 5: Terms of Members

Section 6: Grievance Procedures

Section 7: Filing the formal grievance

Section 8: If Mediation is not successful:

Section 9: A meeting of the ad hoc grievance resolution committee is held

Section 10: If the grievance is not resolved through the meeting of the ad hoc grievance resolution committee

Section 11: Prohibition against Retaliation Appeals to the Commission for the Transportation Disadvantaged

**THE GLADES AND HENDRY COUNTIES JOINT LOCAL COORDINATING BOARD FOR THE
TRANSPORTATION DISADVANTAGED**

-- SERVICE COMPLAINT PROCEDURE/PROCESS --

Reviewed Annually

Existence of Complaint Policy and Procedures:

The Glades and Hendry Counties Joint Local Coordinating Board for the Transportation Disadvantaged has established the following procedures for the Community Transportation Coordinator to use to address complaints from agencies, users, potential users, subcontractors, and other interested parties.

Definition of Service Inquiry:

Service inquiries are requests for information about the service and can occur once or several times in the course of a day's service. An example of a service inquiry is when a customer calls the CTC and says, "My bus is a few minutes late, where is it?" Service inquiries are reported to the driver or dispatcher or to other individuals involved with the daily operations, and are usually resolved by the CTC immediately or within the course of a reasonable time period suitable to the complainant. Service inquiries do not have to be 'recorded' as a complaint.

Definition of Service Complaint:

Service complaints are routine incidents that occur on a daily basis, are reported to the driver or dispatcher, or to other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. Service complaints should be recorded as 'complaints.' The CTC is to total these service complaints on a yearly basis for the CTD's Annual Operating Report, (AOR). Service Complaints may include but are not limited to:

- "My bus is late." [beyond the On-Time Policy for the service area.] Late trips (late pickup and or late drop-off);
- No-show by transportation operator;
- No-show by client;
- Client behavior;
- Driver behavior
- Passenger discomfort
- Service denial (refused service to client without an explanation as to why, e.g. may not qualify, lack of TD funds, etc.)

If unresolved, a routine service complaint can result in a formal grievance. [The Local Coordinating Board has a separate "Grievance Procedure," available from the DOPA staff.] Local service complaints are driven by the inability of the community transportation coordinator or transportation operators to meet local service standards established by the community transportation coordinator and local coordinating board.

Forms to Use to record a complaint:

The Community Transportation Coordinator shall utilize the attached form to log complaints. This form is consistent with that provided by the **Commission for the Transportation Disadvantaged's *Uniform Service Reporting [for Service Complaints] January 1996***. This document, which is available upon request from the Commission for the Transportation Disadvantaged, is a guide to the proper method to identify a complaint, determine its validity, complete a service report, and achieve customer satisfaction. Carriers are to use the same forms. Each complaint shall be assigned a Log Number to assist in tracking the resolution of each complaint. All service complaints should be recorded.

Letting the Consumer know how to complain:

The Community Transportation Coordinator (CTC) shall make reasonable efforts to ensure that its customers know how to complain. The CTC should announce the existence of its complaint process in its brochures and other printed material, in its telephone recordings, and in signs posted inside of the vehicles. The CTC should ensure that its information on how to complain is provided to persons in accessible formats as needed.

Posting Of Contacts in the Vehicles:

The CTC must ensure that the contact numbers for the CTC, for the CTC's Ombudsman Hotline are posted in each vehicle.

Reporting Complaints:

A monthly summary of all complaints and their status of resolution should be provided by the Community Transportation Coordinator to the Designated Official Planning Agency. [See sample form, attached.] The Designated Official Planning Agency will then provide the most current summaries to the Local Coordinating Board for its next meeting. The Community Transportation Coordinator shall collect service complaint statistics by operator, and by county.

Surveying customers to determine satisfaction levels and to make route improvements based on future demand:

The Local Coordinating Board requires the Community Transportation Coordinator to conduct periodic surveys of consumers in order to determine their level of satisfaction with services. These surveys are also used by the Local Coordinating Board to evaluate the Community Transportation Coordinator on factors associated with customer satisfaction. The surveys also can be used to determine where the demand for service is.

The Community Transportation Coordinator is to conduct random surveys of consumers each year. It is suggested that they conduct some surveys each month. [Although they could do some in April and some in October.] The Community Transportation Coordinator is to 'send out' enough surveys, in order to obtain 150 responses.

