

MIAMI-DADE COUNTY
TRANSPORTATION DISADVANTAGED
LOCAL COORDINATING BOARD

TRANSPORTATION DISADVANTAGED
GRIEVANCE PROCEDURES

FY 2017-2018

LCB Statement:

I, Jorge Azor, as the Miami-Dade County Local Coordinating Board (LCB) Vice Chairperson, hereby certify in accordance with Rule 41-2.012(5)(c), F.S. that the Miami-Dade County LCB has reviewed this document, and the Miami-Dade Transportation Planning Organization (TPO) has received a copy.

Date Adopted: September 26, 2017

LCB Signature: _____



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SECTION 1: CREATION

- 1.1 There is hereby created a formal complaint/grievance procedure for the Miami-Dade County transportation disadvantaged program as specified by the Commission for the Transportation Disadvantaged (CTD) pursuant to Chapter 427, Florida Statute 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 disadvantaged system for Miami-Dade County.

SECTION 2: DEFINITIONS

- 2.1 As used in these rules and procedures the following words and terms shall have the meanings assigned therein. Additional program definitions can be found in Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code.
 - (a) **Community Transportation Coordinator (CTC):** A transportation entity recommended by a Metropolitan Planning Organization (MPO), or by the appropriate designated official planning agency as provided for in Section 427.015(1), Florida Statutes, in an area outside the purview of a MPO and approved by the CTD, to ensure that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area. The current CTC for Miami-Dade County is the Miami-Dade County Board of County Commissioners (BCC). The BCC has designated Miami-Dade Department of Transportation & Public Works (DTPW) to fulfill the tasks/responsibilities associated with being the CTC.
 - (b) **Designated Official Planning Agency (DOPA):** The official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a MPO. The MPO shall serve as the DOPA in areas covered by such organization. The Miami-Dade TPO is the DOPA for Miami-Dade County.
 - (c) **Transportation Disadvantaged (TD) user:** 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 on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, Florida Statutes.
 - (d) **Agency:** 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:** One or more public, private for profit or private non-profit entities engaged by the CTC to provide service to TD persons pursuant to a Transportation Disadvantaged Service Plan (TDSP).
- (f) **Service Complaint:** Incidents that may occur on a daily basis and are reported to the CTC involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. Local service complaints are driven by the inability of the CTC to meet local service standards established by the CTC and LCB. All service complaints should be recorded and reported by the CTC to the LCB.
- (g) **Formal Grievance:** A written complaint to document any concerns or an unresolved service complaint regarding the administration of TD services by the CTC, DOPA, or LCB.
- (h) **Administrative Hearing Process:** Chapter 120, Florida Statute.
- (i) **Ombudsman Program:** A toll-free telephone number established and administered by the CTD to enable persons to access information and/or file complaints/grievances regarding transportation services provided under the coordinated effort of the CTC.

SECTION 3: OBJECTIVES

- 3.1 The objective of the grievance process shall be to process, investigate, and make recommendations, in a timely manner on formal written complaints/grievances that are not resolved between individual agencies/entities and the customer. It is not the objective of the grievance process to have “adjudicate” or “determinative” powers.
- 3.2 The CTC must provide the TD Program’s telephone number in all collateral materials regarding the reporting of complaints.
- 3.3 All documents pertaining to the grievance process will be made available, upon request, in a format accessible to persons with disabilities.
- 3.4 A written copy of the grievance procedure shall be available to anyone upon request.
- 3.5 Apart from this grievance process, aggrieved parties with proper standing may also have recourse through the Chapter 120, Florida Statutes Administrative Hearing Process, or the judicial court system.

SECTION 4: MEMBERSHIP

- 4.1 The Grievance Committee shall be composed of a minimum of five (5) members from the Miami-Dade County LCB. Members shall be appointed by the Chairperson, or in his/her absence the Vice Chairperson. Grievance Committee membership shall include one (1) representative of users/clients. The Chairperson, or in his/her absence the Vice Chairperson, of the LCB reserves the right to make reappointments should any conflict of interest arise.
- 4.2 The Executive Director of the Miami-Dade TPO, or her designee, shall be an advisory member of the Grievance Committee.

