

GRIEVANCE PROCEDURES OF THE SUMTER COUNTY TRANSPORTATION DISADVANTAGED COORDINATING BOARD

ARTICLE I: PREAMBLE

The following sets forth the grievance procedures of the Sumter County Transportation Disadvantaged Coordinating Board (TDCB), serving to assist the Lake-Sumter Metropolitan Planning Organization (MPO). The intent is to provide policies and procedures pursuant to Chapter 427, Florida Statutes, and Rule 41-2.012, Florida Administrative Code, for the resolution of formal grievances concerning paratransit services from agencies, users, potential users, sub-contractors, and other interested parties.

ARTICLE II: GRIEVANCE SUBCOMMITTEE NAME, PURPOSE, AND MEMBERSHIP

Section 1: Name: The name of the subcommittee to process, investigate, hear and decide grievances or complaints for the Sumter County TDCB shall be the Grievance Subcommittee.

Section 2: Purpose: The primary purpose of the Grievance Subcommittee is to process, investigate, hear and decide grievances or complaints from agencies, users, transportation operators, potential users of the system and the Community Transportation Coordinator (CTC), to review and make recommendations, as necessary, for amendments to paratransit eligibility guidelines, and to make recommendations to the TDCB for improvement of services. The Grievance Subcommittee shall meet as often as necessary to process grievances and complaints in a timely manner.

Section 3: Membership: The Grievance Subcommittee shall consist of five (5) voting members chosen from the TDCB. The TDCB shall approve the Grievance Subcommittee appointees by a two-thirds (2/3) vote of a quorum of the members present and voting. The members of the Grievance Subcommittee shall be appointed at the first quarterly meeting and shall serve for a period of one year.

ARTICLE III: DEFINITIONS

Section: 1: Definitions: For the purpose of the TDCB and the Grievance Subcommittee, the following definitions shall apply:

1. *Community Transportation Coordinator (CTC)*: The Sumter County Board of County Commissioners serves as the CTC for Sumter County.
2. *Formal Grievance*: A formal grievance is a **written complaint** to document any concerns or an unresolved service complaint regarding the operation or administration of Transportation Disadvantaged Program services by the Transportation Operator, CTC, MPO or the TDCB. The grievant, in their formal complaint, should demonstrate or establish their concerns as clearly as possible. Formal Grievances may include but are not limited to:
 - a. Chronic or recurring or unresolved Service Complaints.
 - b. Violations of specific laws governing the provision of Transportation Disadvantaged services (i.e., Chapter 427 of the Florida Statutes, Chapter 41-2

of the Florida Administrative Code and accompanying documents, Sunshine Law and/or ADA violations).

- c. Contract disputes (Agencies/Operators).
- d. Bidding disputes.
- e. Agency compliance.
- f. Conflicts of interest.
- g. Supplanting of funds.
- h. Billing and/or accounting procedure violation.
- i. Denials of applications for paratransit services.

3. *Service Complaints:* Service complaints are routine incidents that occur on a daily basis that are reported to the CTC, Operator, drivers or dispatchers, 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 standards are established by the CTC and the TDCB. Service complaints may include, but are not limited to:

- a. Late trips (late pickup, late drop off, and/or late returns).
- b. No-show by Transportation Operator.
- c. No-show by client.
- d. Client Behavior.
- e. Driver Behavior.
- f. Passenger discomfort.
- g. Refusal of service to client for any reason.

ARTICLE IV: GRIEVANCE AND COMPLAINT PROCEDURES

Section 1: General: The following procedures are established to provide regular opportunities for grievances and appeals to be brought before the Grievance Subcommittee and the TDCB.

Section 2: Filing a Grievance: Should a grievant wish to file a formal grievance, the grievant shall provide a written statement of their grievance, containing the name, address, telephone number and any other contact information for the grievant, a clear and concise statement of the grounds for the grievance, supporting documentation, if any, and an explanation of the improvements needed to address the complaint by the grievant. Assistance in filing a formal grievance shall be provided by the Lake-Sumter MPO staff, if requested by the grievant.

The grievance shall be sent to the Transit Division Manager for the CTC, who shall render a decision in writing within fifteen (15) days of receipt of the grievance, giving the grievant an explanation of the facts that lead to the CTC's decision, providing any suggestions for resolution and providing information as to the appeals process. If the grievant is not satisfied with the decision or proposed resolution of the CTC Transit Division Manager, the grievant may appeal by sending the written formal grievance, the CTC response and any information or documentation the grievant wishes to add for scheduling of a hearing before the Grievance Subcommittee for the TDCB, at the following address:

Lake~Sumter Metropolitan Planning Organization
Attn: Transportation Disadvantaged Coordinating Board, Grievance
Subcommittee
300 Citizens Boulevard, Suite 175
Leesburg, FL 34748

Within seven (7) working days following the date of receipt of the formal grievance, the MPO shall schedule a meeting of the Grievance Subcommittee, unless there is a TDCB meeting that is scheduled within thirty (30) days of the date of the MPO's receipt of the formal grievance, in which case the MPO may schedule the formal grievance to be heard directly by the TDCB at that upcoming meeting. The process outlined in Section 3 of these procedures shall be utilized in such an instance.