These surveys shall be On-Board surveys conducted by drivers, and telephonic surveys conducted by LCB members. In addition to this, the Commission for the Transportation Disadvantaged's Quality Assurance team conducts random sample surveys of passengers telephonically, during the biannual review of the Community Transportation Coordinators

The Community Transportation Coordinator will provide the surveys to the Designated Official Planning Agency within a month after the survey is conducted. And, the DOPA will request the CTD's QAPE to provide the DOPA with results of its surveys. Planning staff [with assistance from the Local Coordinating Board's appropriate committee] will tabulate the surveys and provide a report to the Local Coordinating Board for its next meeting.

Agency Surveys:

The DOPA will conduct mailed out surveys of the agencies on an annual basis (September) to determine their levels of satisfaction with the County TD Program. The CTC shall provide the DOPA with current mailing list of agencies they provide transportation to by September 15th.

Standards & Policies:

The Local Coordinating Board sets performance standards for the Community Transportation Coordinator. The Local Coordinating Board evaluates the Community Transportation Coordinator's performance based upon these standards and policies.

Commission's Ombudsman Hotline:

The Commission for the Transportation Disadvantaged has an Ombudsman Program to assist individuals with complaints. The toll-free Ombudsman Hotline is-1-800-983-2435.

**GLADES AND HENDRY COUNTIES JOINT LOCAL COORDINATING BOARD FOR THE TRANSPORTATION
DISADVANTAGED**

CONTACTS FOR SERVICE COMPLAINTS

Entity	Contact Name & Address	Phone
Community Transportation Coordinator	Alan Mandel Good Wheels	(239) 768-6184 Customer Service (239) 768-2900 Reservations (800) 741-1570
Designated Official Planning Agency (DOPA)	Southwest Florida Regional Planning Council	(239) 938-1813 x 232
DOPA staff services	Ms. Nichole Gwinnett TD Planning Agency Staff Southwest Florida Regional Planning Council Royal Palm Square 1400 Colonial Boulevard Suite #1 Fort Myers, FL 33907	(239) 938-1813 x 232
Local Coordinating Board-Chairperson (Hendry County)	Hon. Janet Taylor c/o Ms. Nichole Gwinnett	(239) 938-1813 x 232
Local Coordinating Board-Vice-Chairperson (Glades County)	Hon. Donna Storter-Long c/o Ms. Nichole Gwinnett	(239) 938-1813 x 232
Commission for the Transportation Disadvantaged	Ombudsman Hotline	Phone: (800) 983-2435 TDD (800) 648-4084

SERVICE REPORT

County _____

Log # _____

Date of contact: _____ Time: _____ Received by: _____

Commendation [] Suggestion [] Complaint [] Valid: Yes [] No []

Name: _____ Phone: _____

Address: _____

Contact: _____

WHERE? Fixed Route: _____ ADA _____ Paratransit: _____ Operator: _____

Vehicle Number _____ Other (Medicaid, dispatcher, scheduler, etc.): _____

WHAT? _____ **Service** (ride time, schedules, timeliness, attitude/conduct, drivers' skill)
_____ **Policy** (fares, co-payments, operation hours, prioritization, denied services)
_____ **Vehicle** (safety, equipment, cleanliness)

Date of Occurrence: _____ Time: _____ Location: _____

Statement of Reported Circumstances: _____

Resolution: No [] Yes [] (If yes, complete section on Back.)

Intake Signature: _____; Date: _____

Critical Issue? No [] Yes [] & REFER TO SUPERVISOR IMMEDIATELY

Critical issues include: physical, verbal, or substance abuse; any life threatening situation (reckless driving, passenger abandonment, accidents/incidents.)

Has this person reported this same problem before? No []. Yes [] When?

Log # _____

Log # _____

Follow up Date: _____ Comments: _____

Signature: _____ Date: _____

Findings: (attach statements of all parties involved.) _____

Signature: _____ Date: _____

Resolution

Action Taken/Date: _____

Was Corrective action necessary? No [] Yes [] Explain: _____

Is customer satisfied with resolution? Yes [] No [] Unknown []

If **NO**, inform the customer of Local Coordinating Board’s **Formal Grievance Procedures**.
[They may contact Nichole Gwinnett at (239) 938-1813, Ext. 232.]