SECTION 5: TERMS OF MEMBERS

- 5.1 The members of the Grievance Committee shall be appointed for a two (2) year term.
- 5.2 A member of the Grievance Committee may be removed for cause by the LCB Chairperson, or in his /her absence the Vice Chairperson, who appointed him/her. Vacancies in the membership of the Grievance Committee shall be filled in the same manner as the original appointments. An appointment to fill a vacancy shall only be for the remainder of the unexpired term being filled.
- 5.3 The Grievance Committee shall elect a Chairperson and a Vice Chairperson at the first scheduled meeting of each year. The Chair and Vice Chair shall serve for a one (1) year term, but may serve consecutive terms.
- 5.4 A quorum of three (3) voting members shall be present for official action by the Grievance Committee. Meetings shall be held at such times as the Grievance Committee may determine and/or as necessitated by formally filed grievances.

SECTION 6: GRIEVANCE PROCESS

- 6.1 Grievance procedures will be those as specified by the LCB, developed from guidelines of the CTD, and approved by the LCB as set forth below. The grievance procedures are for the purpose of fact-finding and not exercising adjudicative powers. Therefore, it should be understood that these procedures are for the purpose of “hearing”, “advising” and “making recommendations” on issues affecting the service delivery and administration of the TD program in the service area.
- 6.2 Apart from the grievance procedures outlined below, aggrieved parties with proper standing, may also have recourse through the Chapter 120, Florida Statutes Administrative Hearing Process, the judicial court system, the CTD.

6.3 Service Complaints: All service complaints should be recorded and reported by the CTC to the LCB. Service complaints on the fixed route system may include but are not limited to:

- Late pick-up and/or late drop-off
- No-shows
- Client behavior
- Operator behavior
- Passenger discomfort
- Other, as deemed appropriate by the LCB

6.4 Formal Grievance: The customer, in their formal complaint, should demonstrate or establish their concerns as clearly as possible. The formal grievance process shall be open to addressing concerns by any person or agency including but not limited to: users, potential users, the CTC, the DOPA, elected officials, and operators. Formal grievances may include, but are not limited to:

- Recurring or unresolved service complaints.
- Violations of specific laws governing the provision of TD services (i.e., Chapter 427, F.S., Rule 41-2 FAC and accompanying documents, Sunshine Law, ADA).
- Denial of service
- Suspension of service
- Unresolved safety issues
- Other, as deemed appropriate by the LCB

6.5 All formal grievances filed must be written and contain the following:

- Name and address of the customer
- A statement of the grounds for the grievance and supplemented by supporting documentation, made in a clear and concise manner. This shall include a complete description of efforts taken by the customer to resolve the complaint.
- An explanation of the relief desired by the customer.

If the customer does not supply the above information to substantiate the grievance, no further action will be taken.

6.6 **Step One:** The customer shall first contact the CTC and the entity with which they have the complaint. The customer may also contact the CTD Ombudsman representative at 1-800-983-2435. (See Section 7 for the Commission Grievance Process). The CTC will attempt to mediate and resolve the grievance.

6.7 **Step Two:** If mediation with the CTC is not successful, the CTC or customer may file an official complaint with the Miami-Dade TPO TD Program Administrator as outlined in Section 6.5 and 6.8.