If there is no TDCB meeting that is scheduled within thirty (30) days of the date of the MPO's receipt of the formal grievance, then the MPO shall ensure that the meeting of the Grievance Subcommittee to hear the grievance within thirty (30) days of receipt of the formal grievance to address it and any other appeal from any other party received by the MPO at least fourteen (14) days prior to the meeting of the Subcommittee.

The Grievance Subcommittee shall send a notice of the scheduled meeting in writing to the grievant. The notices shall clearly state:

- a. The date, time, and location of the meeting; and
- b. The purpose of the discussion and a statement of issues involved.

The Grievance Subcommittee shall have the power to hear and decide formal grievances. Within fifteen (15) days of the meeting of the Subcommittee, the Subcommittee shall render a decision in writing to the grievant. Written decisions shall include the following information:

- a. A statement that a meeting was held in which the involved parties, their representatives, and witnesses were given an opportunity to present their position; and
- b. A statement that clearly defines the issues discussed; and
- c. The decision of the Grievance Subcommittee based on the information presented.

The Grievance Subcommittee shall submit a report to the TDCB for the TDCB's information and review at the next regularly scheduled TDCB meeting, containing a brief summary of each grievance and the Subcommittee's decision. All documents pertaining to the grievance process will be made available, upon request of the grievant, in a format accessible to persons with disabilities.

Section 3: Grievances Before and Appeals to the TDCB: The TDCB may hear grievances scheduled before it by MPO staff pursuant to Section 2 of these procedures. In addition, the grievant may appeal the written decision of the Grievance Subcommittee to the TDCB, if the grievant is not satisfied with the decision or proposed resolution of the Grievance Subcommittee, by notifying the MPO, in writing, that the grievant wishes to appeal the decision of the Grievance Subcommittee.

Assistance in filing a grievance or an appeal shall be provided by staff to the MPO, if requested. The grievance or appeal shall be heard at the next regularly scheduled TDCB meeting, and the grievant shall be notified in writing of the date, time, and place of the TDCB meeting where the grievance or appeal shall be heard. This written notice shall be mailed at least ten (10) days in advance of the meeting. The TDCB shall render its written decision as to the grievance or appeal within fifteen (15) days of the regularly scheduled TDCB meeting when the grievance or appeal was heard. A copy of the written decision made by the TDCB shall be mailed to the grievant.

Section 4: Notices: All written correspondence between the Grievance Subcommittee, MPO and the TDCB to the grievant/appellant shall be sent via email or USPS Return Receipt service. All documents pertaining to the grievance process will be made available, upon request, in a format accessible to persons with disabilities.

Section 5: Commission for Transportation Disadvantaged/: If the grievant is dissatisfied with the decision of the TDCB, he/she may continue the process with the Florida Commission for the Transportation Disadvantaged Ombudsman Program. The customer may begin this process by contacting the Commission Ombudsman through the TD Helpline at (800) 983-2435 or e-mail: CTDOmbudsman@dot.state.fl.us via mail at: Florida Commission for the Transportation Disadvantaged, 605 Suwannee St., MS-49, Tallahassee, FL 32399-0450 or online at www.fdot.gov/ctd.

ARTICLE V: SCHEDULED MEETINGS

When a meeting of the Grievance Subcommittee is necessary, staff to the MPO shall schedule a meeting for the Grievance Subcommittee.

ARTICLE VI: RECORDS RETENTION

Records retention shall be in accordance with the retention schedules prescribed by the Secretary of State of the State of Florida.

ARTICLE VII: AMENDMENTS

The TDCB Grievance Procedures may be amended by a two-thirds (2/3) vote of a quorum of the members of the TDCB present and voting, provided the proposed change(s) is/are made available for review to all members at least seven (7) days in advance of the meeting.

ARTICLE VIII: CERTIFICATION

The undersigned hereby certifies that he/she is the Chair of the TDCB and that the foregoing is a full, true and correct copy of the Grievance procedures of this TDCB as adopted by the TDCB on the 12th day of March 2019.

Don Burgess, Chair
Sumter County
Transportation Disadvantaged Coordinating Board

SUMTER COUNTY TRANSIT GRIEVANCE FORM

Name: _____ Today's Date: _____

Physical Address: _____

Mailing Address (if different): _____

Home Telephone: _____ Other Telephone: _____

Email Address: _____

Date of Grievance: _____ Approximate Time: _____

Are you filing this grievance on your own behalf? _____

If not, please supply the name and relationship of the person for whom you are registering this grievance:

Grievance Statement: _____

Signature: _____ Date: _____

Below to be Filled out by Sumter County Transit:

Report Received By: _____ Date: _____

Action/Results: _____