Did customer file a formal grievance? Yes [] No [] Unknown []

[] Provide the Customer with the Commission for the Transportation Disadvantaged’s
Ombudsman Hotline Phone Number which is: Phone: (800) 983-2435; TDD (800) 648-4084

Signature: _____ Date: _____

Carriers are to use these forms to record complaints. Please use one form per complaint, do not group complaints onto one form. Use the Log # when responding to inquiries about each complaint.

Monthly Summary of Service Complaints received by the CTC [or other Doorways] and how they were resolved.

Service (ride time, schedules, timeliness, attitude/conduct)

Policy (fares, co-payments, operation hours, prioritization, “won’t go to...”)

Vehicle (safety, equipment, cleanliness)

Log #	date of contact	involved what: Service Policy Vehicle	which contracted operator	status of resolution
	total complaints			

**THE GLADES AND HENDRY COUNTIES JOINT LOCAL COORDINATING BOARD FOR THE
TRANSPORTATION DISADVANTAGED
FORMAL GRIEVANCE PROCEDURES-**

Reviewed December - 2015

Introduction

The Glades and Hendry Counties Joint Local Coordinating Board for the Transportation Disadvantaged has established the following rules and procedures to address grievances from agencies, users, potential users, subcontractors, and other interested parties.

Authority

According to Rule 41-2.012(5)(c), *Florida Administrative Code*, the Local Coordinating Board shall “appoint a Grievance Committee to serve as a mediator to process and investigate complaints, from agencies, users, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Coordinating Board for improvement of service. The Coordinating Board shall establish procedures to provide ... opportunities for issues to be brought before such committee and to address them in a timely manner...”

It should be noted that there is a difference between “hearing” a grievance and “hearing and determining” a grievance. Neither the Grievance Resolution Committee nor the Local Coordinating Board has the authority to “hear and determine” a grievance. They only have the authority to “Hear” and advise. When an entity makes a determination of the rights, duties, privileges, benefits, or legal relationships of a specified person or persons, it is exercising “adjudicative” or “determinative” powers. Deciding a grievance between two independent parties may fall within these parameters, depending on the nature of the grievance. Chapter 427, *Florida Statutes*, grants no adjudicative powers to anyone.

Even though the Local Coordinating Board does not have determinative authority, the recognition of problems by the various members of the Local Coordinating Board is a very useful method to resolve many issues. In addition, it should be noted that since the Local Coordinating Board is involved in the development and approval of the Community Transportation Coordinator’s Service Plan, and since the Local Coordinating Board also conducts the annual evaluation of the Community Transportation Coordinator, there are significant opportunities for the Local Coordinating Board to make changes where needed.

Formal Grievance Policy and Procedures:

Section 1: Creation

1.1 There is hereby created a formal grievance procedure for the Glades County transportation disadvantaged program as specified by the Commission for the Transportation Disadvantaged pursuant to Chapter 427, *Florida Statutes*, and Rule 41-2.012, *Florida Administrative Code*, hereinafter referred to as the Grievance Process. The following rules and procedures shall constitute the grievance process to be utilized in the Coordinated Community Transportation System in both Glades and Hendry Counties.

Section 2: Definitions

2.1 As used in these rules and procedures the following words and terms shall have the meanings assigned therein. Additional transportation disadvantaged program definitions can be found in Chapter 427, *Florida Statutes*, and Rule 41-2, *Florida Administrative Code*.

- A) **Community Transportation Coordinator:** (CTC) Means a transportation entity recommended by a Metropolitan Planning Organization or by the appropriate designated official planning agency as provided for in Chapter 427 *Florida Statutes*, in an area outside the purview of a Metropolitan Planning Organization and approved by the Commission for the Transportation Disadvantaged, to ensure that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area.
- B) **Designated Official Planning Agency** (DOPA) means the official body or agency designated by the Commission for the Transportation Disadvantaged to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.
- C) **Transportation Disadvantaged** (TD) user of the system, means, in Chapter 427.011 (1), *Florida Statute*, "Those persons who because of physical or mental disability, income status, or age, or who for other reasons are unable to transport themselves or to purchase transportation, and are therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are disabled or high risk or at risk as defined in Chapter 411.202, *Florida Statutes*.
- D) **Agency:** Means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or

of a city, town, municipality, county, or other local governing body or a private nonprofit entity providing transportation services as all or part of its charter.