- 6.8 **Step Three:** The Miami-Dade TPO TD Program Administrator will make every effort to resolve the grievance by arranging a meeting between the involved parties in an attempt to assist them in reaching an amicable resolution. The meeting shall take place within seven (7) working days of receipt of all evidence regarding the grievance. The Miami-Dade TPO TD Program Administrator shall prepare a report regarding the meeting outcome. The report shall be sent to the customer and the Chair of the Grievance Committee within seven (7) working days of the date of the meeting.
- 6.9 **Step Four:** If the Miami-Dade TPO TD Program Administrator is unsuccessful at resolving the grievance through the process outlined in 6.8 above, the customer may request, in writing, that their grievance be heard by the Grievance Committee. This request shall be made within seven (7) working days of receipt of the report prepared as a result of the mediation meeting arranged under Step Three above, and sent to the Miami-Dade TPO TD Program Administrator.
- 6.10 **Step Five:** Upon receipt of the written request for the grievance to be heard by the Grievance Committee, the Miami-Dade TPO TD Program Administrator shall have fifteen (15) working days to contact Grievance Committee members and set a grievance hearing date and location. The customer and all parties involved shall be notified of the hearing date and location at least seven (7) working days prior to the hearing date by certified mail, return receipt requested.
- 6.11 **Step Six:** Upon conclusion of the hearing, the Grievance Committee must submit a written report of the hearing proceedings to the Chairperson, or the Vice Chairperson in his/her absence, of the LCB within ten (10) working days. The report must outline the grievance and the Grievance Committee's findings/recommendations. If the grievance is resolved through the hearing process (steps four through six) the grievance process will end. The final report will be forwarded to the members of the LCB.
- 6.12 **Step Seven:** If the grievance has not been resolved as outlined in Steps four through six above, the customer may request, in writing, that their grievance be heard by the LCB. This request must be made in writing and sent to the Miami-Dade TPO TD Program Administrator, within five (5) working days of receipt of the Grievance Committee hearing report. The customer may make their request for a hearing before the LCB immediately following the Grievance Committee hearing, however, until the final report is prepared from that meeting, the time frames established for notification of meetings herein apply.
- 6.13 **Step Eight:** The Miami-Dade TPO TD Program Administrator shall have fifteen (15) working days to set a meeting date. Committee members shall have at least ten (10) working days notice of such meeting. The meeting shall be advertised appropriately in the news media and other mandated publications.
- 6.14 **Step Nine:** The Grievance Committee's report must be received by the Miami-Dade TPO TD Program Administrator within seven (7) working days of the date of the hearing. The

report, along with all other support documentation, shall be forwarded to the LCB members at least five (5) working days prior to the LCB meeting.

- 6.15 **Step Ten:** The result/recommendations of the LCB hearing shall be outlined in a final report to be completed within seven (7) working days of the hearing. The report shall then be forwarded to the customer, members of the Grievance Committee, members of the LCB, and all other persons/agencies directly involved in the grievance process.

If the grievance has not been resolved as outlined in these grievance procedures, the customer may exercise their adjudicative rights, use the Administrative Hearing Process outlined in Chapter 120, Florida Statutes, or request that their grievance be heard by the CTD through the Ombudsman program established herein and the CTD's Grievance Process outlined in Section 7.

SECTION 7: CTD GRIEVANCE PROCESS

- 7.1 If the LCB does not resolve the grievance, the customer will be informed of his/her right to file a formal grievance with the CTD. The customer may begin this process by contacting the CTD through the established Helpline at 1-800-983-2435 or by mail to: Florida Commission for the Transportation Disadvantaged, 605 Suwannee Street MS-49, Tallahassee, FL 32399-0450 or by email at www.dot.state.fl.us/ctd. Upon request of the customer, the CTD will provide the customer with an accessible copy of the CTD's Grievance Procedures.
- 7.2 If the CTD is unable to resolve the grievance, the customer will be referred to the Office of Administrative Appeals or other legal venues appropriate to the specific nature of the grievance.

All of the steps outlined in Section 6 and Section 7(1) and (2) must be attempted in the listed order before a grievance will move to the next step. The customer should be sure to try and have as many details as possible, when filing a complaint, such as date, times, names, vehicle numbers, etc.

There is an Ombudsman Program, provided by the CTD, which is available to anyone who requests assistance in resolving complaints/grievances. The Ombudsman Program may be reached through the toll free Helpline at 1-800-983-2435 or by email at www.dot.state.fl.us/ctd. By requesting assistance of the Ombudsman Program in resolving complaints, the complaint will still follow, in order, all of the established steps listed in Sections 6 and 7 above. The Ombudsman will document each complaint and upon the request of the customer, file the complaint with the local CTC on the customer's behalf, to begin the local complaint process. If the customer has already filed the grievance locally and remains unsatisfied, the Ombudsman will assist the customer with the next step in the complaint or grievance process.

The customer has the right to file a formal grievance with the Office of Administrative Appeals or other venues appropriate to the specific nature of the complaint.