- E) **Transportation Operator:** Means one or more public, private for-profit or private non-profit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a Transportation Disadvantaged Service Plan, (TDSP).
- F) **Service Complaint:** events that may occur on a daily basis and are reported to the driver or dispatcher or other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. For more information, see the Local Coordinating Board's policy on Complaints, [*elsewhere in the TDSP*].
- G) **Formal Grievance** documents any concerns regarding the operation or administration of Transportation Disadvantaged services by the transportation operator, the Community Transportation Coordinator, the Designated Official Planning Agency, or the Local Coordinating Board. A formal grievance may also be a service complaint that has been left unresolved for more than 45 days. The formal grievance should demonstrate or establish their concerns as clearly as possible. Formal Grievances may include but are not limited to:
- Recurring or unresolved **Service Complaints**. (see above definition;)
 - Violations of specific laws governing the provision of TD services i.e. Chapter 427 *F.S.*, Rule 41-2 *F.A.C.* and accompanying documents, Sunshine Law, Americans with Disabilities Act, (ADA;)
 - Coordination disputes;
 - Agency compliance;
 - Conflicts of interest;
 - Supplanting of funds;
 - Billing and/or accounting procedures;
 - Policies of the Local Coordinating Board (LCB), particularly the Prioritization Policy.
- H) **Administrative Hearing process:** Chapter 120, *Florida Statutes*.
- I) **Ombudsman Program** means a toll free phone number established and administered by the Commission for the Transportation Disadvantaged to enable persons to access information and /or file complaints or grievances regarding transportation services provided under the coordinated effort of the community transportation coordinator. See contact information for phone numbers.

Section 3: Objectives

- 3.1 The objective of the local coordinating board's grievance process shall be to process, investigate and make recommendations in a timely manner on formal grievances that are not resolved between the grievant and the other party (or parties.) It is not the objective of the grievance process to have "adjudicative" or "determinative" powers.
- 3.2 The community transportation coordinator and its service operators and other transportation subcontractors must post the contact person's name and telephone number regarding the reporting of complaints [and the reporting of grievances] in each vehicle.
- 3.3 The grievance procedures and all documents pertaining to the grievance process will be made available to the grieving party.
- 3.4 The grievance procedures and all documents pertaining to the grievance process will be made available, upon request, in a format accessible to persons with disabilities.
- 3.5 Other than this grievance process, aggrieved parties with proper standing may also have recourse through Chapter 120, *Florida Statutes*, the Administrative Hearing Process, or through the judicial court system.

Section 4: Membership

- 4.1 The local coordinating board's ad hoc grievance resolution committee shall be composed of a minimum of three (3) voting members or alternates of the local coordinating board. Members shall be appointed to the Ad hoc grievance resolution committee by the LCB chairperson or his/her designee. The Ad hoc grievance resolution committee membership shall include a representative of users of the coordinated transportation system. The LCB chairperson or his/her designee reserves the right to make reappointments to the Ad hoc grievance resolution committee should any conflicts of interest arise.
- 4.2 The LCB chairperson or his/her designee shall appoint one member of the Ad hoc grievance resolution committee to serve as its chairperson.
- 4.3 The LCB chairperson's designee shall be a member of the TD planning staff from the designated official planning agency. The TD planning staff serves as facilitators to the grievance process. Every effort shall be made by the participants of the ad hoc grievance resolution committee to conduct the process as diplomatically as possible.
- 4.4 In cases where a grievance involves the private or personal or professional interests of a member of the ad hoc grievance resolution committee, such member shall be disqualified from hearing such a grievance.

- 4.5 Local Coordinating Board members who represent affected agencies will be invited to grievance hearings as advisors.
- 4.6 No member of the local coordinating board shall appear before the Grievance Committee as an agent or attorney for any person.

Section 5: Terms of Members

- 5.1 The members of the ad hoc grievance resolution committee shall serve at the pleasure of the LCB chairperson or his/her designee, for the duration of the grievance for which they are appointed.
- 5.2 The members of the ad hoc grievance resolution committee may be removed for cause by the LCB chairperson or his/her designee.
- 5.3 The quorum shall be a simple majority. Meetings shall be held at such times as the ad hoc grievance resolution committee may determine and/or as necessitated by the formally filed grievance.

Section 6: Grievance Procedures

- 6.1 Grievance procedures have been developed by the Local Coordinating Board, based upon guidelines from the Commission for the Transportation Disadvantaged.
- 6.2 The Local Coordinating Board's grievance procedures are for the purposes of listening to the grievance, providing advice and making recommendations to the affected parties of the grievance. The Local Coordinating Board may not exercise adjudicative powers. Aggrieved parties with proper standing may also have recourse through Chapter 120, *Florida Statutes*, Administrative Hearing Process, or the judicial court.
- 6.3 When necessary, the Designated Official Planning Agency's Transportation Disadvantaged Program staff shall provide assistance to individuals to prepare written grievances.
- 6.4 The formal grievance process shall be open to any person or agency wishing to address concerns involving: purchasing agencies, users, potential users, private for-profit operators, private non-profit operators, the Coordinator, the Designated Official Planning Agency, elected officials and drivers.
- 6.5 The administrators of the grievance process shall make every effort to ensure that the grieving party has exercised the other procedures in place, including the LCB's Complaint procedures or the CTC's internal complaints procedures for its subcontractors.

Note: If it is an unresolved service complaint, the grievant will be asked if they have contacted the community transportation coordinator for assistance in resolving their complaint. The grievant should have made reasonable effort to have their service complaint resolved by the CTC. The community transportation coordinator is responsible for resolving service complaints.

If the CTC has an internal grievance policy, appropriate grievances will be forwarded back to the CTC for resolution, prior to being considered as a formal grievance for the local coordinating board.

Section 7: Filing the formal grievance

7.1 The grievant should demonstrate or establish their concerns as clearly as possible. The grievance should try to demonstrate or establish a clear violation of a specific law, regulation, or contractual arrangement. Copies of pertinent laws and regulations may be obtained from the Designated Official Planning Organization's Transportation Disadvantaged Program staff.

7.2 The grievance must be filed to the Grievance Committee within ninety (90) days after the occurrence of the event giving rise to the grievance. The grievance shall be sent to:

Southwest Florida Regional Planning Council
Transportation Disadvantaged Program
Local Coordinating Board Ad Hoc Grievance Resolution Committee
Royal Palm Square
1400 Colonial Boulevard
Suite #1
Fort Myers, FL 33907
(239) 338-1813, Ext. 232

7.3 The grievance shall include:

- a. the name and address and telephone number of the grievant; *They do not have to have an address or phone in order to file a grievance, but they need a place which will receive mail for them, and a phone where we may contact them.*
- b. a statement of the grounds for the grievance, supplemented by supporting documentation, made in a clear and concise manner. This shall include a description of the efforts taken by the grievant to resolve the issue; and
- c. an explanation by the relief desired by the grievant. If the grievant does not supply the above information to substantiate the grievance(s) no further action will be taken. [See

section 6.3, above, about assistance in getting formal grievances reduced to writing]

- 7.4 The date the formal grievance containing items a, b, and c, above, is received in writing shall be the date the formal grievance was filed.
- 7.5 Upon receipt of the formal grievance, the designated official planning agency transportation disadvantaged planning staff will have 10 working days to contact the grievant by telephone*, to discuss the materials received, and ask for additional information which may be necessary in order to file the grievance. (* when the designated official planning agency makes or attempts to make these telephonic contacts, they will enter records of the calls into a log for that grievance.)
- 7.6 If the designated official planning agency transportation disadvantaged planning staff is unable to establish contact by telephone within the ten (10) working days; they will write a letter to the grievant, and send it by certified mail to the grievant. The letter will indicate that the formal grievance has been received, and that telephonic contact was unsuccessful, and that the grievance has either been filed, or that additional information is necessary in order to file the grievance.
- 7.7 The designated official planning agency will have ten (10) working days from the date the grievance was filed to contact the chairperson of the local coordinating board, telephonically to inform of the receipt of the formal grievance, and proceed with the selection of the ad hoc grievance resolution committee. If the chairperson is not available, the DOPA staff may then contact the vice-chairperson.
- 7.8 The designated official planning agency will have 10 working days from the date the grievance was filed to contact the community transportation coordinator (if the grievance involves the CTC,) to inform that a formal grievance has been filed.
- 7.9 The designated official planning agency will have 10 working days from the date the LCB chair was contacted about the grievance [in Section 7.7] to contact members of the local coordinating board to establish the membership of the ad hoc grievance resolution committee. Pursuant to Section 4.2 of this Process, the chairperson of the ad hoc grievance resolution committee will be established at this time.
- 7.10 After the designated official planning agency has received an agreement to serve as a member of the ad hoc grievance resolution committee from the sufficient amount of local coordinating board members, the designated official planning agency will have 10 working days to set up a meeting to mediate the grievance. The grievant, the chairperson of the ad hoc grievance resolution committee, the designated official planning agency staff will attend the mediation. [The CTC will be included in this meeting, if the grievance involves the CTC.]

- 7.11 After the mediation meeting, the designated official planning agency shall prepare a report regarding the meeting outcome. The report shall be sent to the grievant, the LCB chairperson, and the chairperson (and all members) of the ad hoc grievance resolution committee within 10 working days of the date of the meeting.
- 7.12 The Chairperson of the AD-hoc Grievance Committee or DOPA staff will check with the grieving party in 10 working days, to determine whether they are resolved.
- 7.13 If mediation is successful, the grievance is closed.

Section 8: If Mediation is not successful:

- 8.1 If the grievance is not resolved through mediation the grievant may request in writing that their grievance be heard by the ad hoc grievance resolution committee. The grievant has 10 days from their receipt of the report (mentioned in Section 7.11) to notify the chairperson of the ad hoc grievance resolution committee through the designated official planning agency.
- 8.2 Upon receipt of the written notice described in Section 8.1, the designated official planning agency has 15 working days to contact the chairperson and other members of the ad hoc grievance resolution committee, the grievant, and the involved parties, to set a grievance meeting date and location.
- 8.3 The Grievant and all involved parties shall be notified of the meeting date and location at least 7 working days prior to the meeting date by certified mail, return receipt requested.

Section 9: A meeting of the ad hoc grievance resolution committee is held:

- 9.1 All involved parties have a right to present their views to the Grievance Committee, either orally or in writing. In addition, all parties may present evidence.
- 9.2 The Grievance Committee may at any time during the course of the meeting question the parties and their witnesses on any facts which it deems material to the alleged improper action.
- 9.3 The entire meeting shall be recorded electronically, on tape. Any party requesting a copy of the transcription shall pay all costs incurred in furnishing the copy of the transcription.
- 9.4 The Grievance Committee will follow a meeting agenda in accordance with the procedures herein set forth:
 - A. Call to Order;

B. Presentation of Grievance;

1. Presentation of grievance by Grievant, which will also include witnesses, if applicable, and
2. Response of concerned parties, which will include witnesses, if applicable.

C. Discussion of grievance, which shall take place in accordance with Roberts Rules of Order amongst the Grievance Committee, staff, the grievant and other interested parties. Discussion shall focus solely on the grievance as filed by the grievant;

D. Following discussion of the grievance, the Grievance Committee may submit a recommendation to the Coordinating Board in response to the grievance; and

E. Close meeting.

9.5 Upon conclusion of the grievance meeting, the ad hoc grievance resolution committee must submit a written report of the meeting proceedings to the chairperson of the local coordinating board within 10 working days. The report must outline the grievance, and provide the findings/recommendations of the ad hoc grievance resolution committee.

9.6 If the grievance is resolved through the Meeting process, the grievance process will end. The final report will be forwarded to the members of the local coordinating board.

Section 10: If the grievance is not resolved through the meeting of the ad hoc grievance resolution committee

10.1 If the grievance is not resolved through the meeting of the ad hoc grievance resolution committee, the grievant may request in writing that their grievance be heard by the local coordinating board. This request shall be sent to the Chairperson of the Local Coordinating Board, through the designated official planning agency, and must be made within 10 working days of their receipt of the ad hoc grievance resolution committee's report (in Section 9.5). Immediately following the meeting of the ad hoc grievance resolution committee, the grievant may make their request that their grievance be heard by the Local Coordinating Board, however, the time frame will "wait" until the ad hoc grievance resolution committee's report is prepared and received, as described in 9.5.

10.2 The Local Coordinating Board chairperson shall have 15 working days to set a meeting date. Members of the Local Coordinating Board shall have at least 10 working days' notice of such meeting. The meeting of the local coordinating board shall be advertised appropriately.

10.3 The grievance shall be presented at the meeting of the local coordinating board. The Local Coordinating Board will follow a meeting agenda in accordance with the procedures herein set forth:

- A. Call to Order;
- B. Presentation of Grievance;
 - 1. Presentation of grievance by Grievant, which will also include witnesses, if applicable, and
 - 2. Response of concerned parties, which will include witnesses, if applicable.
- C. Discussion of grievance, which shall take place in accordance with Roberts Rules of Order amongst the Local Coordinating Board, staff, the grievant and other interested parties. Discussion shall focus solely on the grievance as filed by the grievant;
- D. Following discussion of the grievance, the Local Coordinating Board may submit recommendations to the appropriate parties in response to the grievance; and
- E. Close meeting.

10.4 The results, findings and recommendations of the local coordinating board shall be outlined in a final report to be completed within 10 working days of the meeting. The report shall be forwarded to the grievant, members of the Local Coordinating Board, the Community Transportation Coordinator, and all other persons/agencies directly involved in this grievance process.

10.5 If the grievance has not been resolved through these local coordinating board procedures, the grievant may request that their grievance be heard by the Commission for the Transportation Disadvantaged.

Section 11: Prohibition against Retaliation

11.1 No individual shall be unlawfully denied Transportation Disadvantaged services because such individual has filed a grievance related to the Transportation Disadvantaged Program or has testified or is about to testify in any such proceeding or investigation related to the Transportation Disadvantaged Program. [This shall be monitored by the DOPA.]

Appeals to the Commission for the Transportation Disadvantaged

Should a grievant remain dissatisfied with the Local Coordinating Board or Community Transportation Coordinator's recommendation, he or she may contact the Commission for the Transportation Disadvantaged at the following address:

Commission for the Transportation Disadvantaged
605 Suwannee Street, MS-49
Tallahassee, Florida 32399-0450

The Commission for the Transportation Disadvantaged also has an Ombudsman Program to assist individuals with complaints. The CTD's toll-free Ombudsman Hotline is-1-800-983-2435.

Chapter 427, *F.S.* does not expressly confer the power or authority for the Commission for the Transportation Disadvantaged to "hear and determine" a grievance between two third parties. The Commission for the Transportation Disadvantaged may choose to listen to grievances and it can investigate them from a fact-finding perspective. It cannot be the "judge" or "arbiter" of the grievance in the sense of determining that one party's version of the facts is right and the other is wrong, and order the wrong party to somehow compensate the right party. On the other hand, the grievance may bring to light a problem within "the system."

However, if the grievance showed that one of the parties with whom the Commission for the Transportation Disadvantaged contracts was acting so aberrantly as to not be in compliance with its contract, the Commission for the Transportation Disadvantaged could exercise whatever contractual rights it has to correct the problem. Accordingly, the Commission for the Transportation Disadvantaged may take part in the grievance process, if it wants to, for purposes of listening to the grieving parties and gathering the facts of the matter. It may not decide the grievance, where doing so would amount to an exercise of adjudicative powers.

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**THE GLADES AND HENDRY COUNTIES JOINT LOCAL COORDINATING BOARD FOR THE  
TRANSPORTATION DISADVANTAGED  
GRIEVANCE RESOLUTION CONTACTS**

| ENTITY                                                  | CONTACT NAME & ADDRESS                                                                                                                                                                                                                                                   | PHONE                                                                               |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Community Transportation Coordinator                    | Alan Mandel<br>Good Wheels                                                                                                                                                                                                                                               | (239) 768-6184<br>Customer Service<br>(239) 768-2900 Reservations<br>(800) 741-1570 |
| Designated Official Planning Agency (DOPA)              | Southwest Florida Regional Planning Council                                                                                                                                                                                                                              | (239) 938-1813 x 232                                                                |
| DOPA staff services                                     | Ms. Nichole Gwinnett<br>TD Planning Agency Staff<br>Southwest Florida Regional Planning Council<br>Royal Palm Square<br>1400 Colonial Boulevard<br>Suite #1<br>Fort Myers, FL 33907                                                                                      | (239) 938-1813 x 232                                                                |
| Local Coordinating Board Chairperson & Vice-Chairperson | Hon. Janet Taylor<br>Chairperson<br>(Hendry County)<br>Hon. Donna Storter-Long –<br>Vice-Chair<br>(Glades County)<br>c/o Ms. Nichole Gwinnett<br>TD Planning Agency Staff<br>Southwest Florida Regional Planning Council<br>1926 Victoria Avenue<br>Fort Myers, FL 33901 | (239) 938-1813 x 232                                                                |
| Commission for the Transportation Disadvantaged         | Ombudsman Hotline                                                                                                                                                                                                                                                        | Phone: (800) 983-2435<br>TDD (800) 648-4084                                         |